

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.

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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 Dun and Bradstreet Universal Numbering System (DUNS) identifier.



Provide the 9-digit identifier that is issued and maintained for free by Dun and Bradstreet. This number verifies the existence of a business entity and is a prerequisite for registration in the System for Award Management. DUNS identifier will be shown on SAM report.



See: [How to Get a DUNS Number and Register with SAM](#)



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: [SAM Registration Webinar](#)



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](#).

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