**Definitions**

\*\* **Entity-Held Easements** are easements acquired and held by an eligible entity (*see below for definition*) for the purposes of restoration, protection, enhancement, management, maintenance, and monitoring of the specified Conservation Values of the land, such as benefits to soil, water, wildlife, agricultural land, and related natural resources. NRCS enters into a supplemental agreement with the eligible entity to provide cost-share *(up to 25% or 50% of easement value depending on right of enforcement*) for the easement’s purchase. Entity-Held Easements can have deed terms with a U.S. right of enforcement or without.

1 **Eligible Entity** means a State or local government, Indian Tribe, or nongovernmental organization authorized to hold conservation easements that NRCS has determined meet the applicable requirements of 7 CFR part 1468 and has a land protection program that purchases easements for the purposes of protecting the stated Conservation Values. An **Eligible Entity** must be identified as a holder (grantee) on an RCPP conservation easement deed acquired on any parcels that may be associated with this application. An **Eligible Entity** is considered a participant in RCPP, must be party to the RCPP Entity Held Easement Agreement, may receive direct payment of RCPP cost-share funds, and must have current registration in DUNS and SAM.

2 **RCPP conservation easement** means an easement or other interest in eligible land that is conveyed for the purposes of restoration, protection, enhancement, management, maintenance, and monitoring of the specified Conservation Values of the land, such as benefits to soil, water, wildlife, agricultural land, and related natural resources.

3 **Dun and Bradstreet Data Universal Numbering System (DUNS) Number** is a unique, non-indicative 9-digit identifier issued and maintained by Dun & Bradstreet (D&B) that verifies the existence of a business entity globally. D&B assigns DUNS numbers for each physical location of a business.

4 **Co-Holder** is any legal entity identified as a co-holder (grantee) in an RCPP conservation easement deed held by an Eligible Entity on a parcel associated with this application. A **Co-holder** is not considered a participant in RCPP and may not receive a direct payment of RCPP cost-share funds; however, a **Co-holder** is a beneficiary of such Federal funds and therefore must acknowledge their agreement to comply with the terms of an RCPP Entity-Held Easement Agreement and must have current registration in DUNS and SAM.

5 **Parcel** means the defined area of eligible land, as determined by NRCS, to be protected by an RCPP Easement.

6 **Third-Party Right Holder** is any legal entity that is not identified as a grantee but is instead identified as a holder of a third-party right, contingent right, or any other real property interest in an RCPP easement deed held by an Eligible Entity on a parcel associated with this application. A **Third-Party Right Holder** is not considered a participant in RCPP, may not receive a direct payment of RCPP cost- share funds, is not a beneficiary of the Federal funds, and is not required to be registered in DUNS and SAM.

7 **Landowner** means a person, legal entity, or Indian Tribe having legal ownership of eligible 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, tenants-in-common, and includes heirs, successors, assigns, and anyone claiming under them. State and local governments are not eligible as landowners. Indian tribes and nongovernmental organizations that qualify as eligible entities are not eligible as landowners.

8 **Limited Resource Farmer or Rancher** means either: (1)(i) A person 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), and (ii) 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);

or

(2) A legal entity or joint operation if all individual members independently qualify under paragraph (1). A legal entity or joint operation if all individual members independently qualify under paragraph (1) of this definition.

9 **Beginning Farmer or Rancher** means an individual, person, Indian Tribe, Tribal corporation, or legal entity who—

(1) Has not operated a farm or ranch, or non-industrialized private forest land (NIPF), or who has operated a farm or ranch or NIPF for not more than 10 consecutive years. This requirement applies to all members of an entity who will materially and substantially participate in the operation of the farm, ranch, or NIPF.

(2) 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, ranch, or NIPF consistent with the practices in the county or State where the farm is located.

(3) In the case of a legal entity or joint operation, all members must materially and substantially participate in the operation of the farm, ranch, or NIPF. 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, ranch, or NIPF would be seriously impaired.

10 **Socially Disadvantaged Farmer or Rancher** means an individual or an entity who is a member of a socially disadvantaged group. For a legal entity, at least 50 percent ownership in the legal entity 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 Alaska 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.

11 **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 components thereof; was released from the 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 consecutive years; or
* Who first obtained status as a veteran during the most recent 10-year period.

12 **Land** Private or Tribal agricultural land, nonindustrial private forest land, or associated lands are potentially eligible for enrollment. “**Associated land**” is defined as land associated with farms and ranches that is not purposefully managed for food, forage, or fiber and is typically associated with nearby production or conservation lands The Secretary may not use RCPP funds for the purposes of acquiring an easement on lands owned by an agency of the United States, other than land held in trust for Indian Tribes; or lands owned in fee title by a State, including an agency or a subdivision of a State, or a unit of local government. Such lands are ineligible for RCPP.

13 **Pending offer** means a written bid, contract, or option between a Landowner and an Eligible Entity for the acquisition of an RCPP conservation easement in perpetuity, or for the maximum duration allowed by State law, before the legal title to these rights has been conveyed for the purposes of protecting the specified conservation values.

14 **Eligible Entity cash contribution** means the amount provided by the eligible entity for payment of easement compensation to the landowner and may include all sources of funds (e.g., OSWA funds, private funds, etc.,) used to make such payment other than any funds provided by the landowner or the Federal share provided under RCPP. This amount does not include any other costs (administrative, planning, stewardship, etc.) or nonmonetary items (in-kind activities, land from another parcel, etc.).

15 **Purchase price** means the fair market value of the RCPP conservation easement as determined by an NRCS-approved methodology, minus the Landowner donation toward easement value.

16 **Landowner Donation toward easement value** may include or a qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) or a charitable donation. Landowners shall not donate any part of Federal share or Eligible Entity cash contribution back to the Eligible Entity as a condition of purchase or closing.