RCPP APPLICATION CHECKLIST

This checklist provides a summary of materials necessary to support an RCPP easement application.

Use the numbered items in the Table of Contents as a checklist.

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A. Submitting Applications

1. **Use of Box** (a secure cloud content management tool supporting e-signatures)
    - Entities needing to access Box should contact Terry Foreman; terry.foreman@usda.gov and brian.loadholt@usda.gov
    - Preference is for each file in an application packaged in an Adobe Acrobat portfolio
2. **Electronic copies** sent to: RA.NRCS.NCRAL.EasementMonitoring@usda.gov
    - Preference is for all files to be contained in one Adobe portfolio
    - Scanned applications as one file are discouraged.
3. **Paper copies** mailed to:
    - NRCS – Attn. Programs, 1107 Bland Rd Suite 117, Raleigh, NC 27609

B. The NRCS Easement Application Review Process

The NRCS reviews of easement applications spans three levels. **Note at any time during the easement application process one of these reviews could require additional information from the entity or landowner**.

1) North Carolina State Office,
    - The state office assures all submitted documents are consistent with NRCS easement acquisition polices.
    - Enters information in NRCS business tools (Protracts, Conservation Desktop, National Easement Staging Tool)
    - Ranks easements
    - Conducts field reviews.
2) Easement Acquisition Branch (EAB)
    - EAB reviews all submitted documents and works with the state office to assure all documents conform to federal and NRCS contracting laws and policies.
    - Initiates contracting processes.
3) National-level Internal Controls (IC).
    - Provides final review of easement applications.

C. Most frequent problems encountered during application reviews

Below we address the most common problems in processing easement applications found among the three levels of review.

- Landowner eligibility

- Problems include:
  - not all the landowners have records established at the local Farm Service Agency
  - Landowners who are entities (e.g. LLC, corporations) have members who have not established at the local Farm Service Agency

- Inconsistent easement sizes on application documents.
  - Inconsistencies in denoting the area (acres) of easements among the various forms and maps submitted as part of an application package. All acreage must be consistent. For example, if an application (CPA 1275) is for 202.1 acres, all maps stating an easement size must equal 202.1 acres.
- Ownership as entered on the CPA-1275 application is not the same as the landowner on the deed(s).
- Entities who are landowners or entities as the holder of the easement do not have Signature Authority identified.

D. Checklist - Landowners

Owners MUST establish eligibility with the Farm Service Agency

Ownership includes:

- **all grantees listed on the deed(s)**
- **entities as grantees on the deed**
  - **member of entities on the deed**
- **ownership acquired through wills and trusts**

All owners must have records established with USDA Farm Service Agency (FSA), which demonstrate compliance with:

- **Adjusted Gross Income (AGI)**
- **Highly Erodible Land Conservation/Wetland Conservation (HELC/WC)**
- **Possess a CCC-902 Farm Operating Plan**

VERY IMPORTANT - Eligible entities must work with landowners to assure landowners meet qualifying criteria

Under RCPP EHE, the landowners of record for the offered easement are considered the beneficiaries of payment. Therefore, landowners of record must meet the payment eligibility criteria required to participate in USDA programs for the land trust or other eligible entity to submit an EHE application on their behalf. All individual landowners of record must be United States citizens or resident aliens with a valid social security number (exceptions may apply – contact NRCS immediately).

All landowners, as listed on the current property deed(s) or equivalent evidence of ownership must be established in the Farm Service Agency's (FSA) Service Center Information Management System (SCIMS) and have a copy of the current property deed or other evidence of ownership (e.g., will) including a

breakdown of ownership shares, if applicable, when a landowner is an entity.

All individual landowners or members of an entity of record as listed on the deed(s) are United States citizens or resident aliens with a valid social security number. (Exceptions may apply – contact NRCS immediately).

1. CCC-902 Farm Operating Plan

There are FSA Forms: 1) CCC-902I (Individual) or 2) CCC-902E (Entity). A Members Information form (CCC-901) may need to be completed for entities. Persons and legal entities applying for and participating in NRCS programs must complete a CCC-902, "Farm Operating Plan".

2. CCC-941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information

For each landowner of record for the fiscal year in which the ALE application will be submitted (no exceptions).

3. AD-1026, Highly Erodible Land Conservation and Wetland Conservation

for each landowner of record, unless all the following are true:

- An AD-1026 is currently on file that accurately reflects the current status of the operation;
- The landowner has not acquired any more land (owned or operating);
- There have not been any changes to the land or operation; and
- A new determination has not been requested.

4. Power of Attorney

- FSA-211, form, only if someone other than the landowner of record will be signing documents. Should cover NRCS programs for the period of the ALE contract, or
- Other legally drafted POA by an attorney

E. Checklist – Land Eligibility

5. NRCS CPA-1275: "Parcel Sheet for Entity Application for RCPP EHE Program Agreement"
    - Only the most current version of the form will be accepted (05/2021)
6. Written pending offer
    - The written pending offer may be extended by the eligible entity to the landowner to acquire the conservation easement or may be from the landowner to the eligible entity to sell the conservation easement.
7. Copies of all deeds
    - If the easement covers parcels with more than one deed, submit each deed separately as an individual file. Deed files can be numbered.
    - Ownership must be proven; a title commitment could be useful when there is ambiguity in ownership.
    - Deeds must contain a description of the boundaries (e.g. metes and bounds)

F. Checklist - Mapping

Maps are an essential component of the application. The NRCS Easement Acquisition Branch (EAB) utilizes the State supplied conservation maps as Exhibits to EAB's contracting documents, Due Diligence Contracts, and submittal of support documentation for Internal Controls. It is important the maps are consistent, clear, and professional to provide quality service.

The map elements listed[1] are things to consider for mapping.

- Assess Route showing the entire route from the public road to the easement boundary
- Indicate Point of Access from the public road on the map
- Map symbol legend, clearly labeled with easement program boundary
- Scale of the map
- Information needed to locate the planning area (e.g. geographic coordinates, public land survey coordinates, address, etc.)
- North arrow
- Appropriate map symbols as needed
- Map symbol legend on the map or as an attachment include appropriate interpretations, such as roads, streams, boundary, or recorded access.

All maps that state a value for size (acres) should have that value as close as possible to the value listed on the CPA-1275 form (Section C, Item 4)

[1] These elements are consistent with policy criteria (Section 600.31) located in Title 180 – National Planning Procedures Handbook (180-VI-NPPH, Amend. 8, Nov. 2020).

8. Map – Location

- Map depicting location at a scale that is for anyone driving to the can find the site.
- Map should show named roads and location of nearest community.
- It is optional but preferred to have latitude and longitude of the easement location.

9. Map - Easement and Parcel Boundary (Offer)

- Map must depict:
  - the easement boundary and size (acres)
  - planned and/or existing farmstead or homestead
  - Road names or Secondary Road (SR) numbers must be provided.
  - Ingress/egress to the easement must be shown. This can be shown with a symbol - include symbol in the legend.
  - Any excluded areas within the easement boundary and area (acres).

10. Map-Deed and tax parcel

This is a map which will identity which deed is associated with a tax parcel which is part of the 3-part NRCS easement application review process.

- Map must show the easement boundary and tax parcels.
- Tax parcel and associated deeds must be identified on the map or using a table.
- See example – page 9.

11. Map – Impervious Surface

- Map should include: 1) location of the impervious surfaces, and 2) proportion (%) of the impervious surfaces to the area of the easement

12. Map – Soils

- The soils map and associated text of the Farmland Classification report in Web Soil Survey (WSS) is preferred. You can use the shape file of the easement in WSS.

13. Map – Land use

- Map depicting cropland, rangeland, grassland, pastureland, forestland and proportions (percentages).

14. Map -GIS Shape file of easement boundary

Upload shapefile to Box or email to:
RA.NRCS.NCRAL.EasementMonitoring@usda.gov

G. Checklist – Entity WITH a RCPP Program Agreement

VERY IMPORTANT - Eligible entities must work with landowners to assure landowners meet qualifying criteria

15. Update any changes to signature authority
16. Update any changes to SAMS

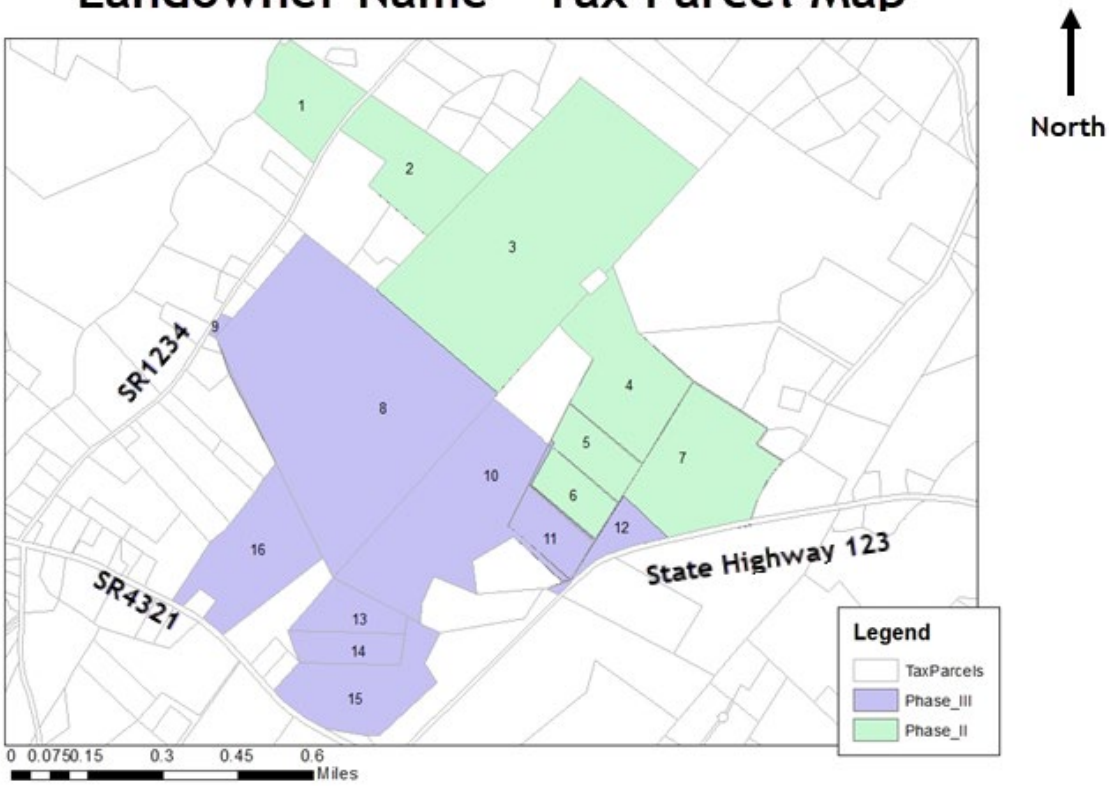
H. Checklist – Entity WITHOUT a Program Agreement

17. NRCS CPA-1274: "Entity Application for an RCPP Entity Held Easement Program Agreement that is a Supplemental Agreement under an RCPP Program Partnership"
18. Entity's authority to purchase and hold agricultural conservation easements
    - Cite the appropriate state statue providing this authority.
19. Documentation of entity's commitment to conservation of agricultural lands
    - using voluntary conservation easements that protect farm or ranch lands from conversion to nonagricultural uses
20. Documentation of the entity's capability and record
    - Document history of acquiring, holding, managing, and enforcing conservation easements.
21. Documentation of the entity's staff capacity
    - Document how easement monitoring and enforcement are addressed.
22. Copies of current entity or trust establishment documents
    - Examples: Articles of Incorporation on file with the NC Secretary of State, bylaws governing the entity. Ensure each entity is legal, valid, and in "good standing" with the North Carolina Secretary of State.
23. Identify the individual(s) with signature authority.
24. Screen-print from SAM.gov showing active, current registration
    - NOTE that Registration in SAM (DUNS) must be maintained for the duration of the agreement and through easement closing.
25. Direct deposit form (AD-1199) for entity

I. File Naming Suggestions

- Keep names as short and informative as possible.
- Abbreviate Entity names, e.g. Loadholt and Kroeger Land Trust as LKLT
- Use the number on the checklist as a prefix to the file name.

Landowner Name - Tax Parcel Map



Map No.	Deed Book and Page	PIN	Acres
Phase II			
1	Bk 12345, Pg 245	3368633100	19.28
2	Bk 12345, Pg 245	6000473830	24
3	Bk 1234, Pg 318	4078015864	245.47 total in parcel, approx. 116 in phase 2
4	Bk 1234, Pg 318	3025300733	31.07
5	Bk 12539, Pg 231	7546191213	9.96
6	Bk 98765, Pg 231	4216550839	10
7	Bk 98765, Pg 231	1956034612	45 total in parcel, approx. 37 in phase 2
Phase III			
8	BK 1234 Pg 318	1994457870	245.47 total in parcel, approx. 129 in phase 3
9	BK 1234, Pg 318	4730120898	69
10	BK 11111, Pg 179	4614345480	50.43
11	Bk 98765, Pg 231	4060180787	9.52
12	Bk 98765, Pg 231	9636745780	45 total in parcel, approx. 5.5 acres in phase 3
13	Bk 98765, Pg 231	8536815602	9.83
14	Bk 98765, Pg 231	3482024759	9.37
15	Bk 98765, Pg 231	11223344550	23.75
16	BK 1234 Pg 318	4592023849	30.54

Example of map and table depicting tax parcels and associated deeds. Simpler easements/maps can include parcel IDs on the map.