**Agricultural Conservation Easement Program (ACEP) –**

**Agricultural Land Easements (ALE)**

**Texas NRCS Entity Application Questionnaire**

Entity applications for ACEP-ALE should be developed in accordance with the following format and guidance. All requested information on the following pages must be provided, including all documentation on the included Entity Application Checklist, and submitted to:

HARD COPY:

Alec King

ALE Program Manager

USDA NRCS

Texas State Office

101 S. Main Street

Temple, TX 76501

EMAIL:

Alec King

ALE Program Manager

alec.king@usda.gov

**\*\*\*PREFERRED\*\*\***

**Applications are accepted on a continuous basis.**

**Applications must be received by 4:00 P.M. CST on the advertised Funding Opportunity Date(s) to be considered for funding in a specific fiscal year (FY).**

Note: There may be multiple cut-off dates in the same FY.

The following is a questionnaire meant to gather adequate documentation for consideration of funding in ACEP-ALE. You must answer all questions contained within and provide all supporting documentation requested for the application package to be considered complete (unless otherwise noted).

NRCS strongly encourages use of Program Agreements (PA) and Parcel Contracts (PC) due to efficiency and reduced paperwork. However, if an entity wishes to utilize a Cooperative/Grant Agreement, the entity must contact the Easements Program Manager to discuss, obtain the required application materials, AND be prepared to submit all parcel applications requested for funding in that fiscal year with the application (see parcel application requirements on [website](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/tx/programs/easements/acep/?cid=stelprdb1248392e)). If the entity has an existing PA covering the program under which parcel applications will be submitted, only a parcel application needs to be submitted (see parcel application requirements on [website](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/tx/programs/easements/acep/?cid=stelprdb1248392)). If there is no existing PA or not one that covers the program, the entity application package must be submitted at or prior to submission of a parcel application package. ***Any incomplete or ineligible packages will not be considered for funding.***  The narratives and supporting documentation may be inserted under the applicable question or provided as an exhibit or attachment to the application package. It is strongly suggested that the order and format of this questionnaire is followed to ensure consistency and fairness among all applicants. The entity eligibility will rely on the information you submit in your proposal along with any data NRCS keeps on prior and active agreements.

For more information or assistance in completing your proposal, please contact the Texas ALE Program Manager, Alec King, by phone at (254) 500-7123 or by email at alec.king@usda.gov.

ENTITY APPLICATION CHECKLIST

*All information listed below must be submitted with the entity application package.* *If required documentation is not provided, it could affect the eligibility of the application.*

|  |
| --- |
| **Program Agreement*****HIGHLY RECOMMENDED.*** Submit once to cover a defined period. No funding is assigned to the Program Agreement. Parcels are funded by each through separate contracts covered by the terms of the Program Agreement. NRCS controls the agreement.  |
| * “ACEP-ALE Texas Entity Application Questionnaire,” fully completed
* Evidence of eligible entity type (e.g., 501(c)(3))
* NRCS-CPA-41, Entity Application
* AD-2047\* for each entity applicant, co-holder, and third-party rights holder
* SF-1199A (even if previously filed)
* Evidence of “Active” DUNS/SAM registration
* Statement of Authority or other form of signature authority. Must include signature specimen.

\*Only needed if records not established with FSA or entity/co-holder/third-party information needs to be updated. Must confirm with NRCS or FSA if the form(s) will not be submitted with the application package. |

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ENTITY QUESTIONNAIRE

*All questions below must be answered, and details or other documentation provided as required. If any questions are unanswered, it could affect the eligibility of the application.*

# ENTITY APPLICANT INFORMATION

## Basic Information

* + 1. Primary Entity Applicant Legal Name: ***Click or tap here to enter text.***
		2. Primary Entity Mailing Address: ***Click or tap here to enter text.***
		3. Primary Entity Point-of-Contact Name, Phone Number, and Email: ***Click or tap here to enter text.***
		4. Select the applicable eligible entity type and list the entity name for each entity applicant listed on the CPA-41.

 [ ]  State agency: ***Click or tap here to enter text.***

 [ ]  Local government: ***Click or tap here to enter text.***

 [ ]  Indian Tribe: ***Click or tap here to enter text.***

 [ ]  Non-governmental organization described in 501(c)(3) and 509(a)(1), (2), or (3) that has conservation purposes (IRC Section 170(h)(4)(A)(i-iv)): ***Click or tap here to enter text.***

 [ ]  Other (**INELIGIBLE**): ***Click or tap here to enter text.***

* + 1. Provide the contact information as requested in #1-3 above for any other eligible entities, co-applicants, co-holders, and third-party rights holders that will be on the agreement (required if they may be a party to any parcel contracts now or in the future): ***Click or tap here to enter text.***
		2. Eligible entity, co-applicants, and co-holders are required to be a party to the agreement and/or be listed as a contributor in some form. Provide the authority under which each of these entities is authorized to operate (e.g., charter, statutory authority, articles of incorporation, bylaws), provide a copy of such documentation: ***Click or tap here to enter text.***
		3. Provide the names and titles of the appropriate signatory for each eligible entity, co-applicant, and co-holder and provide documentation of this signatory authority with this application package: ***Click or tap here to enter text.***
		4. Have you provided evidence of how each entity applicant meets the criteria for the selections above?

 [ ]  YES [ ]  NO

# ENTITY ELIGIBILITY REQUIREMENTS

## Ability to Implement the Program

* + 1. Do the entity applicants have the authority and capability to purchase, hold, manage, and enforce agricultural conservation easements in the State of Texas as applicable?

 [ ]  YES [ ]  NO

***IF “YES,” DESCRIBE: Click or tap here to enter text.***

* + 1. Do the entity applicants have an established agricultural land protection program that purchases conservation easements for the purpose of protecting either (1) agricultural use and future viability and related conservation values through limitations of non-agricultural uses or (2) grazing uses and related conservation values through restoration or conservation?

 [ ]  YES [ ]  NO

***IF “YES,” DESCRIBE: Click or tap here to enter text.***

* + 1. Do the entity applicants have a demonstrated commitment to the long-term protection of agricultural lands?

 [ ]  YES [ ]  NO

***IF “YES,” DESCRIBE: Click or tap here to enter text.***

* + 1. Do the entity applicants have adequate staff dedicated to monitoring and easement stewardship?

 [ ]  YES [ ]  NO

***IF “YES,” DESCRIBE: Click or tap here to enter text.***

* + 1. Are the entity applicants AND all co-holders able to meet all requirements of an ACEP-ALE agreement? NOTE: If awarded, all co-holders must sign the ALE agreement or submit other acceptable documentation.

 [ ]  YES [ ]  NO

***IF “YES,” DESCRIBE: Click or tap here to enter text.***

## Administrative Requirements

* + 1. Do all entity applicants AND co-holders have an “Active” [DUNS and SAM registration](https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/?cid=stelprdb1257063)?

 [ ]  YES [ ]  NO

* + 1. Have all entities, including co-holders and holders of third-party rights, been entered into Farm Service Agency’s (FSA) Service Center Information Management System (SCIMS) and the record contains up-to-date information? NOTE: You must work directly with the local FSA office according to the legal address of the entity.

 [ ]  YES [ ]  NO

* + 1. Will any eligible entities, co-applicants, co-holders, and third-party rights holders other than the main entity applicant benefit from or receive the NRCS payment if funded? NOTE: Each entity receiving the NRCS payment must file an SF-1199A.

 [ ]  YES [ ]  NO

***IF “YES,” LIST THE PARTIES AND WHAT PERCENT OF THE NRCS PAYMENT WILL BE ATTRIBUTED TO THEM: Click or tap here to enter text.***

* + 1. Provide information on the roles each eligible entities, co-applicants, co-holders, and third-party rights holders will potentially play in or hold certain rights for an easement transaction under this agreement:

 [ ]  Acquisition: ***Click or tap here to enter text.***

 [ ]  Enforcement: ***Click or tap here to enter text.***

 [ ]  Monitoring: ***Click or tap here to enter text.***

 [ ]  Funding: ***Click or tap here to enter text.***

 [ ]  Third-party rights: ***Click or tap here to enter text.***

 [ ]  Other (list and describe): ***Click or tap here to enter text.***

* + 1. Has a copy of the “Texas ALE Application Checklist – Entity Application” been provided and has all the documentation on the checklist been provided?

 [ ]  YES [ ]  NO

## Entity Performance

* + 1. Describe the entity applicants’ protocols for monitoring, including NRCS and non-NRCS easements: ***Click or tap here to enter text.***
		2. If the entity applicants have received NRCS easement funds in the past, describe the entities’ performance under those agreements and how the terms were met or not met, including length of time to closing OR if no prior NRCS funding, write “N/A:” ***Click or tap here to enter text.***

# CERTIFICATION STATEMENT

## Entity Responsibilities

* + 1. By submission of this application and if awarded an agreement, the entity applicants agree to:
			1. Perform necessary legal and administrative actions to ensure proper acquisition and recordation of valid agricultural land easements, including such additional actions as required for agricultural land easements acquired through an authorized buy-protect-sell transaction.
			2. Procure and pay all costs related to determinations of value, due diligence, and closing.
			3. Hold title to the agricultural land easements.
			4. Meet the requirements of the ALE-agreement and carry out all responsibilities specified in the ALE-agreement, including submitting all required documentation and requests for reimbursements, advances, or extensions by required deadlines.
			5. Ensure that any required or agreed-to agricultural land easement plans are complete at or prior to closing and updated as necessary pursuant to applicable easement deed terms (see Minimum Deed Terms posted on website).
			6. Provide information to the FSA for entry into SCIMS.
			7. Ensure DUNS and SAM registration is maintained for each eligible entity and any co-holders.
			8. Ensure any legal entities that will be identified in the conservation easement deed as a co-holder (grantee) or as a third-party right holder (not a grantee) meet the requirements applicable to such legal entities as set-forth in the terms of the ALE-agreement.
			9. Conduct monitoring at least annually and provide the monitoring report to the State conservationist at least annually.
			10. Enforce the terms of the agricultural land easement.
			11. After consultation with and approval by NRCS, an eligible entity may assign another entity to manage and enforce the agricultural land easement. The entity assigned the management and enforcement responsibilities must have the appropriate expertise and capacity to carry out such responsibilities.

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Primary Eligible Entity Signature *(electronic signatures not accepted)* Date

***Click or tap here to enter text.*** ***Click or tap here to enter text.***

Primary Eligible Entity Signatory Name Primary Eligible Entity Name

APPENDIX

# APPENDIX 1: DEFINITIONS

***Co-holder:*** A legal entity that will be identified in the agricultural land easement deed as a grantee but is not the applicant and does not have to meet the requirements of being an eligible entity. However, a co-holder is required to maintain an active DUNS and SAM registration and must agree to and comply with the terms of the ALE agreement. A co-holder may not receive direct payment of the Federal share provided by NRCS but is considered a beneficiary of the Federal funds. All prospective co-holders must be listed on the CPA-41.

***Entity applicant (also, Eligible entity):*** 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 non-agricultural uses of that land that negatively affect the agricultural uses and conservation values; or (ii) grazing uses and related conservation values by restoring or conserving eligible land. Any entity applicants must meet all the requirements of an eligible entity, must be listed as such on the CPA-41, and must accept all the terms and responsibilities of the ALE agreement.

***Third-party right holder:*** A legal entity that will be identified in the agricultural land easement deed as having specific rights or responsibilities but is not listed as grantee. A third-party right holder is not the applicant, does not have to be party to the ALE-agreement, may not receive direct payment of the Federal share provided by NRCS, is not considered a beneficiary of Federal funds, and is not required to be registered in DUNS or SAM. All prospective third-party right holders must be listed on the CPA-41.

***Program:*** Only for the purposes of determining the necessity of a new Program Agreement entity application package, ***program*** means ACEP-ALE or different Regional Conservation Partnership Program (RCPP) overarching projects. Grasslands of special significance or other initiative do not count as a separate program for the purposes of a Program Agreement.

***-END-***