

ACEP-ALE Certification

Fact Sheet



Background

NRCS employs a national certification process through which eligible entities that have demonstrated their experience may close NRCS funded easements with greater independence. Certification allows eligible entities administrative flexibility when participating in the **Agricultural Conservation Easement Program** – Agricultural Land Easements (ACEP-ALE), based on demonstrated experience preserving agricultural land and successful participation in NRCS’s Farmland Protection Program (FPP), Farm and Ranch Lands Protection Program (FRPP), or ACEP-ALE.



For further information, please contact your **NRCS State Office**.

Who Can Be Certified

Any eligible entity may request certification. The requirements for certification, however, differ based on the eligible entity type:

Differences in Requirements	Accredited Land Trust	State Agency	Any Other Eligible Entity
Category description:	Accredited by the Land Trust Accreditation Committee. Accreditation must be in good standing.	State Department of Agriculture or other State Agency with Statutory Authority for farm and ranchland protection.	Must hold, manage, and monitor at least 25 agricultural conservation easements (not necessarily NRCS easements).
NRCS easement portfolio:	Must hold, manage, and monitor at least 10 ACEP-ALE, FRPP, or FPP funded easements in good standing.	Must hold, manage, and monitor at least 10 ACEP-ALE, FRPP, or FPP funded easements in good standing.	Must hold, manage, and monitor at least 10 ACEP-ALE, FRPP, or FPP funded easements in good standing (can be among the 25 required above).
Additional criteria, as applicable:	N/A	N/A	For non-governmental organizations, evidence of a sufficient fund dedicated to legal defense, monitoring, and enforcement required.

Certification prerequisites include an agreement to use the valuation methodologies in the regulation (i.e., Uniform Standards of Professional Appraisal Practice, Uniform Standards for Federal Land Acquisitions, Areawide Market Analyses, or other industry approved methods), have a track record of timely easement acquisitions, have capacity to monitor and enforce the easement deed terms with a history of such enforcement, and agree to use the

published Program Agreement with the applicable certified entity provisions in the request for certification. Negotiation of a Program Agreement Exhibit 4, which is an optional attachment providing additional agreement provisions (e.g., parameters for substitutions, Minimum Deed Terms addendum, alternative valuation, or NRCS NHQ-approved template deed), can provide other flexibilities or facilitate streamlined processes.



How to Request Certification

An eligible entity may submit a written request for certification, which includes all required request package documents, at any time to the State conservationist for the State in which they are seeking certification. Certification request packages include a cover letter, list of states (if multiple) in which they are seeking to be certified, identification of the eligible entity's ten most recently closed NRCS easements, documentation concerning history and capacity of enforcement, and proof of certification category. There is no specific solicitation period for certification requests. If an eligible entity seeks certification in multiple States, the written request must be submitted to the State conservationist for the State in which the eligible entity has completed the greatest number of ACEP-ALE, FRPP, or FPP funded easement acquisitions.

Certification Review Process

The State conservationist reviews the materials submitted in the request package and makes recommendations to the regional conservationist—where final determination of certification approval rests. The regional conservationist notifies the eligible entity of the final decision in writing. However, if the State conservationist, or the regional conservationist, determine the certification requirements are not met then written notification will be provided, including the reasons for denial. The eligible entity may be invited to re-submit its application after addressing the deficient criteria.

Benefits of Certification

Certified entities may implement ACEP-ALE with greater independence and without significant involvement and review from NRCS. This can expedite the easement acquisition process for entities that are certified. For example, they may use their own deed terms as long as the US right of enforcement clause is included and the ACEP-ALE regulatory deed requirements are met. Generally speaking, certified entities close ACEP-ALE easements without NRCS reviewing much, and in some cases any, of the acquisition-related due diligence. An NRCS certified planner must complete and approve any Highly Erodible Land (HEL) conservation plans on fields with highly erodible cropland. Certification status does not affect the ability to participate in ACEP-ALE. Certification remains in effect for the duration of the Farm Bill under which it was approved. NRCS, in its discretion, may extend certification status into a subsequent Farm Bill period.

A certified entity has the discretion to decide on a parcel-by-parcel basis under the terms of the same Program Agreement whether it wishes to process the transaction as a certified entity or if it wishes to have greater NRCS review consistent with normal program processes.



Quality Assurance Reviews

NRCS will conduct annual quality assurance reviews of the easement acquisition transactions and annual monitoring reports to ensure certified entities continue to meet the certification requirements. These reviews may occur at any time and will be conducted on a percentage of the certified entity's transactions submitted for payment each fiscal year. The reviews must determine whether the conservation easement was appropriately acquired and is being monitored and enforced in accordance with ACEP-ALE program purposes, the requirements set forth by NRCS in its certification of the eligible entity, and the ACEP-ALE Program Agreement. NRCS will work with the certified entity to correct any findings resulting from the Quality Assurance Review as needed.

