

Attachment C: USDA NRCS WV ACEP WRE Application Checklist for Fiscal Year 2023 (FY23)

Current forms, and other relevant materials, must be utilized and are accessible from the [NRCS WV ACEP WRE WEBPAGE](#). Example maps available upon request and must be utilized to develop acceptable mapping products.

This guidance is in lieu of any forthcoming guidance from NRCS National Headquarters (NHQ) specific to FY23. Therefore, updates to application packets may be necessary at a later time.

All eligible NRCS easement program applications are assessed and ranked in Conservation Assessment Ranking Tool (CART). Incomplete and/or ineligible applications will not be ranked. A complete application is one that is submitted on the appropriate forms, filled out accurately and completely, accompanied by all required supporting documentation outlined in this WRE Application Checklist document, and signed by all required parties. Only properly completed and executed applications submitted by the application cutoff date will be considered for funding in Fiscal Year 2023 (FY23).

If the Landowner is an Individual: Visit FSA to ensure farm records have been established to include a Farm Operating Plan (FSA Form CCC-902), AGI (FSA Form CCC-941), and HEL/WC certifications (FSA Form AD-1026) for the current year.

- Individuals applying for NRCS programs must complete form CCC-902 and remit all required information to the local FSA Office promptly for a County Office Commission (COC) determination unless already in a “filed” or “determined” status. Failure to do so may result in the landowner not being in a “**determined**” status prior to NRCS WV State Office review.
- Individuals must also file their CCC-941 (AGI certification) and the AD-1026 (HEL/WC certification) and submit them to the local FSA Office as soon as possible. Applications cannot be processed without established records on each individual listed on the proof of ownership.
- Access to these forms has been provided on the [NRCS WV ACEP WRE web page](#) but this documentation **must be submitted to FSA** as soon as the fiscal year begins on October 1. The AD-1026 may be filed prior to October 1.
- *Failure to file may result in the landowner not being in a compliant status prior to NRCS WV State Office review. Landowners will be evaluated for landowner eligibility (i.e., appropriate COC, AGI, and HEL/WC statuses) by NRCS WV State Office Staff beginning **Friday, April 28, 2023**. Those that have not filed or are in an otherwise ineligible COC determination, AGI, or HEL/WC status, on this date, will be removed from consideration for FY23 funding.*

If the Landowner is an Entity (such as an LLC or Trust): Form CCC-902 (Farm Operating Plan) must be on file with FSA also. Moreover, **the entity** must go to FSA and file the CCC-941 (AGI certification) and AD-1026 (HEL/WC certification); and depending on the business type of the entity, **entity members must also file** either the CCC-941 (AGI certification) and possibly the AD-1026 (HEL/WC certification).

- Entities applying for NRCS programs must complete form CCC-902 and remit all required information to the local FSA Office promptly for a COC determination unless already in a “filed” or “determined” status. Failure to do so may result in the entity not being in a “**determined**” status prior to NRCS WV State Office review.
- Entities must also file their CCC-941 (AGI certification) and the AD-1026 (HEL/WC certification) and submit them to the local FSA Office as soon as possible. Applications cannot be processed without established records on each individual listed on the proof of ownership.
 - Please compare the business type of the entity to the “Landowner Eligibility Matrix” PDF form on the [NRCS WV ACEP WRE web page](#) to determine **member** filing requirements.
- Access to these forms have been provided on the [NRCS WV ACEP WRE web page](#) but this documentation **must be submitted to FSA** as soon as the fiscal year begins on October 1. The AD-1026 may be filed prior to October 1.
- *Failure to file may result in the entity, or one of its members, not being in a compliant status prior to NRCS WV State Office review. Landowners that are entities will be evaluated for landowner eligibility (i.e., appropriate COC, AGI, and HEL/WC statuses) by NRCS WV State Office Staff beginning **Friday, April 28, 2023**. Those that have not filed or are in an otherwise ineligible COC determination, AGI, or HEL/WC status, on this date, will be removed from consideration for FY23 funding.*
- Signature authority documentation (e.g., articles of incorporation, operating agreement, articles of organization, trust documents) and evidence that the entity is in good standing with the Secretary of State of WV must be provided with the application materials.

NRCS Field Office staff complete the following with the applicant:

1. [Hazardous Materials Field Inspection Checklist](#)
 - This form must be filled out completely and accurately. NRCS will complete this checklist in consultation with the landowner during an onsite visit. The form must be current and cannot be from a prior year’s application as the content matter of this checklist is subject to change. The form must be signed by the NRCS staff member who conducted the examination.
2. [Hazardous Materials Landowner Interview](#)
 - This form must be filled out completely and accurately. NRCS will complete the interview with the landowner during an onsite visit. The form must be current and cannot be from a prior year’s application as the content matter of the interview is subject to change. The form must be signed by the landowner and NRCS staff member who conducted the interview.
3. [Landowner Disclosure Worksheet](#)
 - This form must be filled out completely and accurately. NRCS will complete the worksheet with the landowner during an onsite visit. The form must be current and cannot be from a prior year’s application as the content matter of the worksheet is subject to change. The form must be signed by the landowner and NRCS staff member who completed the worksheet.
4. [Direct Deposit Form \(SF-1199A\)](#).

Landowner submits the following with assistance from the NRCS Field Office:

1. [NRCS-CPA-1200 – Conservation Program Application](#) (March 2019 or later)
2. Completed NRCS WV FY23 ACEP WRE Application Matrix available at the [NRCS WV ACEP WRE web page](#).
3. Clear and acceptable proof of ownership showing the land has been owned by the applicant for at least 24 months. Example evidence of ownership includes, but is not limited to:
 - General or Special Warranty Deed.
 - Warranty Deed with Vendor’s Lien.
 - Probated Will.
 - Gift Deed.
 - Prior title policy along with instruments vesting Fee Simple title in the applicant’s name(s).
 - Normally, proof of ownership is satisfied by providing the source deed. Alternatively, proof of ownership can be shown by providing a will (or series of wills) disposing of the offered property, along with deeds showing that the decedent(s) previously took ownership of the offered property. All landowners with a legal interest in the offered property must sign the conservation easement application. For example, if proof of ownership is satisfied by deed, all grantees listed on the deed must sign the application.
 - If a grantee or other interest holder has passed away, NRCS requires evidence of this, such as a death certificate.
 - **Proof of ownership must be satisfied for all property offered for WRE easement.**
 - For example, if the application lists 50 acres, deeds conveying at least 50 acres must be provided.
 - *If ownership records are not clear for NRCS staff, or if the number of acres offered for easement are not explicitly supported by the source deed(s), the landowner will be determined ineligible due to insufficient evidence of ownership.*
 - **Landowners, and landowner entities, are required to provide clear title and unencumbered, unrestricted, transferable, and otherwise sufficient physical and legal right of access from an identified Federal, State, or local public right-of-way to the entire enrolled area for the term of the enrollment (528.102(A)(3)).**
4. Request for waiver for 24-month ownership requirement (if applicable).
5. Location Map
 - The Location Map should be at a small enough scale to where the county boundary can be viewed in relation to the parcel. The base map provided as the background for this Location Map is at the mapper’s discretion so long as the parcel being offered for WRE easement can easily be located in connection to the county boundary.
6. Property Map
 - Total fee-owned property boundary and acres.
7. Easement Boundary/Access Map

- The Easement Boundary/Access Map must consist of a recent aerial image showing the proposed easement boundary and offered acreage.
 - The Easement Boundary/Access Map must also show access. Most commonly, access is through either a public road or a recorded, perpetual, right-of-way from a public road specifically to the property. Access should be identified by clearly labeling the route number of the public road(s) from which the parcel will be accessed or the access route between the public road and the parcel along with the recorded right-of-way document providing legal access. Legal access must be unencumbered, unrestricted, transferable, and otherwise sufficient physical and legal access from an identified Federal, State, or local public right-of-way to the entire enrolled area for the term of the easement (528.105(A)(1)(vii)). The map should note where and if third-party lands are crossed.
 - If the offered property adjoins a public road, the route number must be clearly displayed. Do not list common road names. West Virginia Division of Highways GIS County Maps are located at the following web address: <https://gis.transportation.wv.gov/CountyMapsApp/>.
 - If access is via a personal right-of-way, evidence such as a recorded instrument conveying the right-of-way must be provided with the application packet along with evidence of the underlying ownership over which the right-of-way traverses. Evidence that the personal right-of-way connects to a public road must also be provided.
8. Land Eligibility Map
- A map showing the proposed eligible land types (e.g., Farmed or Converted Wetlands, Former or Degraded Wetlands, Lands Substantially Altered by Flooding, Croplands or Grasslands: closed basin or potholes, Riparian Areas, Lands in CRP, Wetlands restored or protected under another program for which WRE would provide additional protection, Inclusions or Problems Soils).
 - Eligible adjacent lands may be included if they contribute significantly to the wetland functions and values and/or are incidental but necessary for practical administration.
 - **Eligible adjacent lands cannot exceed the acres of otherwise eligible land (1:1 ratio limitation of eligible to adjacent lands).**
9. Land Use/Land Cover Map
- A map showing the current land use/land cover for the offered area (e.g., forest, pasture, etc.)
10. Evidence of signature authority clearly designating who has authority to act on behalf of other individuals, if necessary (e.g., Power of Attorney).
11. Proof of ownership of sufficient water rights **(if applicable)**.
12. CCC-505 – Voluntary Permanent Base Acre Reduction. This document is required to determine the amount of crop base that could be impacted by the WRE. The form will **ONLY** be filed at the time of easement closing. Any crop base on the WRE must be retired or moved. The WRE is no longer eligible for any federal programs.

As a reminder, all eligible NRCS easement program applications are assessed and ranked in CART. Ranking criteria are published on the [NRCS WV ACEP WRE web page](#) at least 30-days prior to the application deadline each fiscal year.