Receive and check NRCS-CPA-1200 application for completeness

In order to be able to receive an application, you are going to need to hand out an application…and that means needing to know where to go to print a blank application.

At the time an application is turned in, it is a good idea to review the application while the applicant is still in your presence in case there are questions they failed to answer or failed to answer fully.
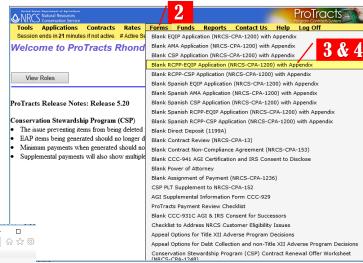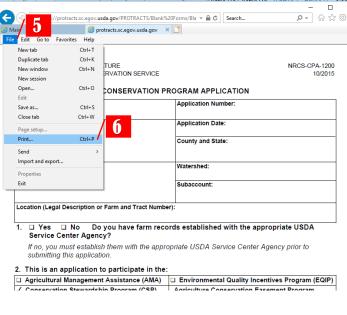
It is also a good idea to ask the applicant if they have been to FSA to do their annual eligibility paperwork while they are still in the building. It may save you some work later in the application process with updating Eligibility.
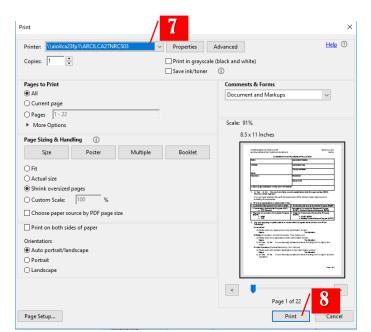
PRINT A BLANK APPLICATION

1. Login to ProTracts (e-Authentication site)
2. Point to the FORMS tab on the yellow bar
3. Scroll down the list of printable forms and highlight the application you want to print
4. Left-click on your application choice
5. In the newly opened website window, left-click on "File" in the grey bar
6. Left-click on "Print" in the drop-down list
7. In the print window, choose your printer
8. Left-click "Print" at the bottom of the Print window

Exhibit 1: Print a Blank Application

CHECK AN APPLICATION FOR COMPLETENESS (PAGE 1)

A SCREENSHOT OF PAGE 1 OF THE NRCS-CPA-1200 APPLICATION FOLLOWS THE INSTRUCTIONS BELOW. On the screenshot, red ink indicates areas that should be (or may need to be) filled out by applicant. Red circles indicate choices the applicant should make to answer the questions.

The **applicant** should fill out the following items on page 1:

Name: This should be the full legal name of the individual, entity, partnership, etc. who is applying. It is helpful if entity & partnership names are written as they exist in FSA's records

Address: This should be the address of the applicant listed in the Name space. It should match the address of the named applicant as it exists in FSA's records. If the address has changed, the applicant should update their address with FSA.

Email: Applicant email is optional, but helpful if they will provide it.

Telephone: Applicant should provide the best daytime phone number

Application Date: This should be the date the applicant signs page 4 of the application.

County & State: This should the county and state of where the project is physically located.

Question #1: Applicant should indicate whether or not they have established themselves, their entity, their farms and tracts with USDA...in this case Farm Service Agency (FSA).

Question #2: When you selected which type of application you wanted to print, the box (or boxes) in question 2 were filled in accordingly. Double check it is the correct one.

Question #3: The applicant should choose if they are applying as an individual, an entity, **or** a joint operation.

*Note that once the applicant has chosen which type of applicant they are, there are follow-up questions which need to be answered for each of the different types of applicant. For example, and entity needs to fill in the entity's **Name**, the entity's **Tax number**, and answer whether or not they have appropriate documentation that describes things such as the type of entity (LLC, Corporation, S-Corp, etc.), the members of the entity, the member shares, signature authorization for the entity, etc.*

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CONSERVATION PROGRAM APPLICATION

Name: **Applicant Name**	Application Number:
Address: **Applicant Street Address** **Applicant City, State, Zip** Email: **Applicant email address**	Application Date: **Date Applicant signed application**
	County and State: **County and State**
Telephone: **Applicant daytime phone**	Watershed:
	Subaccount:

Location (Legal Description or Farm and Tract Number):

1. ☐ Yes ☐ No Do you have farm records established with the appropriate USDA Service Center Agency?

   If no, you must establish them with the appropriate USDA Service Center Agency prior to submitting this application.

2. **This is an application to participate in the:** *(Mark appropriate box or boxes below if not already selected when printed)*

☐ Agricultural Management Assistance (AMA)	☐ Environmental Quality Incentives Program (EQIP)
✓ Conservation Stewardship Program (CSP) ☐ CSP Renewal	Agriculture Conservation Easement Program (ACEP) - Wetland Reserve Easements (WRE)

☐ Regional Conservation Partnership Program (RCPP)
     ☐ EQIP
     ☐ CSP
	☐ Regional Conservation Partnership Program (RCPP)
	     ☐ ACEP- (WRE)
	     ☐ Healthy Forest Reserve Program (HFRP)

3. Are you applying to participate in a conservation program as an (check one of the following):

   ☐ **Individual**
   a) Please enter your legal name and tax identification number:
       Name: **Individual's Name**   Tax Number: **Individual's tax number (SSN)**

   ☐ **Entity** (Corporation, Limited Partnership, Trust, Estate, etc.)
   a) Please enter entity legal name and tax identification number:
       Name: Tax Number: **Entity's Tax number (FEIN)**
   b) ☐ Yes ☐ No Do you have appropriate documents including proof to sign for the entity? *(If Entity is marked, applicant also needs to answer question b)*

   ☐ **Joint Operation** (General Partnership, Joint Venture)
   a) Please enter joint operation legal name and tax identification number:
       Name: **Operation Name**   Tax Number: **Operation's tax number (SSNs or FEIN)**
   b) ☐ Yes ☐ No Do you have appropriate documents including proof to sign for the joint operation? *(If Joint Operation is marked, applicant also needs to answer question b)*

Exhibit 2: NRCS-CPA-1200 Conservation Program Application Page 1

CHECK AN APPLICATION FOR COMPLETENESS (PAGE 2)

A SCREENSHOT OF PAGE 2 OF THE NRCS-CPA-1200 APPLICATION FOLLOWS THE INSTRUCTIONS BELOW. On the screenshot, red ink indicates areas that should be (or may need to be) filled out by applicant. Red circles indicate choices the applicant should make to answer the questions.

The **applicant** should fill out the following items on page 2:

Question #4: The applicant should indicate whether or not the land offered for enrollment is used for crop and/or livestock production. It can be one or the other or both. *Note: Timber is considered a crop.* For each of the types of production marked, the applicant should list their predominant type of production. For example, CORN and a predominant crop type, BEEF CATTLE for a predominant livestock type.

Question #5: The applicant should choose which type of ground they are offering for enrollment. (In most cases, the type will be Private Land.)

Question #6: The applicant should indicate how they will demonstrate they have control of the land offered for enrollment…via a deed, a written lease, or any other type of agreement. If Written Lease or Other Agreement is chosen, the applicant also needs to indicate the beginning and ending years of those documents.

With an EQIP application, it is typical for the applicant to be doing the conservation work on his/her own property, and, therefore, will indicate a Deed is their proof of land control. A CSP application, however, is likely to involve both ground the applicant owns and ground he/she rents. That means there could be a combination of responses, but you can only choose one response to enter in to ProTracts. In those cases, the policy in our office has been to choose the one to enter in this order: If it applies, first choose Other Agreement over Deed or Written Agreement. If Other Agreement doesn't apply, but Written Lease and Deed do, choose Written Lease over choosing Deed. This sets the applicant up for needing to acquire the least legal document.

Question #7: The applicant should indicate if the land offered for enrollment is enrolled in any other conservation programs such as CSP, EQIP, WRP, GRP, CRP, etc.

Note: While the application doesn't ask for this information, to enter the application in ProTracts, you will need to know which other program(s) the land is enrolled in…so if you see a "Yes" response here, be sure to ask which program(s) apply.

Question #8: The applicant should indicate if they meet the criteria for any of the types of applicants listed. Descriptions of each type immediately follow Question 9.

Note: It is up to the applicant—NOT YOU—to decide if they meet the criteria. Applicants do not have to submit proof with the application, but should be prepared to provide proof if requested during an NRCS certification audit.
Also note: In the case of entities and organizations, ALL persons associated with the entity or organization must meet the criteria of the type in order for that type to be checked. For example: For an application by a partnership made up of 3 individuals, all three individuals must meet the criteria of a Beginning Farmer or Rancher in order for the partnership to be able to mark Beginning Farmer or Rancher on its application.

Exhibit 3: NRCS-CPA-1200 Conservation Program Application Page 2

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4. Is the land being offered for enrollment used for crop (including forest-related) or livestock production?

❑ Crop Production
❑ Livestock Production

Crop Type: **Predominant crop** *(if crop is marked)*
Livestock Type: **Predominant livestock** *(if livestock is marked)*

5. The land offered under this application is (check all that apply):

❑ Private Land
❑ Public Land (Federal, State, or Local Government)
❑ Tribal, Allotted, Ceded or Indian Land

6. You certify that Certification of control of the land offered under the application is evidenced by:

❑ Deed or other evidence of land ownership (required for all ACEP-WRE applications)

❑ Written lease agreement
Years of control are ___ through ___   **Beginning and ending year of written lease** *(if written lease is marked)*

❑ Other agreement or legal conveyance (describe): _____
Years of control are ___ through ___   **Beginning and ending year of agreement** *(if agreement is marked)*

7. ❑ Yes ❑ No Is the land offered under this application enrolled in any other conservation program?

8. Do you meet the criteria for any of the following categories? (mark all that apply)

❑ Limited Resource Farmer or Rancher
❑ Beginning Farmer or Rancher
❑ Socially Disadvantaged Farmer or Rancher
❑ Veteran Farmer or Rancher
❑ Not Applicable

If you wish to apply in any of these categories, you must meet the self certification requirements. Definitions are provided below. For more information please go to this website: https://lrftool.sc.egov.usda.gov/

Limited Resource Farmer or Rancher – The term "Limited Resource Farmer or Rancher" means a participant:

• With direct or indirect gross farm sales not more than the current indexed value in each of the previous two years, and
• Who has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous two years.

A legal entity or joint operation can be a Limited Resource Farmer or Rancher only if all individual members independently qualify. A Self-Determination Tool is available to the public and may be completed on-line or printed and completed hardcopy at: https://lrftool.sc.egov.usda.gov/

CHECK AN APPLICATION FOR COMPLETENESS (PAGE 3)

A SCREENSHOT OF PAGE 3 OF THE NRCS-CPA-1200 APPLICATION FOLLOWS THE INSTRUCTIONS BELOW. On the screenshot, red circles indicate choices the applicant should make to answer the question.

The **applicant** should fill out the following items on page 3:

Question #9: The applicant should indicate if their offered land is in any state of becoming classified as organic.

Exhibit 4: NRCS-CPA-1200 Conservation Program Application Page 3

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Beginning Farmer or Rancher– The term "Beginning Farmer or Rancher" means a participant who:

• Has not operated a farm or ranch, or who has operated a farm or ranch for not more than 10 consecutive years. This requirement applies to all members of a legal entity, and who
 • Will materially and substantially participate in the operation of the farm or ranch.

In the case of a contract with an individual, individually or with the immediate family, material and substantial participation requires that the individual provide substantial day-to-day labor and management of the farm or ranch, consistent with the practices in the county or State where the farm is located.

In the case of a contract made with a legal entity, all members must materially and substantially participate in the operation of the farm or ranch. Material and substantial participation requires that the members provide some amount of the management, or labor and management necessary for day-to-day activities, such that if the members did not provide these inputs, operation of the farm or ranch would be seriously impaired.

Socially Disadvantaged Farmer or Rancher- The term "Socially Disadvantaged" means an individual or entity who is a member of a socially disadvantaged group. For an entity, at least 50 percent ownership in the farm business must be held by socially disadvantaged individuals. A socially disadvantaged group is a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities. These groups consist of the following:

• American Indians or Alaskan Natives
• Asians
• Blacks or African Americans
• Native Hawaiians or other Pacific Islanders
• Hispanics.

Note: Gender alone is not a covered group for the purposes of NRCS conservation programs. The term entities reflect a broad interpretation to include partnerships, couples, legal entities, etc.

Veteran Farmer or Rancher- The term "Veteran Farmer or Rancher" means a farmer or rancher who:

• Served in the active military, naval, or air service, and
• Who was discharged or released from the service under conditions other than dishonorable, and
• Who has not operated a farm or ranch; or has operated a farm or ranch for not more than 10 consecutive years.

A legal entity or joint operation can be a Veteran Farmer or Rancher only if all individual members independently qualify.

9. Is any of the land offered for enrollment under this application:
 ☐ Certified Organic by the National Organic Program (NOP)
 ☐ Transitioning to become Certified Organic by the NOP
 ☐ Exempt from Organic Certification as defined by the NOP
 ☐ Not Applicable

CHECK AN APPLICATION FOR COMPLETENESS (PAGE 4)

A SCREENSHOT OF PAGE 4 OF THE NRCS-CPA-1200 APPLICATION FOLLOWS THE INSTRUCTIONS BELOW. On the screenshot, red ink indicates areas that should be (or may need to be) filled out by applicant. Red circles indicate choices the applicant should make to answer the questions.

The **applicant** should fill out the following items on page 4:

Question #10: The applicant should indicate whether or not you provided them with a copy of the appendix.

Signature and Date: The applicant should sign and date the application.

<u>Exhibit 5: NRCS-CPA-1200 Conservation Program Application Page 4</u>

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Certification in any of these categories is to assist with planning and will not automatically result in the application being considered in any initiatives made available for organic-related production. Applicants must specifically request to participate in an organic initiative. Note that the EQIP Organic Initiative has a lower payment limitation ($20,000/year and $80,000 over any 6-year period per person or legal entity) than payments made to a person or legal entity under General EQIP.

On the farm(s) identified above, the Applicant agrees to participate in the identified program if the offer is accepted by the NRCS. The undersigned shall hereafter be referred to as the "Participant." The participant understands that starting a practice prior to contract approval causes the practice to be ineligible for program financial assistance. The participant will obtain the landowner's signature on the contract or provide written authorization to install structural or vegetative practices. The Participant agrees not to start any financially assisted practice or activity or engage the reimbursable services of a certified Technical Service Provider before a Contract is executed by CCC. The Participant may request, in writing, a waiver of this requirement for financially assisted practices by the NRCS State Conservationist.

All participants that certify land control or certify eligibility as Limited Resource Farmer or Rancher, Beginning Farmer or Rancher, or Veteran Farmer or Rancher will provide all records necessary to justify their claim as requested by a NRCS representative. It is the responsibility of the Participant to provide accurate information to support all items addressed in this application at the request of NRCS. False certifications are subject to criminal and civil fraud statutes.

The Participant acknowledges that highly erodible land conservation/wetland conservation, adjusted gross income certifications, and member information for entities and joint operations are on file with the FSA.

10. ☐ Yes ☐ No I have received a copy of the applicable conservation program contract appendix.

Applicant Signature	Date
Applicant's	**Applicant's Signature**

NON-DISCRIMINATION STATEMENT

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Date stamp NRCS-CPA-1200 application when application is received

After you have reviewed the application, have made sure all questions are answered FULLY, and have checked that the person signing the application has authority to sign for the applicant, mark the top of the application as RECEIVED and put the date the COMPLETED application was received. This does not have to be a stamp…it can be hand-written.

Note: an exception to needing to have a fully completed application before date stamping would be Question #4. For Individual applicants, this question does not need a response and for Entity applicants, it is ok if they don't have their DUNS and SAM accounts at the time the application is submitted.

Review signature authority

The documents you will need to review (and copy for the NRCS contract file) will depend on the type of applicant you are reviewing. Below is an outline of the different types of documents that should contain the signature authority information you are seeking depending on the circumstances. The outline is mostly a guide—not the gospel—except where the words are CAPITALIZED and **bolded**.

If the applicant is an **Individual** and the person signing for the individual applicant is…
> … himself/herself — No review is necessary (fingers crossed the individual is who he/she says he/she is).

> … a spouse of the individual — A spousal signature is **NOT** acceptable unless the spouse has an executed Power of Attorney (POA)—and that is the gospel. In the case of the spouse having an executed POA, they would sign as POA and not as the spouse.

> … a Power of Attorney (POA) for the individual — FSA is the keeper of the POA information. There are two types of Power of Attorney forms that FSA might have on file for an individual.
> - The first is a legal Power of Attorney document that has been notarized. This POA paperwork **MUST** have been executed **PRIOR** to the POA signing a program application and should be filed with the county FSA office so they can send it to FSA State Office for further review.

> *Note: This type of POA is normally only accepted when the grantor is incapacitated and unable to execute an FSA-211 form.*

> - The second is a form FSA-211 POWER OF ATTORNEY. This POA paperwork **MUST** be executed and on file with FSA **PRIOR** to the POA signing a program application.

> *Note: FSA should be tracking this as well, but it is worth it to mention that FSA-211 POA forms are only good for the current Farm Bill. So, it is best to have a FSA-211 POA on the current 2014 Farm Bill form. However, a 2008 Farm Bill FSA-211 is still valid if, **AND ONLY IF**, the grantor checked box #2 (All current and all future programs) in Section A.*

If the applicant is an **Entity** or a **Joint Operation** and the person signing for the entity/joint operation applicant is…

... an officer or member of the entity – FSA is also the keeper of the entity/joint operation membership information. There are a few different ways entities and joint operations can establish their membership and their signature authority information with FSA.

- o Entities and joint operations who are **not** requesting government payments can establish their membership and signature authority with FSA
  1. by providing FSA with copies of their business organization papers (Articles of Incorporation, LLC documents, Trust documents, etc.). The business organization papers should list the members of the entity or joint operation and should state which members have signature authority for the entity or joint operation.
  2. or by completing a CCC-901 form. Item 1 in Part A will list the names of the members and Item 5 of Part A will indicate which member(s) have signature authority. If the person you are looking for is not listed in Part A, they could be part of an entity that is listed in Part A, and might show up in Parts B, C, or D (Embedded Entities). It is probably best to ask FSA to help you figure the signature authority of any embedded entities.
- o Entities and joint operation who are requesting government payments can establish their membership and signature authority with FSA
  1. By completing a CCC-902-E form. Item 1 of Part C will list the names of the members and indicate which member(s) have signature authority. Ask FSA for assistance when needed.

... a Power of Attorney (POA) for the entity or joint operation — Again, FSA is the keeper of the POA information. There is typically only one type of Power of Attorney form that FSA will have on file for an entity or joint operation.

- o An entity will assign POA on form FSA-211 POWER OF ATTORNEY. This POA paperwork **MUST** be executed and on file with FSA **PRIOR** to the POA signing a program application.

  *Note: FSA should be tracking this as well, but it is worth it to mention that FSA-211 POA forms are only good for the current Farm Bill. So, it is best to have a FSA-211 POA on the current 2014 Farm Bill form. However, a 2008 Farm Bill FSA-211 is still valid if, **AND ONLY IF**, the grantor checked box #2 (All current and all future programs) in Section A.*