

# ACAP APPLICATION INSTRUCTIONS, GUIDANCE, AND EXPECTATIONS

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The following instructions pertain to the Agricultural Conservation Assistance Program Application and associated attachments. These instructions are to act as a guide only. Note that all fields are required unless indicated otherwise.

## APPLICATION INSTRUCTIONS

### Section 1: Application Information

- **Applicant Name:** Name or names of individuals that are applying for funding.
- **Landowner/Operator (if different from applicant):** Name or names of the individuals that own the land in question.
- **Farm Name:** If farm has a registered name/business entity, list it here. If not, leave blank.
- **Tax ID:** For farm registered as legal business entity list the associated tax identification number.
- **Farm Address:** Address where the project in question is located.
- **Operator/Decision Maker:** The official contact person for the project (farm or applying entity).
- **Mailing Address:** The mailing address for the official contact person. Include the street address, city, state, and zip code.
- **Email:** The email address of the official contact person. *(Optional)*
- **Telephone:** The phone number of the official contact person.
- **Farm Acres:** Total acreage of farm.
- **Cropland Acres:** Total acreage of farm in cropland.
- **FSA Tract No.:** If you have a Farm Service Agency tract number, list here. If not, leave this space blank.
- **Type of Farm Operation:** The type of agricultural enterprise applying for funding (i.e. livestock- specify type or types, crop, diversified vegetable, etc.)
  
- **Have you completed the required pre-application meeting with a District Representative?**
  - All applicants must have an on-site consultation with the Conservation District ACAP Representative to discuss a potential project before an application is submitted.
- **Current and verifiable Agricultural Erosion and Sediment Plan (Ag E&S) or Conservations Plan (CP):** All applicants must have or obtain either an Ag E&S or a CP prior to applying. List type of plan and date it was prepared. If you have questions, please contact the Ag Conservation Technician at Cambria County Conservation District (CCCD).
- **Current and verifiable Nutrient Management Plan (NMP), Manure Management Plan (MMP), or NRCS 590:** All applicants that produce or import manure on to their farm must have a NMP, MMP, or NRCS 590. List type of plan and the date that it was prepared. If no manure is used on the farm, a plan is not required. If you have questions, please contact the Ag Conservation Technician at CCCD.
  - AgE&S or CPs AND NMP, MMP, or NRCS 590 (if applicable) must be verified by a qualified individual prior to submitting an application, and the Plan Verification Form (*Attachment B*) MUST be attached. See attachment section below for instructions.
- **Does your operation have any Animal Concentration Areas (ACAs)?** ACAs are defined as “barnyards, feedlots, loafing areas, exercise lots or other similar animal confinement areas that will not maintain a growing crop or where deposited manure nitrogen is in excess of crop needs. The term does not include: Areas managed as pastures or other cropland or pasture access ways, if they do not cause direct flow of nutrients to surface water or groundwater.”
- If so, address whether the area in question is contributing to a resource concern or has direct connection to a water source (i.e. stream, pond, waterway).
  - *An agricultural operation with an animal concentration area shall have implemented best management practices necessary to abate storm water runoff, loss of sediment, loss of nutrients and runoff of other pollutants from the animal concentration area, or the implementation of such best management practices shall be included in an application for funds. SCC Guidelines ACAP Program*
  
- **If the ACA has direct connectivity to water or is contributing to a resource concern and the necessary BMPs have not been installed, the untreated ACA’s MUST be addressed with proper BMP’s and included in the application for funds as part of the ACAP application.**

## Section 2: Financial Considerations

- **Project Funding:** Mark the correct box. If funding is exclusively from ACAP, mark the first box. If funding is to come from a combination of sources, mark the second box.
  - *Note: Please consult a district representative on cost-share rates before completing the application. Each participating district, in consultation with the Commission has determined to award cost-share up to certain percentages of the estimated construction cost of the project. If an eligible applicant hires a private sector consultant, engineering and associated planning cost for the project may also be included as an eligible cost of up to an **additional 10% of the estimated construction cost.***
- **Funding Breakdown:** All sources of funding and the amounts from each source should be listed to the best of the applicant's knowledge.
- **Permits:** Applicant is not required to identify and obtain these permits prior to submitting the grant application. But, if necessary, the applicant will be required to identify and obtain all necessary permits before the project start date. By signing the application, the applicant acknowledges they understand that they will be required to identify and obtain all required permits before starting the project.

## Section 3: Description of Project

- **Brief Description of Project:** Write a brief description of the project.
  - *Examples:*
    - Beef cattle operation implementing a rotational grazing system with watering systems and associated spring development
    - Dairy operation improving stream crossing, installing streamside exclusion fencing and riparian buffer.
    - Crop farmer establishing a cover crop program and installing diversion ditches
- **Indicate Best Management Practices (BMPs) to be Implemented:** List all BMPs to be implemented
- **Relevance of project to MMP, NMP, NRCS 590, CP or Ag E&S Plan:** Please write a brief explanation of how the BMPs above are applicable to the farm's conservation plans addressing resource and manure management (if applicable).

## Section 4: Attachments

- **Detailed Estimate Project Expenditures (Attachment A):**
  - **Materials** – List the type, unit cost, quantity, and total cost for each proposed material.
  - **Equipment** – List the type, hours, Prevailing Wage Rate/Hour and cost for each piece of equipment. Note that Prevailing Wage rates are only applicable where farmer owned equipment is used otherwise applicant should use contracted rates.
  - **Labor** – List the rate, hours, and cost per type of laborer
  - **Total** – The total cost of materials, equipment, and labor
  - **Applicant** – The application applicant's name
  - **Date** – The date the project expenditures form was completed
- **Plan Verification Form (Attachment B):** This form is to be completed by any qualified individual that has acquired enough knowledge in the respective program to certify that the plans are correct and complete.
- **Project Work Plan (Attachment C):**
  - Applicant: The entity applying for ACAP funding.
  - Drawing: Draw a sketch of the proposed project that includes the following:
    - All proposed projects and their locations
    - All existing roads, buildings, animal lots, cattle lanes, farm roads, streams, springs, wells, lakes, ponds, surface water runoff (path, flow direction), wetlands, existing fences, property lines, manure storage areas
    - Known Utilities
    - Compass arrow indicating North
    - Attach additional project details as necessary
    - Attach a copy of a location map or aerial map with the project highlighted. Highlight or circle the project location on a map such as township map, topographic map, google map, GIS Map, etc. Do not include any project work items on the location map, as they go on the workplan. The purpose of this map is to allow the project site to be easily found. Include an aerial view of property as it exists currently.
  - **Project Photos Before Construction:** Attach photographs of the sites where projects are to be implemented. These photographs can be printed photos.

- **USDA NRCS Authorization for Release of Records, if applicable (NRCS Form):** If this project was originally applied for and engineered through NRCS, a copy of the release of records form must be attached.

**Section 6: Signature**

- **Applicant Signature:** The signature of the operator or decision maker designated for the project and listed as such in Section 1.
- **Date:** The date the application was completed

**Section 7: Conservation District Use Only**

- Applicant does not fill out any of the information within this box.

# *ACAP Applicant Guidance and Expectations*

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## **Introduction**

- Act 1601-4 or P.L. 540, No 54 (72 P.S. §§ 1601-R – 1604-R), or 2022 created the ACAP Program. The purpose of the programs is to provide financial and technical assistance for the implementation of best management practices (BMPs) on agricultural operations within the Commonwealth.
- ACAP is administered by the State Conservation Commission and delegated to participating conservation districts for local implementation of the program.
- A single grant awarded by the delegated district to an eligible applicant may not exceed \$500,000 in any given year.

## **ACAP Priority Criteria**

In approving applications for eligible projects under the **CEG** program, the Commission and the conservation district will give priority to complete applications based upon the following criteria:

- I. To address resource concerns having an immediate impact on water quality or contributing to significant soil and nutrient loss.
- II. Priority best management practices as follows (in no particular order):
  - i. **Streams/Waterways**
    1. 382 Livestock Exclusion Fencing
    2. 580 Stream Bank and Shore Line Protection
    3. 578 Stream Crossing
    4. 614 Watering Facility in Conjunction with Off Stream Watering
    5. 533 Pumping Plant in Conjunction with Off Stream Watering
    6. 390;391 Streamside Buffers
      - a. 35ft minimum
      - b. Riparian Buffer Maintenance 391
  - ii. **Livestock**
    1. 575 Animal walkways and trails
    2. 561 Heavy Use Area Protection
    3. 313 Waste Storage Facility
    4. 528 Prescribed Grazing
      - a. Associated components that can be paid for: Brush Management (314), Nutrient Management (590), Watering Facility (614), Forage and Biomass Planting (512), Pipeline (516), Underground Outlet (62), Critical Planting Area (342), Riparian Forest Buffer (391), Streambank and Shoreline Protection (580), Water Well (642), Livestock Fencing (382), Pumping Plant (533).
      - b. Payment for HUA with provisions.
    5. 511 Forage harvest Management
    6. 512 Pasture & Hay Planting
    7. 810 Annual Forages for Grazing Systems
    8. Pumping Plant (Point)
    9. 614 Watering Facility in Conjunction with Prescribed Grazing
  - iii. **General Farm Infrastructure**
    1. 560 Access Road
    2. 570 Stormwater Runoff Control
  - iv. **Crop Farming**
    1. 340 Cover Crops

- These practices (BMPs) may include those BMPs currently identified in the CEG/REAP Best Management Practice list provided by the Commission.

- III. The level and extent of planning and technical assistance, such as inventory and evaluation, design work, permits and similar types of assistance, already completed in preparation for implementation of the project. Technical assistance should allow for accurate estimates of project costs and for completion of the project in a timely fashion.
- IV. The extent to which an applicant is willing to accept a reasonable mix of grants (e.g. ACAP, NRCS, EQUIP or other), loans (e.g. AgriLink or other commercial loan) and tax credits (e.g. REAP) or to supply nongovernmental matching funds for the project.

### **Application Review, Approval, Project Cost Eligibility**

The Commission or conservation district will review complete applications based upon the ACAP Priority Criteria, stated above, on an ongoing basis and in the order received.

The Commission or conservation district shall notify the applicant, in 90 days, of all the following:

1. Whether the project is approved for grant funding under the ACAP program.
2. The total amount of grant funds approved for the project.
3. The Next steps to process the Grantee-District Agreement.

The following are considered eligible costs of a project to which a grant may be applied:

1. Project design engineering and associated planning. NRCS Technical Service Providers (TSP) could also be hired by the applicant and reimbursed up to **10%** of the construction cost under the contract.
2. Project construction or installation – including labor provided by the applicant.
3. Equipment, materials, and other components of eligible projects
4. Post construction inspections

Any of the above costs for services that may be provided by a Conservation District or private sector technical service provider through a fee or charge are eligible costs and may be included in the ACAP application.

Any costs that are not covered with ACAP grant funds or other public funds may be eligible for REAP tax credits. These costs are eligible for tax credits up to 50% or 75% of eligible costs depending on the type of BMP.

If ACAP funds are combined with an NRCS Project, projects must meet all of the requirements the NRCS has set forth. More times than not if a project meets the NRCS standards, it will also meet the ACAP standards. That being said, applicants still have to ensure that all standards are met for whatever program they are working with.

The Commission or conservation district reserves the right to deny an application for any BMP if the cost is not within reasonable and fair market value as determined by the Commission.

The Commission or conservation district reserves the right to deny an application for any BMP that does not meet the intent of the standards and guideline of the ACAP Program established by the Commission.

When an application is approved, the applicant will be required to enter into an agreement with the Commission or conservation district for implementation of the approved projects.

1. Approved project(s) must be completed by the applicant within the timeframe of the agreement but, no longer than 2 years from signature of the agreement.
2. The applicant shall provide and pay for all material, labor, equipment, tools, water, power, and other items necessary to complete the work.
  - a. **If deemed appropriate, the Conservation District may pay contractors directly. In such cases, an assignment agreement between the Grantee and contractor will be required.**
  - b. ACAP is a reimbursement plan only, but installments may be made as project BMPs are completed.
3. The applicant may be reimbursed for the cost of the project up to the allowable grant amount permitted under the ACAP program.

## **Project Completion, Certification, Inspection and Other Program Conditions**

Upon completion of a project funded under the ACAP Program, the applicant/grantee shall notify the Commission or conservation district of the completion of the project.

- This notification can be completed by filling out the **ACAP Program Certification Form**.

The completed project must be certified by a qualified individual in order for payment of the grant funds allocated for the project. A qualified individual may be:

- **a registered professional engineer under the applicable laws of the Commonwealth,**
- a technical service provider or a conservation district staff person having the appropriate job approval authority assigned by USDA-NRCS, or
- a person having appropriate training and expertise as approved by the Commission.

Best Management Practices (BMPs) must be maintained and managed for the life span of the practice.

- Life spans established by the Commission for specific practices are found in the CEG/REAP BMP List.
- If the BMP is not maintained for the required period, the applicant/grantee may be required to return a portion or full amount of what was originally granted.
- If the applicant provides prior written notification to the Commission or conservation district that the applicant/grantee will be unable to maintain a BMP due to the sale of the property, cessation of an agricultural operation or other factors, the Commission or the conservation district may prorate the amount of the granted funds that shall be returned based on the remaining lifespan of the BMP in question.

Projects funded under this program may be subject to inspection by the Commission or the conservation district.

- An applicant shall permit the Commission, the Conservation District, its authorized agents, and public authorities who have interest in the successful completion of the work to enter the Project Locations or premises to inspect and observe ACAP Project activities.