**Agricultural Conservation Easement Program (ACEP)**

**Agricultural Land Easements (ALE)**

**ACEP-ALE Entity Application Questionnaire**



Entity applications for ACEP-ALE should be developed in accordance with this formatted, guidance document. The requested information on the following pages must be provided, including all supporting documentation included on the **Part-1 Entity Application Checklist**. The Entity Application Questionnaire must be submitted as part of the ACEP-ALE Entity Application Packet and submitted to:

**USPS, UPS, or FedEx:** **EMAIL: Drop-off:**

USDA – NRCS State Office To: [erik.bray@usda.gov](mailto:erik.bray@usda.gov) Local USDA Service Center

ATTN: Easement Programs Cc: [trina.johnson@usda.gov](mailto:trina.johnson@usda.gov) NRCS Field Office, District Conservationist

300 Booth Street, Room 2070 Subject: SEE email instructions below

Reno, Nevada 89509

**The ACEP-ALE Entity Application Packet submitted must be complete, fully executed, include all documents requested by NRCS to evaluate the application project and received by 5:00 P.M. PST on January 5, 2024, to be considered for FY 2024 funding.**

ACEP-ALE applications are accepted on a continuous basis, but subject to annual signup periods. Applications must be received by 5:00 P.M. PST on the posted ACEP Application Submission Deadline date (January 5, 2024) to be considered for funding in FY 2024. The ACEP-ALE Entity Application Packet is meant to gather adequate documentation for ACEP-ALE funding consideration. The entity should answer all applicable questions contained within and provide all supporting documentation requested for the application package to be considered complete, unless otherwise noted.

The narratives and supporting documentation may be inserted under the applicable question, or provided as an exhibit or attachment to the application package. The entity eligibility will rely on the information submitted in the proposal along with any data NRCS keeps on any prior and active agreements. Project eligibility and ranking outcome will rely solely on information submitted in the ACEP-ALE Entity Application Packet.

For FY 2024, entity funding agreements will only be executed through a Program Agreement (PA), which Parcel Contract (PC) may be funded under.

If the entity has an existing PA executed in a prior year, covering the program under which parcel applications will be submitted, only the parcel application needs to be submitted. 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. ***Incomplete or ineligible packages will not be considered for funding.***

Eligible and complete ACEP-ALE applications received by the advertised FY 2024 deadline will be considered for funding through a competitive process. It is the responsibility of the entity to ensure the application packet is complete and accurate, including required landowner eligibility. Eligibility identification on the questionnaire is only to be used as a guide. NRCS makes the final determination at its discretion upon review of the application packet. If a question is answered that indicates a parcel is ineligible, contact NRCS before continuing with the application. If the parcel eligibility issue cannot be rectified, the application may not be considered for funding.

To be eligible for USDA program funds, everyone involved in the ACEP-ALE application and listed on the deed must have existing and/or updated records with USDA. This includes the applicant entity organization, landowners and landowner entity members, and individuals. This can take significant time and should be done early to establish records with the Farm Service Agency (FSA) at the local USDA Service Center for the easement parcels. NRCS is not responsible for FSA forms or recording forms for eligibility requirements. **NOTE: Requirements contained within subject to change upon publication of the ACEP final rule.**

A complete *ACEP-ALE Entity Application Packet* submittal must include the forms and supplemental information on the documents listed below. SEE the Nevada Easement Programs ACEP-ALE webpage for additional ACEP information.

Application submittal via email is preferred during COVID-19 restrictions. **Email Submittal Instructions:**

1. *Submit an electronic application packet for ACEP-ALE as separate documents, single sided, PDF’s.*
2. *Do not combine documents into one PDF or submit links to digital file boxes for downloading documents.*
3. ***Enter an EMAIL Subject Line:*** *FY24\_ACEP\_WRE-Landowner Name or ALE-Entity Name.*
4. ***EMAIL Attachments Naming Convention:*** *WRE-Landowner or ALE-Entity Name\_FY24\_DOC or Form number or Name\_1 of X.*

**Entity Application Materials**

ACEP\_ALE\_NRCS-CPA-41\_Entity\_Application\_FEB2020

SF-1199A\_Direct\_Deposit\_Sign-up\_Form

ACEP-ALE Entity Application Questionnaire\_DEC2022

ACEP-ALE NRCS Program\_Agreement\_APR2021

Exhibit-1\_Program\_Agreement Signature Page\_Entity\_CoHolder\_3rdPartyRightHolder

Exhibit-2\_Appraisal\_NRCS Specifications for ACEP-ALE

Exhibit-3(a)\_NRCS-CPA-1265\_ACEP-ALE\_Parcel\_Cost-Share\_Contract\_AUG2020

Exhibit-3(b)\_NRCS-CPA-1265\_Appendix\_Parcel\_Cost-Share\_Contract\_AUG2020

Exhibit-3(c)\_NRCS-CPA-1266\_Schedule of Acquisition for Easements\_FEB2020

Exhibit-3(d)\_NRCS-CPA-1267\_MOD\_Schedule of Acquisition for Easements\_FEB2020

Exhibit-3(e)\_NRCS-CPA-230E\_ConfirmMatchFunds\_ACEP-ALE General 2018 Farm Bill\_OCT2021

Exhibit-3(f)\_NRCS-CPA-230F\_ConfirmMatchFunds\_ACEP-ALE-GSS 2018 Farm Bill\_OCT2021

Exhibit-3(g)\_NRCS-CPA-1268\_ApprovalPaymentAcquisition\_OCT2021

Exhibit-4\_CCC-36\_Assignment of Payment\_093024

Exhibit-4\_ACEP-ALE\_Entity Parcel Baseline Condition Items

ACEP\_ALE\_Minimum Deed Terms\_FEB2020

**ALE-Parcel Application Materials**

ACEP-ALE\_NRCS-CPA-41A\_Parcel\_Sheet\_FEB2020

ACEP-ALE Parcel Application Questionnaire\_DEC2022

ACEP-ALE Parcel Application Workbook\_DEC2021

ACEP-ALE\_NRCS-CPA-41A-BPS\_Supplement\_Parcel\_Sheet\_APR2021

**Landowner USDA Farms Records and Eligibility Documentation**

All landowners of the property offered for enrollment must meet Farm Service Agency (FSA) payment eligibility criteria as it applies to the NRCS easement programs. Landowners must ensure they establish or update the property record and applicable payment eligibility paperwork with FSA for the Fiscal Year in which the application will be submitted. Landowners should visit with their local USDA Service Center for more information.

ACEP\_ALE\_Nevada Landowner Checklist-FSA Eligibility\_DEC2021

AD-1026\_HELC\_WC\_Certification\_103014

CCC-901\_Members Information\_093024

CCC-902-I\_FarmOperatingPlanIndividual\_010721

CCC-902-E\_FarmOperatingPlanENTITY\_010721

CCC-902-E\_ContinuationSheet\_FarmOperatingPlanENTITY\_010721

CCC-941\_Average AGI\_093024



**PART I – ENTITY APPLICATION CHECKLIST**

After choosing an agreement type under which to apply, all information listed under that “agreement type” column must be submitted with the entity application packet. The chosen agreement type must be selected on the NRCS-CPA-41 form. Only fill out one column below. If you wish to select the cooperative/grant agreement option, you must first contact the Easements Program Manager. The application materials specific to cooperative/grant agreements are not provided on the Nevada Easement website.

|  |  |
| --- | --- |
| **Cooperative/Grant Agreement Option**  ***NOT Offered for FY 2024.*** Submit once per fiscal year with all applicable parcel applications. Funding is assigned to the agreement and then allocated to each parcel. NRCS manages the agreement with oversight from the USDA Grants & Agreements Division. More paperwork required, less flexibility. | **Program Agreement Option**  ***REQUIRED for FY 2024.*** Submit once to cover a defined period. No funding is assigned to the Program Agreement. Each parcel is funded through a separate contract, covered by the terms and conditions of the Program Agreement. NRCS controls the agreement. Less paperwork required, more flexibility. |
| * FY 2022 Entity Questionnaire is complete * Evidence of eligible entity type (e.g., 501(c)(3)) * NRCS-CPA-41, Entity Application\* * NRCS-CPA-41A, Parcel Sheet Application * SF-424\* * SF-424A\* * SF-424B (optional) * AD-3030, Felony and Tax Delinquent Status (optional) * Certification Regarding Lobbying * SF-LLL, Disclosure of Lobbying Activities * SF-1199A (even if previously filed) * Evidence of “Active” DUNS/SAM registration (includes entity applicants AND co-holders) * Statement of Authority or other form of signature authority, including signature specimen(s) * This application contains only\*\* (select ONE):   + General ALE parcel applications   + GSS and/or GSS Initiative parcel applications | * FY 2022 Entity Questionnaire is complete * Evidence of eligible entity type (e.g., 501(c)(3)) * NRCS-CPA-41, Entity Application * NRCS-CPA-41A, Parcel Sheet Application * 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. (e.g. articles of incorporation, bylaws, LLC papers, trust documents, Board resolutions etc.)     \*Must consider all parcels values and information covered by this entity application package.  \*\*For cooperative/grant agreements, you cannot have General and GSS parcels under the same agreement. General and GSS parcels must be grouped separately under different entity applications and agreements. This requirement is not applicable to a Program Agreement. |



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**PART II – 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.Agreements may be set up for a five-year duration. An ALE applicant will not need to resend entity specific items in FY24 **if** a Program Agreement was already established within the last five-years and all provided information is still current.

**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 NRCS-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 packet. Provide updated documentation if signatory has changed since original submittal: ***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 – **INELIGIBLE**

**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 Nevada as applicable?

YES  NO – **INELIGIBLE**

***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 – **INELIGIBLE**

***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 – **INELIGIBLE**

***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 – **INELIGIBLE**

***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 agreement? **NOTE:** If awarded, all co-holders must sign the agreement or submit other acceptable documentation.

YES  NO – **INELIGIBLE**

***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 – **INELIGIBLE**

* + 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? Has the entity filed all applicable, required FSA eligibility forms? **NOTE:** You must work directly with the local FSA office according to the legal address of the entity.

YES  NO – **INELIGIBLE**

* + 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 “ALE Entity Application Checklist” been provided and has all the documentation on the checklist been provided?

YES  NO – **INELIGIBLE**

**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.***



**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 NRCS-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 NRCS-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 NRCS-CPA-41.

***Program:*** Only for the purposes of determining the necessity of a new Program Agreement entity application packet, ***program*** means ACEP-ALE projects. Grasslands of special significance or other initiative do not count as a separate program for the purposes of a Program Agreement.



**Entity Responsibilities**

By submission of this application and if awarded an agreement, the entity applicant(s) 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 Nevada NRCS Programs Easement Specialist at least annually, provide a hard copy to State Office and electronic version via email to the Easement Programs Specialist, per the annual monitoring guidance email notice.
      10. Enforce the terms of the agricultural land easement.
      11. After consultation with and written 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.



***-END-***