

Texas NRCS Entity Application Questionnaire

Entity applications for the ACEP-ALE and RCPP EHE will be developed in accordance with the following format and guidance that adheres to applicable NRCS program application policy. A properly completed and executed entity application is one that is submitted on the appropriate forms, accompanied by all required supporting documentation, including this questionnaire, and signed by all required applicants and other required parties. Only complete and executed application packages will be considered for approval. The complete and executed application package must be submitted to:

HARD COPY:

EHE Program Manager
USDA NRCS
Texas State Office
101 S. Main Street
Temple, TX 76501

EMAIL:

Texas NRCS Easements
FPAC.NRCS.TX.Easements@usda.gov
PREFERRED

Incomplete and/or inaccurate applications and supporting evidence will result in an application being determined ineligible for the current sign-up period.

**Applications are accepted on a continuous basis.
Applications must be received by 5:00 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 executing an entity-held easement program agreement. An applying entity must meet NRCS eligible entity requirements to be determined eligible to participate in program agreements, including co-holders and any third-party right holders. Entities must provide as part of the application process sufficient documentation for NRCS to make a determination regarding eligibility for the listed applicants.

NRCS will use Program Agreements (PA) and Parcel Contracts (PC) due to efficiency and reduced paperwork for implementing entity-held easement programs. If the entity has an active PA covering the program under which parcel applications will be submitted, only a parcel application needs to be submitted. Parcel application requirements may be found in the parcel application questionnaire located on the [website](#). If there is no existing PA or not one that covers the program the parcel is being submitted for, the entity application package must be submitted at or prior to submission of a parcel application package. 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 by the announced date(s).***

For more information or assistance in completing your proposal, please contact the Texas NRCS Easements inbox at FPAC.NRCS.TX.Easements@usda.gov

Helpful entity held easement information may also be found on the [Texas webpage](#) or [American Farmland Trust ALE Toolkit](#).

ACEP-ALE ENTITY ELIGIBILITY CHECKLIST

NRCS staff determine your entity's eligibility by assessing whether it can meet program requirements and responsibilities for either a standard ALE transaction or a buy-protect-sell (BPS) transaction.* Staff make this determination using the information you supply on the application forms together with supporting materials. Typically, once you have successfully completed an NRCS easement agreement, there is no continuing need to provide this information with each new application.

This checklist can help you determine if your entity meets the program eligibility criteria. We list key requirements, suggest documents to help NRCS verify your entity's qualifications, and provide some examples to prepare you to apply. Be sure to check with your state ACEP-ALE program manager in case the state has different requirements.

Citations to the [NRCS Conservation Programs Manual](#) are provided in each section for reference.

Confirmation that your organization is one of three types of eligible entities:

An agency of a state or local government. This includes farmland protection boards or land resource councils established under state law. (Not eligible to undertake BPS transactions)



Provide a copy of the state or local law that establishes your agency.



See: [List of state laws enabling purchase of agricultural conservation easements](#)

A non-profit organization that is organized for the purpose of land preservation.



Provide legal documents that designate your organization's charity status, purpose, and authorized service area. This could include a certificate of good standing that verifies your organization is legally registered with your state, an annual report filed with and certified by the Secretary of State, and/or Articles of Organization. Generally, these documents are available at your state's office of the Secretary of State, who is responsible for overseeing corporate entities and organizations.



See: [American Farmland Trust Articles of Organization](#)



See: [American Farmland Trust Board Resolution](#)

An Indian Tribe federally recognized by the Bureau of Indian Affairs (BIA). Indian Tribes that are not federally recognized may qualify under nonprofit organization status described above.



Share the latest Federal Register notice that lists your tribe.



See: [Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs 2020](#)



Reference: Conservation Programs Manual Part 528.32 B.

KEY



SUGGESTED
DOCUMENTATION



EXAMPLE



CITATION FROM
THE CONSERVATION
PROGRAMS MANUAL

You must be able to demonstrate EACH of the following:

Authority to purchase and hold agricultural conservation easements.



Provide a copy of the statutory authority that allows the entity to purchase and hold agricultural conservation easements.



See: [List of state laws enabling purchase of agricultural conservation easements](#)

See: [List of state laws enabling conservation easements](#)

An established agricultural land protection program/policy.



Provide official entity documents if available, and/or webpage or printed public materials that convey your policy or describe your program.



See: [Vermont Land Trust program description](#)

A demonstrated commitment to the long-term conservation of agricultural lands.



Provide an organization charter or mission statement that addresses agricultural land protection. This statement may appear in an annual report, Articles of Incorporation, or other official document.



See: [American Farmland Trust Annual Report 2020](#)

The capability to acquire, manage, and enforce agricultural land easements or their equivalent.



Self-certify your ability to satisfy this criterion on each parcel application. However, NRCS *may* require additional documented verification, such as an example of an agricultural conservation easement held, managed, and/or enforced by your entity. Be prepared to supply a copy of a recorded easement. If you have worked with NRCS in the past, the agency will already have record of the easements acquired with NRCS support.



See: [Recorded Agricultural Conservation Easement](#)

The capacity to monitor and steward easements.



Report the number of entity staff, volunteers, and/or contractors. NRCS may require additional documentation, which could include a list of those dedicated to monitoring, or a formal agreement with other entities that will be providing monitoring services. If you have already participated in the program, the agency will have your annual monitoring reports on file. These can also demonstrate your stewardship capacity. If you have not been submitting annual monitoring reports, NRCS may scrutinize your capacity in future projects.



See: [VHCB Conservation Easement Stewardship Policy](#)



See: [SADC Staff Contact List](#)

The ability to satisfy non-Federal matching requirements.



Self-certify your ability to satisfy this criterion on each parcel application. However, NRCS *may* require additional documented verification, such as a copy of a grant award or bank statement.



Reference: Conservation Programs Manual Part 528.32 C.

KEY



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EXAMPLE



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You must be able to demonstrate EACH of the following:

Established entity records in FSA's Service Center Information Management System (SCIMS)



Work with FSA staff to create or update records about your organization, including the tax identification number and the Articles of Organization and/or a certificate of good standing from the Secretary of State. Ensure the name of your organization is accurately entered in the system, as having the organization listed under more than one name or name changes can cause processing delays. The resulting report from establishing these records is a Subsidiary Print. This print is a document that summarizes key eligibility information. It categorizes your organization by type of entity.

There are additional requirements if you intend to enter into a post-closing buy-protect-sell transaction using ACEP-ALE. In these transactions, your organization acts as an interim landowner and will need to meet landowner criteria. Landowner criteria include a limit on adjusted gross income and compliance with highly erodible lands and wetlands conservation (HEL/WC) on any land owned or farmed by the organization. Subsidiary prints record these eligibility items as well.



See: [USDA Conservation Compliance Fact Sheet](#)

See: [FSA Adjusted Gross Income FAQ](#)



Reference: Conservation Programs Manual Part 528.32 D.

A Unique Entity Identifier (UEI).



Provide the 12-digit identifier that is issued and maintained for free by SAM. This number verifies the existence of a business entity. The UEI replaces the Dun and Bradstreet Universal Numbering System (DUNS) identifier previously required for SAM registration.



See: [How to Get a UEI](#)



Reference: Conservation Programs Manual Part 528.32 D.

Registration in the System for Award Management (SAM).



Provide report from SAM. Entity must have an active registration in SAM, which is renewed annually. Initial registration could take several weeks to become active.



See: [Get a Unique Entity ID Video](#)



Reference: Conservation Programs Manual Part 528.32 D.

*** For Buy-Protect-Sell (BPS) Transactions Only** For BPS transactions, your organization may also need to meet the landowner eligibility requirements. The timing of the transfer of ownership determines who the landowner is for the purposes of ACEP-ALE participation. For a pre-closing transfer, the landowner is the qualified farmer or rancher, identified by you, who ultimately will own the land prior to or at the ALE closing. For a post-closing transfer, the landowner is the BPS-eligible entity or the interim landowner identified to help facilitate the land transfer, depending on who will be the landowner during the ALE closing. Interim landowners do not need to meet entity eligibility requirements, but interim easement holders do.

See [ACEP-ALE Buy-Protect-Sell Transactions Fact Sheet](#).

KEY



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ADDITIONAL ENTITY APPLICATION CHECKLIST

All information listed below must be submitted with the entity application package for each legal entity that will be identified as a holder or co-holder of a funded easement. If required documentation is not provided, it will affect the eligibility of the application. Required information:

- "EHE Texas Entity Application Questionnaire," fully completed
- Completed NRCS-CPA-41, Entity Application for ACEP-ALE OR
- Completed NRCS-CPA-1274, Entity Application for RCPP-EHE
- SF-1199A (even if previously filed)
- Appropriate documentation of signature authority for entering into agreements and contracts. Must include signature specimen.

NOTE:: Entities with existing program agreements or easements that are delinquent or deficient in satisfying the terms of those agreements or easements may be determined ineligible for funding under applicable programs until such time as the deficiencies are addressed. These deficiencies may include, but are not limited to—

- (i) Failing to conduct monitoring or provide annual monitoring reports to NRCS or providing annual monitoring reports that are insufficient or late
- (ii) Existing agreements with funds remaining more than 2 years after the attachment execution date without any expenditures or actions towards closings of easements in the third year.
- (iii) Failing to comply with the terms of the established program agreement.

ADDITIONAL ENTITY QUESTIONNAIRE

Additional Basic Information (that matches applicable entity application form)

- 1) Primary Entity Mailing Address:

- 2) Primary Entity Point-of-Contact Name, Phone Number, and Email:

- 3) Provide the contact information as requested in #1-2 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):

- 4) Provide 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:

Additional Administrative Requirements

- 5) Have all entities, including co-holders and holders of third-party rights, provided evidence of entry 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

- 6) 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:

Additional Entity Performance

- 7) Describe in detail the entity applicants' protocols for monitoring, stewardship, and enforcement, including NRCS and non-NRCS easements:
- 8) 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:"

CERTIFICATION STATEMENT

Entity Responsibilities

- 9) 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 program agreement and carry out all responsibilities specified in the 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 or in applicable policy).
 6. Provide information to the FSA for entry into SCIMS.
 7. Ensure UEI 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 program 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.

By signing below, I certify acceptance of the entity responsibilities listed above and confirm that a complete and accurately answered copy of the "Texas Entity Application Checklist" has been provided to NRCS by the application cut-off with all of the required documentation on the checklist.

YES NO

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

Primary Eligible Entity Signatory Name

Primary Eligible Entity Name

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 program 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 program 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 UEI 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, IRA-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.