

Eligible Entity Certification Request Package Checklist

Certification Request Package Checklist (CPM Part 528 Subpart H 528.72)

The eligible entity certification request package checklist is a guide for well-qualified eligible entities to ensure that the required items are available to submit a request to become certified. Entity certification allows eligible entities such as land trusts with administrative flexibility that helps to streamline participation in ACEP-ALE. See the Alliance Eligible Entities Certification Factsheet for more details and be sure to always refer to the USDA Conservation Program Manual (440-CPM Part 528 Subpart H) for agency policy on entity certification. For policy on eligibility for ACEP-ALE see the USDA Conservation Program Manual (440-CPM, Part 528, Subpart D, Section 528.32).

Certification Request Package Checklist for ACEP-ALE	
Required Documentation (to be provided by the Eligible Entity)	<i>Check the box if the required documentation has been submitted and is complete.</i>
(1) A cover letter that addresses each of the following:	
(i) Requests certification under ACEP-ALE.	
(ii) Outlines the eligible entity's ability to meet ACEP-ALE certification requirements and includes the following statement: <i>"(insert entity name here) will maintain, at a minimum, for the duration of the agreement:</i> <ul style="list-style-type: none"> I) A plan for administering easements that is consistent with the purpose of the program. II) The capacity and resources to monitor and enforce agricultural land easements. III) Policies and procedures to ensure: <ul style="list-style-type: none"> (aa) the long-term integrity of agricultural land easements on eligible land. (bb) timely completion of acquisitions of such easements. (cc) timely and complete evaluation and reporting to the Secretary on the use of funds provided under the program." 	
(iii) Identifies which certification category it is in (Accredited Land Trust, State Agency, General Certification).	
(iv) Agree to use easement valuation methodologies identified in 7 CFR Section 1468.24 for ACEP-ALE-funded acquisitions.	
(v) Agree to use the published ACEP-ALE grant agreement for certified eligible entities once it is certified.	

<p>(2) Attachment — If an eligible entity is seeking multistate certification, the eligible entity must include a list of the States in which it is seeking certification.</p>	
<p>(3) Attachment — A list of the entity’s 10 most recently closed (ACEP-ALE, FRPP, FPP) agricultural conservation easements that the eligible entity holds, including:</p>	
<p>(i) The location (state and county) of the 10 listed agricultural easements.</p>	
<p>(ii) The date each listed easement was acquired and was last monitored.</p>	
<p>(iii) The results of the last monitoring visit for each listed easement.</p>	
<p>(4) Attachments — Evidence that the entity has the capacity to enforce the provisions of easement deeds and a history of such enforcement, including:</p>	
<p>(i) A copy of the most recent annual monitoring reports for all ACEP-ALE, FRPP or FPP-funded conservation easements, unless previously submitted to NRCS.</p>	
<p>(ii) Verification of NEST data that the entity monitored all its ACEP-ALE, FRPP and FPP easements in the year preceding the request for certification. <i>(The state will verify this in the NEST records; this is not supplied by the eligible entity. Please provide screenshots or reports from NEST as verification.)</i></p>	
<p>(iii) Documentation of resolution for all ACEP-ALE, FRPP or FPP-funded conservation easements that were violated. <i>(Provide a list of all violations with the resolution.)</i></p>	
<p>(5) Based on the certification category, the certification request package must also include the following documentation:</p>	
<p>(i) Land Trust Accredited by the Land Trust Accreditation Commission:</p>	
<ul style="list-style-type: none"> • Attachment — Current evidence that the entity has been awarded accreditation (first-time or renewal) by the Land Trust Accreditation Commission (LTAC) and that such accreditation is in good standing at the time certification is requested. 	
<ul style="list-style-type: none"> • Attachment — The entity must disclose if LTAC accreditation was awarded subject to “expectations for improvement,” as NRCS may request additional documentation related to the status of the entity’s compliance with such expectations. 	
<ul style="list-style-type: none"> • Attachment — A statement that the entity will seek renewal of its LTAC accreditation for the duration of any active ACEP-ALE grant agreements, or where authorized ACEP-ALE program agreements, with certified eligible entities. 	
<ul style="list-style-type: none"> • Attachment — A statement that the entity will notify NRCS immediately upon changes to its LTAC accreditation status. 	
<p>(ii) State Agency:</p>	
<ul style="list-style-type: none"> • Attachment — Proof entity is a state department of agriculture or other state agency with statutory authority for farm and rangeland protection. 	

<p>(iii) General Certification for any Eligible Entity Type:</p>	
<ul style="list-style-type: none"> • Attachment — A list of 25 agricultural easements that the eligible entity holds, including the location of such easements (state and county), the date each listed easement was acquired and was last monitored, and the results of that monitoring visit (e.g., in compliance, in violation, etc.). <ul style="list-style-type: none"> ○ Note: If the entity requests a waiver of this requirement, then the entity must provide evidence of comparable experience working with conservation easements and with the agricultural community. This evidence must include a list of up to 25, but no less than 10, conservation easements or similar interests in real property the entity holds, manages or enforces, and a written explanation of how this experience ensures the entity can meet ACEP-ALE purposes and requirements. The State Conservationist has the authority to grant this waiver and must document the basis for their determination. 	
<ul style="list-style-type: none"> • Attachment — A copy of the written acquisition, monitoring and enforcement policies of the eligible entity. 	
<ul style="list-style-type: none"> • Attachment — Documentation of any enforcement actions the eligible entity has taken within the past five years, such as court documents (e.g., motions initiating an enforcement action, court opinions, etc.) or a narrative description of specific enforcement actions and violation resolution strategies. 	
<ul style="list-style-type: none"> • Attachment — If no enforcement issues, a narrative description of any proactive actions taken by the eligible entity to educate easement landowners, maintain contact with easement landowners and prevent easement violations. 	
<ul style="list-style-type: none"> • Attachment — If a nongovernmental organization, provide documentation of the existence of a dedicated fund with sufficient amounts set aside for monitoring and enforcement. Documentation must include either the relevant portions of the eligible entity’s financial statements or bank records. <ul style="list-style-type: none"> ○ Notes: ○ A dedicated fund is considered committed to these purposes if it is held in a separate account and may not be used for other purposes. ○ The dedicated fund is considered sufficient if it has at least \$50,000 for legal defense and \$3,000 per easement for management and monitoring. ○ Although a sufficiently capitalized risk pool will satisfy the requirement for a dedicated fund, documentation of a dedicated monitoring fund is still required unless the risk pool explicitly covers monitoring of easements. 	
<ul style="list-style-type: none"> • Attachment — Documentation of any professional accreditation or certification the entity has received that relates to the eligible entity’s ability to meet ACEP-ALE certification requirements. (Optional) 	