

Part 528 – Agricultural Conservation Easement Program

Subpart T – ACEP Definitions and Acronyms

528.190 Definitions

Additional definitions can be found in Title 440, Conservation Programs Manual (CPM), [Part 502, “Terms and Abbreviations Common to All Programs.”](#) In the event of a discrepancy, the definition contained in this 440-CPM, Part 528, prevails for ACEP purposes.

- (1) “30-year contract” means an ACEP-WRE contract that is for a duration of 30 years and is limited to acreage owned by Indian Tribes.
- (2) “Access” means legal and physical ingress and egress to the entire easement area over adjacent or contiguous lands for the exercise of any of the rights or interests under the easement for the duration of its term for the purposes of the program. Access for easement enrollments must be described in the easement deed.
- (3) “Acreage owned by Indian Tribes” means lands held in private ownership by an Indian Tribe or individual Tribal member and lands held in trust by a native corporation, a Tribe, or the Bureau of Indian Affairs.
- (4) “Active agricultural production” means that on lands that meet the definition of being in agricultural use, agricultural or forest-related products or livestock are being produced or have been produced within 1 year of the date of application by an eligible entity for funding under ACEP-ALE. Land may also be considered in active agricultural production if it is current or former CRP land that is planted, considered planted, or in conserving use as determined by NRCS.
- (5) “Agreement” means the document that specifies the obligations and rights of NRCS and any person, legal entity, or eligible entity who is participating in the program or any document that authorizes the transfer of assistance between NRCS and a third party for provision of authorized goods and services associated with program implementation. Agreements may include but are not limited to an agreement to purchase, an ALE agreement, a wetland reserve easement restoration agreement, a cooperative agreement, a partnership agreement, or an interagency agreement.
- (6) “Agreement to purchase” means the legal document that is the equivalent of a real estate purchase and sale contract. The landowner signs the agreement to purchase, which is the authorization for NRCS to proceed with the ACEP-WRE acquisition process and to incur costs for surveys, title clearance, due diligence activities, and closing procedures on the easement.
- (7) “Agricultural commodity” means any agricultural commodity planted and produced in a State by annual tilling of the soil, including tilling by one-trip planters or sugarcane planted and produced in a State.
- (8) “Agricultural uses” means those activities defined by a State’s farm or ranch land protection program, or, where no program exists, by the State agricultural use tax assessment program. However, if NRCS determines that a State definition of agricultural use is so broad that an included use would constitute a violation of Federal law or degrade soils, the agricultural nature of the land, or the related natural resources, NRCS reserves the right to impose greater deed restrictions on the property to be subject to an agricultural land easement. These deed restrictions would narrow the State definition of agricultural use in order to meet Federal law or to protect soils, the agricultural nature of the land, or related natural resources.
- (9) “Agricultural land easement (ACEP-ALE)” means an easement or other interest in eligible land that is conveyed under ACEP-ALE for the purposes of protecting natural resources and

- the agricultural nature of the land, and of promoting agricultural viability for future generations, and permits the landowner the right to continue agricultural production and related uses subject to an agricultural land easement plan.
- (10) “Agricultural land easement plan (ALEP)” means the document developed by NRCS or provided by the eligible entity and approved by NRCS, in consultation with the eligible entity and landowner, that describes the activities which promote the long-term viability of the land to meet the ACEP-ALE purposes for which the easement was acquired. The agricultural land easement plan includes a description of the farm or ranch management system, conservation practices that address applicable resource concerns for which the easement was enrolled, and any required component plans, such as a grasslands management plan, forest management plan, or conservation plan as defined in this part. Where appropriate, the agricultural land easement plan will include conversion of highly erodible cropland to less intensive uses.
 - (11) “ALE agreement” means the financial assistance document that specifies the obligations and rights of NRCS and eligible entities participating in the program under ACEP-ALE, including a cooperative agreement or grant agreement.
 - (12) “At-risk species” means any plant or animal species listed as threatened or endangered; proposed or candidate for listing under the Endangered Species Act; a species listed as threatened or endangered under State law or Tribal law; State or Tribal land species of conservation concern; or other plant or animal species or community, as determined by the State Conservationist, with advice from the State Technical Committee or Tribal conservation advisory council, that has undergone, or is likely to undergo, population decline and may become imperiled without direct intervention.
 - (13) “Bargain sale” means a real estate transaction in which the landowner donates part of the value of the conservation easement by accepting a purchase price less than appraised fair market value.
 - (14) “Beginning farmer or rancher” means an individual or legal entity who has not operated a farm or ranch, or who has operated a farm or ranch for not more than 10 consecutive years and who will materially and substantially participate in the operation of the farm or ranch. This requirement applies to all members of a legal entity.
 - (i) In the case of 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.
 - (ii) In the case of a legal entity or joint operation, all members must materially and substantially participate in the operation of the farm or ranch. Material and substantial participation requires that each of the members provide some amount of the management or labor and management necessary for day-to-day activities, such that if each of the members did not provide these inputs, operation of the farm or ranch would be seriously impaired.
 - (15) “Building envelope” applies to ACEP-ALE only and means an area within which the structures on the farm or ranch are located and within which building may occur on an ACEP-ALE easement. Building envelope limitations and requirements are identified in the agricultural land easement deed. On parcels upon which additional structures will be built after the easement is acquired, the building envelope must be large enough for that construction, the movement of vehicles and farm equipment on impervious surfaces around the structures, and the management of runoff without erosion or flooding. Large farms and ranches may need more than one building envelope to accommodate livestock sheds, equipment sheds, or hay storage structures far from the headquarters building envelope. All impervious surfaces within all of the building envelopes must be within the impervious surface limitation for the ACEP-ALE parcel. Building envelopes are also known as farmstead complexes or farmstead areas.

- (16) “Certified entity” means an eligible entity that NRCS has determined to meet the certification requirements in 7 CFR Section 1468.27 for the purposes of ACEP-ALE.
- (17) “Chief” means the Chief of the Natural Resources Conservation Service or the person delegated the authority to act for the Chief.
- (18) “Commenced conversion wetland” means a wetland or converted wetland for which the Farm Service Agency (FSA) has determined that the wetland manipulation was contracted for, started, or for which financial obligation was incurred before December 23, 1985.
- (19) “Commodity Credit Corporation (CCC)” is a wholly owned Government corporation within the Department of Agriculture.
- (20) “Compatible use” means a use or activity conducted on a wetland reserve easement that NRCS determines, in its sole discretion, is consistent with the long-term protection and enhancement of the wetland and other natural values of the easement area when performed according to amount, method, timing, frequency, intensity, and duration limitations prescribed by NRCS.
- (21) “Conservation district (CD)” means any district or unit of State or local government formed under State or territorial law for the express purpose of developing and carrying out a local soil and water conservation program. Such district or unit of government may be referred to as a “conservation district,” “soil conservation district,” “soil and water conservation district,” “resource conservation district,” “natural resource district,” “land conservation committee,” or a similar name.
- (22) “Conservation plan” is the document that—
 - (i) Applies to highly erodible cropland.
 - (ii) Describes the conservation system applicable to the highly erodible cropland and describes the decisions of the person with respect to location, land use, tillage systems, and conservation treatment measures and schedules and, where appropriate, includes conversion of highly erodible cropland to less intensive uses.
 - (iii) Is developed in accordance with 7 CFR Part 12.
- (23) “Conservation practice” means a specified treatment, such as a vegetative, structural, or land management practice, that is planned and applied according to NRCS standards and specifications.
- (24) “Conservation Reserve Program (CRP)” means the program administered by the CCC pursuant to 16 U.S.C. Sections 3831–3836.
- (25) “Converted wetland (CW or CW+year)” means a wetland that has been drained, dredged, filled, leveled, or otherwise manipulated (including the removal of woody vegetation or any activity that results in impairing or reducing the flow, circulation, or reach of water) for the purpose of, or to have the effect of, making possible the production of an agricultural commodity if such production would not have been possible but for such action, and, before such action, such land was wetland, farmed wetland, or farmed-wetland pasture and was neither highly erodible land nor highly erodible cropland.
- (26) “Cost-share payment” means the payment made by NRCS to an eligible entity for the purchase of an ACEP-ALE easement.
- (27) “Dedicated fund” means an account held by a certified nongovernmental organization which is sufficiently capitalized for the purpose of covering expenses associated with the management, monitoring, and enforcement of agricultural land easements and where such account cannot be used for other purposes.
- (28) “Easement administrative action” means an easement modification, easement exchange, easement subordination, or easement termination as defined in this subpart.
- (29) “Easement area” means the portion of a parcel that is encumbered by an ACEP easement.
- (30) “Easement exchange” means a real estate transaction where NRCS, on behalf of the United States and in its sole discretion, relinquishes all or a portion of its real property rights or interests in an easement which are replaced by real property rights or interests granted

through an easement that has equivalent or greater conservation value, acreage, and economic value to the United States on land that is not adjacent to the original easement area. NRCS is not required to exchange any of its rights in an easement, and easement exchanges are discretionary, voluntary real estate transactions between the United States, the landowner, and other parties with an interest in the easement.

- (31) “Easement modification” means a real estate transaction where NRCS, on behalf of the United States and in its sole discretion, agrees to adjust the boundaries or terms of an easement that will result in equivalent or greater conservation value, acreage, and economic value to the United States, and the modification only involves lands within or physically adjacent to the original easement area. NRCS is not required to modify any of its rights or interests in an easement, and easement modifications are discretionary, voluntary real estate transactions between the United States, the landowner, and other parties with an interest in the easement that are subject to the requirements of this part.
- (32) “Easement payment” means the consideration paid to a participant or their assignee for an easement conveyed to the United States under the ACEP-WRE or the consideration paid to an Indian Tribe or Tribal members for entering into 30-year contracts under ACEP-WRE.
- (33) “Easement restoration agreement” means the agreement or contract NRCS enters into with the landowner or a third party to implement the WRPO on a wetland reserve easement or 30-year contract.
- (34) “Easement subordination” means a real estate transaction where NRCS, on behalf of the United States and in its sole discretion, agrees to subordinate its real property rights or interests on all or a portion of an easement as part of an easement exchange or easement modification. The subordinated rights or interests will be replaced by rights or interests that are of equivalent or greater conservation value, acreage, and economic value to the United States. NRCS is not required to subordinate any of its rights or interests in an easement, and easement subordinations are discretionary, voluntary, real estate transactions between the United States, landowner, and other parties with an interest in the easement that are subject to the requirements of this part.
- (35) “Easement termination” means a real estate transaction where NRCS, on behalf of the United States and in its sole discretion, agrees to terminate its rights or interests in an easement or portion thereof to facilitate a project that addresses a compelling public need for which there is no practicable alternative and such termination action will result in equivalent or greater conservation value and economic value to the United States, and the United States is provided compensation for such termination. NRCS is not required to terminate any of its rights or interests in an easement, and easement terminations are discretionary, voluntary real estate transactions between the United States, landowner, and other parties that are subject to the requirements of this part. Unless and until the parties enter into a binding termination agreement, any party may withdraw its approval of a termination proposal at any time during the termination process.
- (36) “Eligible activity” means an action other than a conservation practice that is included in the wetland reserve plan of operations (WRPO), as applicable, and that has the effect of alleviating problems or improving the condition of the resources, including ensuring proper management or maintenance of the wetland functions and values restored, protected, or enhanced through an ACEP-WRE easement or 30-year contract.
- (37) “Eligible entity” means an Indian Tribe, State government, local government, or a nongovernmental organization that has a farmland or grassland protection program that purchases agricultural land easements for the purpose of protecting:
 - (i) The agriculture use and future viability, and related conservation values, of eligible land by limiting nonagricultural uses of that land; or
 - (ii) Grazing uses and related conservation values by restoring and conserving eligible land.

- (38) “Eligible land” means private or Tribal land that NRCS has determined to meet the land eligibility requirements for ACEP-ALE (section 528.33) or ACEP-WRE (section 528.105).
- (39) “Enforcement” means any actions to address violations of the easement or contract, including encroachments or trespasses.
- (40) “Enrollment option” means the manner in which land may be enrolled in the ACEP. Under ACEP-WRE, the options are permanent or 30-year easement, easement of maximum duration allowed by State law, or 30-year contract for acreage owned by Indian Tribes. Under ACEP-ALE, the options are permanent easements or maximum duration allowed by State law.
- (41) “Environmental benefit” means, for ACEP-WRE, the promotion of habitat for migratory birds and wetland-dependent wildlife, habitat for threatened and endangered or other at-risk species, protection or restoration of native vegetative communities, increased resilience of ecosystems during climatic change, habitat and species diversity and abundance, water quality protection or improvement, attenuation of floodwater flows, and water quantity benefits through increased water storage.
- (42) “Environmental threat” means, under ACEP-WRE, onsite or offsite conditions or activities that may have an adverse effect to the wetland restoration process, or interfere with the ability to achieve maximization of wetland functions and values.
- (43) “Fair market value (FMV)” means, for an agricultural land easement, the value of an agricultural land easement as determined using the Uniform Standards of Professional Appraisal Practice, an areawide market analysis or survey, or another industry-approved method approved by the Chief, as established in section 528.52 or, for a wetland reserve easement, the value of the land as determined using the Uniform Standards of Professional Appraisal Practices or areawide market analysis or survey, as established in section 528.122.
- (44) “Farm and ranch land of local importance” means farm or ranch land used to produce food, feed, fiber, forage, biofuels, and oilseed crops that are locally important but not identified as having national or statewide importance. Criteria for defining and delineating this land are to be determined by the appropriate local agency or agencies. Farmlands of local importance may include tracts of land that have been designated for agriculture by local ordinance.
- (45) “Farm and ranch land of statewide importance” means, in addition to prime and unique farmland, land that is of statewide importance for the production of food, feed, fiber, forage, biofuels, and oil seed crops. Criteria for defining and delineating this land are to be determined by the appropriate State agency or agencies. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. In some States, additional farmlands of statewide importance may include tracts of land that have been designated for agriculture by State law in accordance with 7 CFR Part 657.
- (46) “Farm or ranch succession plan” means a general plan to address the continuation of some type of agricultural business on the enrolled land. The farm or ranch succession plan may include specific intrafamily succession agreements or business asset transfer strategies to create opportunities for veteran farmers or ranchers or other historically underserved landowners.
- (47) “Farm Service Agency (FSA)” is an agency of the U.S. Department of Agriculture.
- (48) “Field Office Technical Guide (FOTG)” means the official local NRCS source of resource information and interpretations of guidelines, criteria, and requirements for planning and applying conservation practices and conservation management systems. The FOTG contains detailed information on the conservation of soil, water, air, plant, animal, and energy resources applicable to the local area for which it is prepared.
- (49) “Fish and Wildlife Service (FWS)” is an agency of the U.S. Department of the Interior.
- (50) “Forest land” means a land cover or use category that is at least 10 percent stocked by single-stemmed woody species of any size that will be at least 13 feet tall at maturity. Also

included is land bearing evidence of natural regeneration of tree cover (cutover forest or abandoned farmland) that is not currently developed for nonforest use. Ten-percent stocked, when viewed from a vertical direction, equates to an aerial canopy cover of leaves and branches of 25 percent or greater.

- (51) “Forest land of statewide importance” means forest land that NRCS, in consultation with the State Technical Committee, identifies as having ecological or economic significance within the State and may include forested areas or regions of the State that have been identified through statewide assessments and strategies conducted pursuant to State or Federal law.
- (52) “Forest management plan” means a site-specific plan developed or approved by NRCS, in consultation with the eligible entity and the landowner, that describes management practices to conserve, protect, and enhance the viability of the forest land. Forest management plans may include a forest stewardship plan, as specified in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. Section 2103a), another practice plan approved by the State forester, or another plan determined appropriate by NRCS. The plan complies with applicable Federal, State, Tribal, and local laws, regulations, and permit requirements.
- (53) “Future viability” means the legal, physical, and financial conditions under which the land itself will remain capable and available for continued sustained productive agricultural or grassland uses while protecting related conservation values.
- (54) “Grassland” means land on which the vegetation is dominated by grasses, grass-like plants, shrubs, or forbs, including shrubland, land that contains forbs, pastureland, and rangeland, and improved pastureland and rangeland.
- (55) “Grassland of special environmental significance (GSS)” means grasslands that contain little or no noxious or invasive species, as designated or defined by State or Federal law; are subject to the threat of conversion to nongrassland uses or fragmentation; and the land is—
 - (i)(a) Rangeland, pastureland, shrubland, or wet meadows on which the vegetation is dominated by native grasses, grass-like plants, shrubs, or forbs, or
 - (b) Improved, naturalized pastureland, rangeland, and wet meadows; and
 - (ii)(a) Provides, or could provide, habitat for threatened or endangered species or at-risk species,
 - (b) Protects sensitive or declining native prairie or grassland types or grasslands buffering wetlands, or
 - (c) Provides protection of highly sensitive natural resources as identified by the State Conservationist, in consultation with the State Technical Committee.
- (56) “Grasslands management plan” means the site-specific plan developed or approved by NRCS that describes the management system and practices to conserve, protect, and enhance the viability of the grassland under the ACEP-ALE. The grasslands management plan will include a description of the grassland management system consistent with NRCS practices contained in the FOTG, including the prescribed grazing standard for easements that will be managed using grazing; the management of the grassland for grassland-dependent birds, animals, or other resource concerns for which the easement was enrolled; the permissible and prohibited activities, including the use of haying as a management tool; and any associated restoration plan or conservation plan. The grasslands management plan is a component of either an agricultural land easement plan or wetland reserve plan of operations.
- (57) “Historical and archaeological resources” mean resources that meet any of the following criteria:
 - (i) Listed in the National Register of Historic Places (established under the National Historic Preservation Act (NHPA), 16 U.S.C. Section 470 et seq.)
 - (ii) Formally determined eligible for listing in the National Register of Historic Places (by the State historic preservation office (SHPO) or Tribal historic preservation office (THPO) and the Keeper of the National Register in accordance with section 106 of the NHPA.

- (iii) Formally listed in the State or Tribal register of historic places of the SHPO (designated under section 101(b)(1)(B) of the NHPA) or the THPO (designated under section 101(d)(1)(C) of the NHPA).
- (iv) Included in the SHPO or THPO inventory with written justification as to why it meets National Register of Historic Places criteria.
- (58) “Historically underserved landowner” means a beginning, limited-resource, or socially disadvantaged farmer or rancher.
- (59) “Hydric soil” means is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Field Indicators of Hydric Soils in the United States, NTCHS, 1994).
- (60) “Imminent harm” means easement violations or threatened violations that, as determined by NRCS, would likely cause immediate and significant degradation to the conservation values for which the easement was acquired.
- (61) “Impervious surface” means surfaces that are covered by asphalt, concrete, roofs, or any other surface that does not allow water to percolate into the soil. Under ACEP-ALE roads and parking lots with soil or gravel surfaces and temporary greenhouses that cover the soil surface for less than 6 months are not considered impervious surfaces. Conservation practices in the NRCS FOTG and an agricultural land easement plan for the subject farm or ranch are not considered in the calculation of impervious surfaces for ACEP-ALE.
- (62) “Indian Tribe” means any Indian Tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. Section 1601 et seq.), that is eligible for the special programs and services provided by the United States to Indians because of their status as Indians, including, for the purposes of this part, pueblos.
- (63) “Invasive species” means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.
- (64) “Joint operation” means a general partnership, joint venture, or other similar business organization in which the members are jointly and severally liable for the obligations of the organization.
- (65) “Land evaluation and site assessment (LESA) system” means the land evaluation system approved by NRCS and used, when applicable, to rank land for farm and ranch land protection purposes based on soil potential for agriculture, as well as social and economic factors such as location, access to markets, and adjacent land use. For additional information see the Farmland Protection Policy Act regulation at 7 CFR Part 658.
- (66) “Landowner” means a person, legal entity, or Indian Tribe having legal ownership of land and those who may be buying eligible land under a purchase agreement. The term landowner may include all forms of collective ownership including joint tenants and tenants-in-common, and includes heirs, successors, assigns, and anyone claiming under them. State governments, local governments, and nongovernmental organizations that qualify as eligible entities are not eligible as landowners unless otherwise determined by the Chief.
- (67) “Lands substantially altered by flooding” means areas where flooding has created wetland hydrologic conditions which, with a high degree of certainty, will develop and retain wetland soil, hydrology, and vegetation characteristics over time.
- (68) “Land that furthers a State or local policy consistent with the purposes of the program” means land that meets the other criteria of eligible land and meets the policy of a State or local government as certified by the State or local government.
- (69) “Legal entity” means an entity created under Federal or State law that meets either of the following criteria:
 - (i) Owns land or an agricultural commodity, product, or livestock
 - (ii) Produces an agricultural commodity, product, or livestock

- (70) “Limited-resource farmer or rancher” means either of the following:
- (i) A person who meets both of the following criteria:
 - With direct or indirect gross farm sales not more than the current indexed value in each of the previous two fiscal years (adjusted for inflation using Prices Paid by Farmer Index as compiled by National Agricultural Statistical Service)
 - 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 (to be determined annually using Commerce Department Data)
 - (ii) A legal entity or joint operation if all individual members independently qualify under paragraph (i)
- (71) “Maintenance” means work performed to keep the wetland reserve easement functioning for program purposes for the duration of the enrollment period. Maintenance includes actions and work to manage, prevent deterioration, repair damage, or replace conservation practices or activities on a wetland reserve easement, as approved by NRCS.
- (72) “Management” in the context of ACEP-WRE enrollments, means the eligible activities or measures necessary to properly manage wetland functions and values (especially wildlife habitat) for which the land was enrolled in ACEP-WRE, for the duration of the enrollment. Management requirements may change over time depending on the habitat needs of the project.
- (73) “Monitoring” means the periodic review and assessment of how land enrolled in ACEP is meeting program purposes and objectives and the landowner’s program compliance, and for ACEP-WRE includes an assessment of the ecological functioning of the site. Monitoring is addressed in 440-CPM, Part 527, Subpart P.
- (74) “Natural Resources Conservation Service (NRCS)” means an agency of the U.S. Department of Agriculture, including when NRCS carries out program implementation using the funds, facilities, or authorities of the CCC.
- (75) “Nongovernmental organization (NGO)” means any organization that for purposes of qualifying as an eligible entity under ACEP-ALE meets all of the following criteria:
- (i) Is 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) Is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under 501(a) of that code
 - (iii) Is described in either of the following:
 - Section 509(a)(1) and (2) of the Internal Revenue Code of 1986
 - Section 509(a)(3) of the Internal Revenue Code of 1986 and is controlled by an organization described in section 509(a)(2) of that code
- (76) “Nonseasonal” refers to a nonpermanent installed structure or cover that will be removed from the soil surface periodically during the growing season.
- (77) “Noxious weed” means any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment. Noxious weeds will generally possess one or more of the characteristics of being aggressive and difficult to manage, parasitic, a carrier or host of deleterious insects or disease, and being non-native, new to, or not common to the United States or parts thereof.
- (78) “Other interests in land” include any right in real property other than easements that are recognized by State law that the Chief determines can be purchased by an eligible entity to further the agricultural use of the land and other ACEP-ALE purposes.

- (79) “Other productive soils” means farm and ranch land soils, in addition to prime farmland soils, that include unique farmland or farm and ranch land of statewide and local importance.
- (80) “Parcel” means the defined area of land and may be a portion or all of the area of land that is owned by the landowner.
- (81) “Participant” means a person, legal entity, Indian Tribe, native corporation, or eligible entity who has been accepted into the program and who is receiving payment or who is responsible for implementing the terms and conditions of an agreement to purchase or an agreement to enter 30-year contract, or the ALE agreement for agricultural land easements.
- (82) “Pending offer” means a written bid, contract, or option extended to a landowner by an eligible entity to acquire an agricultural conservation easement before the legal title to these rights has been conveyed for the purposes of protecting:
 - (i) The agricultural use and future viability, and related conservation values, of eligible land by limiting nonagricultural uses of that land; or
 - (ii) Grazing uses and related conservation values by restoring and conserving eligible land.
- (83) “Permanent easement” means an easement that lasts in perpetuity.
- (84) “Person” means a natural person.
- (85) “Prairie Pothole Region” means the counties designated as part of the Prairie Pothole National Priority Area for the CRP as of June 18, 2008.
- (86) “Prime farmland” means land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor without intolerable soil erosion, as determined by NRCS.
- (87) “Private land” means land that is not owned by a governmental entity and includes acreage owned by Indian Tribes, as defined in this part.
- (88) “Projects of special significance” means ACEP-ALE projects identified by the Chief using the criteria identified in section 528.43 of this part.
- (89) “Purchase Price” means the appraised fair market value of the agricultural land easement minus the landowner donation.
- (90) “Right of enforcement” means the right of the United States to inspect the easement area and to enforce the easement entered into under this part in those instances in which the grantee of the easement does not fully protect the interests provided to the grantee under the easement.
- (91) “Rights of the United States” means the interests in a conservation easement held by the United States, which the United States may exercise under specific circumstances in order to take sole ownership of the conservation easement and enforce its terms. This applies only to Farm and Ranch Lands Protection Program (FRPP) conservation easement deeds pursuant to cooperative agreements entered into in 2006 through 2008.
- (92) “Riparian areas” means areas of land that occur along streams, channels, rivers, and other water bodies. These areas are normally distinctly different from the surrounding lands because of unique soil and vegetation characteristics, may be identified by distinctive vegetative communities that are reflective of soil conditions normally wetter than adjacent soils, and generally provide a corridor for the movement of wildlife.
- (93) “Secretary” means the Secretary of the U.S. Department of Agriculture.
- (94) “Socially disadvantaged farmer or rancher” means a producer who is a member of a group whose members have been subjected to racial or ethnic prejudices without regard to its members’ individual qualities. For an entity, at least 50-percent ownership in the business entity must be held by socially disadvantaged individuals.
- (95) “State Conservationist” means the NRCS employee authorized to direct and supervise NRCS activities in a State, and includes the Directors of the Caribbean Area (Puerto Rico and the Virgin Islands), or the Pacific Islands Area (Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands).

- (96) “State Technical Committee (STC)” means a committee established pursuant to 16 U.S.C. Section 3861 and 7 CFR Part 610, Subpart C.
- (97) “Unique farmland” means land other than prime farmland that is used for the production of specific high-value food and fiber crops as determined by NRCS. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables. Additional information on the definition of prime, unique, or other productive soil can be found in 7 CFR Parts 657 and 658.
- (98) “Veteran farmer or rancher” means a producer who meets the definition in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended (7 U.S.C. Section 2279(e)).
- (99) “Wetland” means land that meets all of the following criteria:
- (i) Has a predominance of hydric soils
 - (ii) Is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions
 - (iii) Supports a prevalence of such vegetation under normal circumstances
- (100) “Wetland reserve easement” (ACEP-WRE) means a reserved interest easement, which is an interest in land defined and delineated in a deed whereby the landowner conveys all rights, title, and interests in a property to the United States, but the landowner retains those rights, title, and interests in the property which are specifically reserved to the landowner in the easement deed.
- (101) “Wetland reserve plan of operations (WRPO)” means the document that is developed or approved by NRCS that identifies how the wetland functions and values and associated habitats on the easement will be restored, improved, and protected to achieve the purposes of the wetland reserve easement enrollment.
- (102) “Wetland functions and values” means the hydrological and biological characteristics of wetlands and the socioeconomic value placed upon these characteristics, including—
- (i) Habitat for migratory birds and other wildlife, in particular at-risk species.
 - (ii) Protection and improvement of water quality.
 - (iii) Attenuation of water flows due to flood.
 - (iv) The recharge of ground water.
 - (v) Protection and enhancement of open space and aesthetic quality.
 - (vi) Protection of flora and fauna which contributes to the Nation’s natural heritage.
 - (vii) Carbon sequestration.
 - (viii) Contribution to educational and scientific scholarship.
- (103) “Wetland restoration” means the rehabilitation of degraded or lost habitat in a manner such that:
- (i) The original vegetation community and hydrology are, to the extent practical, re-established; or
 - (ii) A community different from what likely existed prior to degradation of the site is established. The hydrology and native self-sustaining vegetation being established will substantially replace original habitat functions and values and does not involve more than 30 percent of the easement area.
- (104) “Wildlife” means nondomesticated birds, fishes, reptiles, amphibians, invertebrates, and mammals.

528.191 Acronyms

Additional acronyms and abbreviations may be found in 440-CPM, [Part 502, “Terms and Abbreviations Common to All Programs.”](#) In the event of a discrepancy, the abbreviation contained in this 440-CPM, Part 528, will prevail for ACEP purposes.

- (1) AAI—all appropriate inquiries
- (2) ACEP—Agricultural Conservation Easement Program
- (3) ACEP-ALE—Agricultural Conservation Easement Program – Agricultural Land Easement
- (4) ACEP-WRE—Agricultural Conservation Easement Program – Wetland Reserve Easement
- (5) AECLU—agreement to enter contract for 30-year land use (WRE only)
- (6) AGI—adjusted gross income
- (7) ALEP—agricultural land easement plan (ALE only)
- (8) ALTA—American Land Title Association
- (9) AMA—Agricultural Management Assistance Program
- (10) APCE—agreement for the purchase of a conservation easement (WRE only)
- (11) APSB – Accounts Payable Service Branch
- (12) AWMA—areawide market analysis
- (13) BIA—U.S. Bureau of Indian Affairs
- (14) BLM—U.S. Bureau of Land Management
- (15) CAH—NRCS Contribution Agreements Handbook
- (16) CCC—Commodity Credit Corporation
- (17) CCR—Central Contractor Registration
- (18) CD—conservation district
- (19) CERCLA—Comprehensive Environmental Response, Compensation, and Liability Act
- (20) CFDA—Code for Federal Domestic Assistance
- (21) CFR—Code of Federal Regulations
- (22) CPC—conservation program contract
- (23) CPM—Conservation Program Manual
- (24) CREP—Conservation Reserve Enhancement Program
- (25) CRP—Conservation Reserve Program
- (26) CSB – Contracting Service Branch
- (27) CSP—Conservation Security Program
- (28) CST—Customer Service Toolkit
- (29) CUC—certificate of use and consent
- (30) CY—calendar year
- (31) DOJ—U.S. Department of Justice
- (32) DUNS—Dun and Bradstreet Data Universal Numbering System
- (33) EIN—employee identification number
- (34) ESA—Endangered Species Act of 1973
- (35) ESS – Easement Support Services Branch
- (36) EFT—electronic fund transfer
- (37) EPD—Easement Programs Division
- (38) EQIP—Environmental Quality Incentives Program
- (39) EWRP—Emergency Wetland Reserve Program
- (40) FAADS—Federal Assistance Award Data System
- (41) FAR—Federal Acquisition Regulation
- (42) FCIP—final certificate of inspection and possession
- (43) FIPS—Federal Information Processing Standard
- (44) FIRREA—Financial Institution’s Reform, Recovery and Enforcement Act of 1989
- (45) FGCAH—Federal Grants and Cooperative Agreements Handbook

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- (46) FMMI—Financial Management Modernization Initiative
- (47) FMV—fair market value
- (48) FOTG—NRCS Field Office Technical Guide
- (49) FRPP—Farm and Ranch Lands Protection Program
- (50) FPP—Farmland Protection Program
- (51) FSA—USDA Farm Service Agency
- (52) FTO—final title opinion
- (53) FWS—U.S. Fish and Wildlife Service
- (54) FY—fiscal year
- (55) GARC—geographic area rate cap (WRE only)
- (56) GASB—Grants and Agreements Service Branch
- (57) GIS—Geographic Information System
- (58) GM—General Manual
- (59) GPS—Global Positioning System
- (60) GRP—Grassland Reserve Program
- (61) GSS—grassland of special environmental significance (ALE only)
- (62) HEL—highly erodible land
- (63) HFRP—Healthy Forest Reserve Program
- (64) IAS—Integrated Accountability System
- (65) IBIL—Internet Billing System
- (66) IC—internal controls
- (67) IPP – Invoice Processing Platform
- (68) IRS—U.S. Internal Revenue Service
- (69) LESA—land evaluation and site assessment
- (70) NAD—USDA National Appeals Division
- (71) NASS—USDA National Agricultural Statistical Survey
- (72) NEPA—National Environmental Policy Act
- (73) NEST—National Easement Staging Tool
- (74) NFC—National Financial Center
- (75) NFSAM—National Food Security Act Manual
- (76) NGCE—NRCS National Geospatial Center of Excellence
- (77) NGO—nongovernment organizations
- (78) NHPA—National Historic Preservation Act
- (79) NHQ—National Headquarters
- (80) NPPH—National Planning Procedures Handbook
- (81) NRCS—Natural Resources Conservation Service
- (82) OGC—Office of the General Counsel
- (83) O&M—operation and maintenance
- (84) PCIP—preliminary certificate of inspection and possession
- (85) PTO—preliminary title opinion (WRE only)
- (86) RC—Regional Conservationist
- (87) RFP—request for proposals
- (88) SAM—System for Award Management
- (89) SCIMS—Service Center Information Management System
- (90) SHPO—State historic preservation office
- (91) SSN—Social Security number
- (92) STC—State Technical Committee
- (93) TDR—transfer development rights
- (94) THPO—Tribal historic preservation office
- (95) TIN—tax identification number
- (96) TSP—technical service provider

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- (97) UASFLA—Uniform Appraisal Standards for Federal Land Acquisitions
- (98) USDA—U.S. Department of Agriculture
- (99) USFS—U.S. Forest Service
- (100) USPAP—Uniform Standards of Professional Appraisal Practices
- (101) WBS—FMMI work breakdown structure
- (102) WC—wetland conservation compliance
- (103) WED—warranty easement deed (WRE only)
- (104) WHIP—Wildlife Habitat Incentives Program
- (105) WREP—Wetland Reserve Enhancement Partnership
- (106) WRP—Wetland Reserve Program
- (107) WRPO—wetland reserve plan of operations