



# Regional Conservation Partnership Program

## Fiscal Year 2023 Notice of Funding Opportunity



**USDA-NRCS-NHQ-RCPP-23- NOFO0001304**  
**Issued: May 2023**



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# I. Table of Contents

<b>EXECUTIVE SUMMARY</b> .....	<b>1</b>
<b>SUPPLEMENTARY INFORMATION</b> .....	<b>3</b>
<b>I. FUNDING OPPORTUNITY DESCRIPTION</b> .....	<b>3</b>
A. Legislative Authority.....	3
B. Delivering Assistance Through Partnerships .....	3
C. Vision and Goals of the Program.....	3
D. Administration Priorities .....	4
E. Overview of the RCPP Proposal Process .....	5
F. NRCS Project Oversight and Technical Assistance Responsibilities for RCPP Classic and AFAs	5
G. Final Rule .....	6
<b>II. FUNDING AVAILABILITY</b> .....	<b>6</b>
A. Fund Pools and Priority Resource Concerns.....	7
B. Adjusted Gross Income Requirements.....	8
C. Practice Standards.....	8
<b>III. ELIGIBILITY INFORMATION</b> .....	<b>9</b>
A. Eligible Partners.....	9
B. Lead Partner .....	9
C. Contributing Partners.....	9
D. Producers and Landowners.....	10
E. Land Eligibility.....	11
F. Eligible Activities.....	12
<b>IV. RCPP PROJECT FUNDING</b> .....	<b>13</b>
A. Financial Assistance.....	13
B. Technical Assistance.....	13
C. Administrative and Equipment Costs.....	15
D. Partner Contributions.....	15
<b>V. RCPP PROPOSAL REQUIREMENTS</b> .....	<b>17</b>
A. Format and Instructions .....	17
B. Proposal Content.....	18
<b>VI. PROPOSAL REVIEW CRITERIA</b> .....	<b>20</b>
A. Impact (40 percent for Classic, 20 percent for AFAs).....	20
B. Partner Contributions (15 percent for Classic, 20 percent for AFAs).....	20
C. Innovation (10 percent for Classic, 20 percent for AFAs) .....	<b>Error! Bookmark not defined.</b>
D. Partnerships and Management (35 percent for Classic, 40 for AFAs) .....	21
E. Climate-Smart Agriculture through Inflation Reduction Act Funding.....	22
F. Proposal Evaluation Process.....	22
G. Environmental Review Requirements.....	23
<b>VII. PROJECT INFORMATION AND ADMINISTRATION</b> .....	<b>23</b>
A. RCPP Partnership Agreements .....	23
B. Reporting and Reimbursement Requirements .....	24
C. Notifications .....	24
D. Withdrawal of Proposals .....	25
<b>VIII. SUBMISSION INFORMATION</b> .....	<b>25</b>

**IX. AGENCY CONTACTS .....26**

**APPENDIX I – RCPP AGREEMENTS, CONTRACTS AND CONSERVATION ACTIVITIES..... 27**

**RCPP Funding Overview .....27**

**Producer Contracts, Agreements, and Third-Party Contracts .....27**

**Land Management Activities .....29**

**Land Rental Activities.....29**

**RCPP Conservation Easements .....29**

**Conservation Easements Held by the United States .....32**

**Agreement of Assistance for Purchasing RCPP Conservation Easements Held by Entities .....33**

**Public Works and Watersheds.....34**

## II. EXECUTIVE SUMMARY

**Federal Awarding Agency Name:** U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), Commodity Credit Corporation (CCC)

**Funding Opportunity Title:** Notice of Funding for NRCS's Regional Conservation Partnership Program (RCPP) for Federal Fiscal Year (FY) 2023.

**Funding Opportunity Number:** USDA-NRCS-NHQ-RCPP-23-NOFO0001304

**Federal Assistance Listing (previously referred to as the Catalog of Federal Financial Assistance):** 10.932, RCPP

**Due Date:** Proposals must be received by NRCS by 4:59 p.m. Eastern Time on August 18, 2023.

The RCPP promotes the coordination of NRCS conservation activities with partners that contribute a significant portion of the overall costs of a project. This coordination expands our ability to address resource concerns at farm, watershed, and regional scales. Through the RCPP, NRCS coinvests with partners to implement projects that address conservation challenges and provide measurable improvements and outcomes for resource concerns.

Using guidance contained in this notice, potential RCPP partners propose projects that generate conservation benefits by addressing specific natural resource objectives in a state or multistate area or address one or more priority resource concerns within an NRCS-designated critical conservation area (CCA). NRCS and partners collaborate to design, promote, and implement RCPP projects on agricultural and nonindustrial private forest land. Through the RCPP, NRCS may provide both financial and technical assistance funds to project partners and producers to carry out projects. RCPP proposals are evaluated through a competitive proposal process based on three criteria: quantifiable impact, partner contributions, and partnership and management.

NRCS is actively working on improving the delivery and administration of the RCPP. Some of the improvements will be directed at areas such as simplifying and reducing the number of agreements while still complying with statutory and regulatory requirements, streamlining and reducing evaluation criteria, reducing lengthy RCPP easement transactions, improving the RCPP Portal, consistent guidance and training for employees and partners, as well as simplifying the technical assistance structure.

In FY 2023, NRCS will make a total of \$500 million available for both the "Classic" component and the alternative funding arrangements (AFA). The \$500 million total is funded from two separate authorizations: the Agriculture Improvement Act of 2018 (2018 Farm Bill) and the Inflation Reduction Act of 2022 (IRA). Individual RCPP projects will only receive RCPP funds from a single source, either the 2018 Farm Bill funds or the IRA funds due to the specific, measurable climate-smart targeting required in the IRA. NRCS will prioritize using IRA funds for projects that will implement climate-smart agriculture conservation activities which are targeted to assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding, or sequestering carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production,

Where co-benefits exist with climate mitigation goals exist, IRA funds can support projects that address water resource concerns and associated risks.

Up to 15 AFAs may be awarded through 2018 Farm Bill funding, and additional AFAs or grants may be awarded through IRA funding. There is no cap on the number of AFAs/ Grants that can be funded utilizing the IRA funding. Proposals will be accepted for projects located in all 50 states, the Caribbean Area (Puerto Rico and U.S. Virgin Islands), and U.S. territories in the Pacific Island Areas (Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands).

Up to \$50 million is being made available specifically for NRCS to enter into AFAs with Indian Tribes. Any unused funds may be available to enter into other partnership agreements.

RCPP AFAs are intended to support projects and approaches that cannot be effectively carried out through RCPP Classic. RCPP AFA applications must describe the conservation approach they are proposing. The following are examples of project types that might be implemented through RCPP AFA:

- projects that use innovative approaches to leverage the Federal investment in conservation,
- projects that deploy a pay-for-performance conservation approach, and
- projects that seek large-scale infrastructure investments that generate conservation benefits for agricultural producers and nonindustrial private forest owners.

**Submissions:** Applicants must submit proposals through the RCPP portal, and partners must be registered with USDA's eAuthentication system to access the portal. See section VIII of this notice for time sensitive information on registering for eAuthentication and for other details about on using the RCPP portal to submit proposals.

**For More Information:** Applicants are strongly encouraged to contact the appropriate RCPP coordinator for their state to discuss any questions. A list of state RCPP coordinators (as of the date of this notice's posting) is on the [RCPP website](#). Applicants can also email questions about this notice to the RCPP inbox at [rcpp@usda.gov](mailto:rcpp@usda.gov). The [RCPP website](#) also provides current information about the program.

**Webinar:** Interested applicants are encouraged to participate in webinars that provide general information about this funding announcement. Two webinars are scheduled for May 24, 2023, from 2 p.m. to 3:30 p.m. Eastern Time and June 7, 2023 from 2 p.m. to 3:30 p.m. Eastern Time. (you may join the conference 10 minutes prior). Additional webinars may be announced as needed.

Connection information is posted on the RCPP How to Apply website - <https://www.nrcs.usda.gov/programs-initiatives/rcpp-regional-conservation-partnership-program/how-to-apply>.

### III. SUPPLEMENTARY INFORMATION

#### A. FUNDING OPPORTUNITY DESCRIPTION

##### 1. Legislative Authority

The RCPP is authorized by Subtitle I of Title XII of the Food Security Act of 1985 (1985 Act), as amended by Sections 2701 through 2707 of the Agriculture Improvement Act of 2018 (2018 Farm Bill). The Secretary of Agriculture has delegated the authority to administer RCPP to the Chief of the NRCS. NRCS is an agency of USDA. NRCS has promulgated regulations for RCPP implementation at 7 CFR part 1464. All actions funded under this notice are subject to RCPP statute and regulations. Funds are made available from the 2018 Farm Bill and Public Law 117-169 (enacted August 16, 2022), which is commonly referred to as the Inflation Reduction Act of 2022

##### 2. Delivering Assistance Through Partnerships

RCPP project implementation requires coordination between NRCS and its partners to deliver conservation assistance to producers, landowners, and communities. After announcing RCPP project selections, NRCS negotiates a partnership agreement for each project with the lead partner before entering into contracts, easements, additional agreements or other awards with producers, landowners, and partners.

RCPP applicants and lead partners must work closely with the appropriate NRCS state offices and state conservationists to:

1. determine if a proposed project aligns with RCPP's goals and policies;
2. identify and negotiate partner technical assistance needs and capabilities; and
3. develop and submit a project proposal using the guidance in this notice.

##### 3. Vision and Goals of the Program

Through RCPP, NRCS employs a co-investment approach through which the agency and partners collaborate to implement natural resource conservation activities. The following are four key principles of RCPP.

1. **Impact:** RCPP proposals must offer effective and compelling solutions that address one or more natural resource concerns to help solve natural resource challenges. Partners are responsible for evaluating a project's outcomes.
2. **Partner Contributions:** By statute, partners are responsible for identifying any combination of cash and in-kind support that provides a significant portion of the overall costs of the project. Proposals will be evaluated, in part, on the contribution of non-Federal resources to the project. NRCS makes investments through the RCPP to leverage the partner's investments in the project.

- Partnerships and Management:** NRCS seeks projects that integrate multiple conservation approaches, implement new technologies, build new partnerships, or effectively employ program flexibilities to deliver conservation solutions. Partners must have experience, expertise, and capacity for managing the partnership and project, providing outreach to producers, quantifying the environmental (and when possible, economic and social) outcomes of an RCPP project, and consistently providing technical assistance that follows NRCS or negotiated project-specific technical requirements. RCPP ranking criteria give priority consideration to applicants that meaningfully engage historically underserved farmers and ranchers as well as those that coordinate with other Federal, State, Tribal, or local efforts.

Successful RCPP applicants bring an array of financial and technical capabilities to projects, demonstrate experience working effectively and collaboratively with agricultural producers and landowners across the landscape, and propose innovative, sustainable, and measurable approaches to achieving compelling conservation outcomes.

#### **4. Funding Opportunity Administration Priorities**

##### **1. Climate Smart Agriculture**

NRCS strongly encourages applications that provide focus on climate mitigation. The Inflation Reduction Act specifically provides funds for RCPP to support the implementation of conservation projects that assist producers and private landowners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding or sequestering carbon dioxide, methane, or nitrous oxide emissions.

##### **2. Urban Agriculture**

NRCS strongly encourages submitting RCPP proposals that address the conservation needs of urban farmers in metropolitan areas. Interest in urban agriculture continues to grow, and urban farmers face unique natural resource concerns related to energy conservation, water conservation, soil health, and the long-term protection of land.

##### **3. Historically Underserved Farmers and Ranchers**

The RCPP's authorizing language requires NRCS and RCPP partners to conduct outreach to historically underserved (HU) farmers and ranchers to encourage participation in RCPP projects. RCPP is also a Justice40 covered program, which is an initiative established under Executive Order 14008. NRCS defines five groups of HU farmers or ranchers: (1) beginning, (2) limited resource, (3) socially disadvantaged, (4) veterans, and (5) Indian Tribes. The definitions for these terms are available at the [NRCS Historically Underserved Farmers and Ranchers](https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/people/outreach/slbft/) webpage. <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/people/outreach/slbft/>.

NRCS is committed to the success of our nation's HU producers, landowners, businesses, and partners. HU producers and landowners play a vital role in securing a



healthy agricultural economy for our country and are often leaders in protecting, enhancing, and sustaining our valuable natural resources.

NRCS gives priority consideration to RCPP proposals that clearly describe meaningful and measurable engagement with and benefit to HU producers and landowners. In addition, HU producers and landowners may be eligible for special incentives (e.g., higher payment rates for conservation practices or entity-held easements) to encourage their participation in RCPP projects.

RCPP Classic and AFA applicants that intend to address this priority must provide a narrative explanation of how their project will substantively engage and benefit HU producers and landowners.

During the proposal evaluation process, each proposal receives an HU index rating that reflects the extent to which the proposed project engages and benefits HU producers and landowners. The index ratings are:

- A—proposal demonstrates that the majority of the project resources (RCPP and partner contributions) will be directed to HU producers and landowners as a condition of the award.
- B—proposal includes a clear plan for HU producer and landowner participation and includes at least one partner with a history demonstrating a trusted relationship with HU producers and landowners.
- C—proposal indicates a substantive plan for HU producer and landowner outreach.
- D—proposal does not include explicit HU producer or landowner engagement.

## **5. Overview of the RCPP Proposal Process**

Applicants must submit a full project proposal following the requirements in section V of this funding notice. The RCPP proposal evaluation process is detailed in section VI.

Applicants with an existing RCPP project may compete for additional funding to support an existing project (e.g., working with additional producers and landowners, expanding into a new geographic area, or addressing additional resource concerns or conservation benefits) or for a new project. When considering a proposal related to an existing RCPP project, NRCS considers previous performance and project outcomes as part of the evaluation criteria.

## **6. NRCS Project Oversight and Technical Assistance Responsibilities for RCPP Classic and AFAs**

AFA projects entail partner-led delivery of financial assistance (FA) and technical assistance (TA), and statutorily prescribed roles for NRCS participation in each AFA project. Using information provided by the lead partner, NRCS is required to verify that participating producers and landowners comply with the Farm Bill's adjusted gross

income (AGI) payment limitations and highly erodible land (HEL) and wetland conservation (WC) provisions.

As part of NRCS oversight of both Classic and AFA agreements, NRCS is also responsible for making reimbursement payments to lead partners, tracking project reporting based on information provided by the partner, and providing the technical and the administrative assistance that was mutually agreed to by the parties.

In addition, NRCS is responsible for ensuring compliance with the National Environmental Policy Act (NEPA), the Endangered Species Act, and the National Historic Preservation Act. Data collection to support compliance with these statutes can be negotiated as part of the partnership agreement. However, statutes can be carried out by Partners through agreement with NRCS as part of the partnership agreement. Analysis and decision-making authority for statutory compliance remains a Federal responsibility. For RCPP AFA, the Partner is responsible for ensuring that activities performed under the AFA comply with Federal, State, Tribal, and local laws and regulations.

## **7. Final Rule**

The RCPP final rule was published in the *Federal Register* on January 14, 2021. RCPP regulations are found in 7 CFR part 1464. NRCS is required to implement RCPP consistent with the RCPP regulations.

## **B. FUNDING AVAILABILITY**

For the FY 2023 RCPP Classic and AFA competitions, there is a total of up to \$500 million available. Up to \$225 million of the RCPP funds available through this funding announcement is provided through the Inflation Reduction Act of 2022 (IRA). The IRA directs NRCS to prioritize funding for proposals that “support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding, or sequestering carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production.”

Fifty percent of the RCPP funding is dedicated to NRCS-designated CCA projects, and 50 percent is dedicated to projects in the state or multistate category. The maximum RCPP funding (combined FA and TA) available for any project selected under this announcement is \$25 million. The minimum funding amount for an RCPP project is \$250,000.

When applying for funding, applicants will need to select a proposal type (Classic or AFA) as well as a funding pool (state, multistate, or CCA). Up to \$50 million is being made available specifically for NRCS to enter into AFAs with Indian Tribes. Any unused funds may be available to enter into other partnership agreements.

RCPP funds awarded at the time the agreement is executed are committed by NRCS for 5 years. Partners may request an agreement term of longer than 5 years when it is necessary to meet the objectives of the program (see section V). At its discretion, NRCS may

extend a Partnership agreement once, for up to 12 months beyond the original agreement term. In the case of IRA-funded projects, all financial and technical assistance funds must be expended by September 30, 2031, and no IRA-funded RCPP project partnership agreements will be extended beyond that date.

RCPP funds are committed for specific purposes based on proposed activities (e.g., specific types of FA or TA deemed critical to project success). FA funds are available for land management and restoration, rental, cost-share agreements for entity-held easements, U.S. held easements, and public works or watershed structures RCPP funds may be obligated through contracts with agricultural producers and landowners or through agreements with eligible partners.

RCPP funding to landowners and producers will be awarded through program contracts. RCPP funding to eligible entities, landowners, and producers will not be expended until the agreement is signed.

### 1. Fund Pools and CCA Priority Resource Concerns

RCPP applicants must identify in their proposals whether they are applying to the CCA pool or the state and multistate fund pool. For more information about CCAs, including the maps of CCA boundaries, visit the [NRCS RCPP website](#).

State/multistate projects must be carried out either within a single State or in multiple States. For multistate projects, priority consideration is given to proposals identifying a manageable number of States.

CCA projects must take place wholly within a CCA (counties traversed by a CCA border are considered within the CCA boundary). There are eight CCAs that represent landscapes with common resource concerns. For each CCA, NRCS has identified priority resource concerns. CCA proposals must address at least one of the relevant CCA’s priority resource concerns. CCA projects can be funded through IRA dollars if they meet the IRA requirements including implementation of climate smart practices that reduce greenhouse gas emissions and has co-benefits to bolster climate resilience. CCAs and associated priority resource concerns for the FY 2023 RCPP competition are:

RCPP Critical Conservation Areas	CCA Priority Resource Concerns
Great Lakes Region (IL, IN, MI, MN, NY, PA, OH, WI)	<ul style="list-style-type: none"> <li>• Water quality degradation</li> <li>• Inadequate habitat for fish, wildlife, and invertebrates</li> </ul>
Chesapeake Bay Watershed (DE, MD, NY, PA, VA, WV)	<ul style="list-style-type: none"> <li>• Water quality degradation</li> <li>• Inadequate habitat for fish, wildlife, and invertebrates</li> </ul>
Mississippi River Basin (AR, KY, IA, IL, IN, LA, MN, MO, MS, OH, SD, TN, WI)	<ul style="list-style-type: none"> <li>• Water quality degradation</li> <li>• Inadequate habitat for fish, wildlife, and invertebrates</li> <li>• Excess/insufficient water/drought</li> </ul>
Longleaf Pine Range (AL, FL, GA, LA, MS, NC, SC, TX, VA)	<ul style="list-style-type: none"> <li>• Inadequate habitat for fish, wildlife, and invertebrates</li> <li>• Degraded plant condition</li> <li>• Water quality degradation</li> </ul>

RCPP Critical Conservation Areas	CCA Priority Resource Concerns
Western Waters (ID, OR, WA, CA)	<ul style="list-style-type: none"> <li>• Excess/insufficient water/drought</li> <li>• Water quality degradation</li> <li>• Inadequate habitat for fish, wildlife, and invertebrates</li> </ul>
Northeast Forests and Waters (CT, MA, ME, NH, NY, RI, VT)	<ul style="list-style-type: none"> <li>• Water quality degradation</li> <li>• Inadequate habitat for fish, wildlife, and invertebrates</li> <li>• Degraded plant condition</li> </ul>
Prairie Grasslands Region (CO, KS, IA, MO, MN, MT, ND, NE, NM, OK, SD, TX, WY)	<ul style="list-style-type: none"> <li>• Inadequate habitat for fish, wildlife, and invertebrates</li> <li>• Degraded plant condition</li> <li>• Excess/insufficient water/drought</li> </ul>
Colorado River Basin (AZ, CA, CO, NM, NV, UT, WY)	<ul style="list-style-type: none"> <li>• Excess/insufficient water/drought</li> <li>• Water quality degradation</li> <li>• Soil quality degradation</li> <li>• Inadequate habitat for fish, wildlife, and invertebrates</li> </ul>

## 2. Adjusted Gross Income Requirements

Per 16 USC 3871b, AGI provisions do not apply to RCPP partners, it only applies to producers and landowners receiving USDA payments.

Per 16 USC 3871c, the partner may request the Chief to waive AGI applicability for a project

A producer may request an AGI waiver pursuant to Section 1001D as embodied into 7 CFR 1400.

## 3. Practice Standards

Conservation practice standards form the environmental and scientific basis for the majority of NRCS supported land improvement and land management activities. Applicants are encouraged to work with the appropriate NRCS state RCPP coordinators to identify existing NRCS conservation practices (and other eligible activities) best suited for addressing project resource concerns and generating conservation benefits.

In instances where approved conservation practice standards are not available or currently suitable to support proposed work, RCPP partners may work with NRCS to develop interim conservation practice standards that are consistent with NRCS authorities, policies, and procedures.

Developing and establishing interim conservation practice standards requires deliberate consideration and review, in accordance with NEPA; therefore, applicants are strongly encouraged to identify any required interim conservation practice standards during the proposal process or during agreement negotiations.

NRCS may consider requests to establish an interim conservation practice standard during project implementation, but RCPP project implementation may be hampered by interim conservation practice standard development timeframes.

## **C. ELIGIBILITY INFORMATION**

### **1. Eligible Partners**

Entities that are classified as one of the following organizational types can serve as an eligible RCPP partner:

1. An agricultural or silvicultural producer association or other group of producers.
2. A state or unit of local government.
3. An Indian Tribe.
4. A farmer cooperative.
5. A water district, irrigation district, acequia, rural water district or association, or other organization with specific water delivery authority to agricultural producers.
6. A municipal water or wastewater treatment entity.
7. An institution of higher education.
8. An organization, business or entity with an established history of working cooperatively with producers, as determined by NRCS, to address:
  - a. local conservation priorities related to agricultural production, wildlife habitat development, or nonindustrial private forest land management; or
  - b. critical watershed-scale soil erosion, water quality, sediment reduction, or other natural resource issues.
9. An entity, such as an Indian Tribe, state government, local government, or a non-governmental organization, that has a farmland or grassland protection program that purchases agricultural land easements, as defined in 7 CFR 1468.3.
10. A conservation district.

### **2. Lead Partner**

Each project must have a single lead partner, which is the entity that submits an RCPP proposal and negotiates an agreement with NRCS. The lead partner is ultimately responsible for ensuring completion of all partner responsibilities in a project including delivering and reporting partner contributions, collecting performance data, and assessing project outcomes.

### **3. Contributing Partners**

In addition to any contributions coming from the lead partner, RCPP projects may include direct or in-kind contributions from other entities, known as “contributing

partners.” A contributing partner may be an eligible partner (entities described in the list in section III(A)) or may be a third-party individual or organization (even a non-USDA Federal agency) that would not qualify as an eligible partner by the program definition. Partner contribution templates can be found at the [RCPP How to Apply page](#) and should be used to document commitments made by partners. In the event of proposal selection, the lead partner assumes responsibility for tracking and reporting of all collaborating partner contributions.

## **1. Producers and Landowners**

Agricultural producers or private landowners receiving funding as part of RCPP projects must:

1. provide a tax identification number (where applicable, American Indians, Alaska Natives, and Pacific Islanders may use another unique identification number for each individual eligible for payment);
2. provide the percentage of interest share in a payment that is consistent with operation or ownership shares (where applicable);
3. comply with the HEL, WC, and Farm and Tract eligibility (FTE) requirements of the 1985 Act;
4. comply with the AGI provisions or receive a waiver as described in section II(B) of this notice; and
5. complete eligibility forms necessary to support FSA establishment of Farm Records and Farm Bill eligibility.

Eligible or qualified partners awarded agreements to implement entity-held easements or public works activities are not subject to the HEL, WC, FTE, and AGI requirements. Any landowners or producers receiving a payment under these agreements (e.g., the transfer of an easement to an eligible entity, also known as “an entity-held easement”) are subject to HEL, WC, FTE, and AGI requirements.

If the parcels, producers, and landowners meet eligibility requirements determined by NRCS, these applicants may be given priority for an award.

Once NRCS selects a project and executes a Partnership Agreement with a lead partner, eligible producers or landowners may participate in an RCPP project in one of two ways. First, they may engage with RCPP project partners and request that the partner consider and submit their producer application as part of a partner bundle of applications for NRCS to consider. Second, eligible producers or landowners planning to engage in eligible activities consistent with an RCPP project in the project’s geographic area may apply directly to NRCS.

NRCS may assign priority ranking to “bundled applications” submitted by an RCPP partner. Bundled applications are applications (for producer or parcel contracts) from one

or more producer or landowner that the lead partner presents to NRCS for priority consideration as part of an RCPP project.

For RCPP Classic projects, contributions of cash or in-kind services provided by a producer or landowner that are associated with implementation of an RCPP program contract (such as land management activities or landowner donations associated with U.S. held easements) cannot be counted as partner contribution.

For AFA projects, NRCS expects partners will have access to producer and landowner networks to identify prospective project participants. Proposals must describe how the partner plans to identify and engage with producers and landowners.

Lead partners are responsible for working with NRCS to ensure that any producer or landowner receiving RCPP funding through an AFA project complies with HEL and WC provisions and the AGI limitation. Checking producer or landowner eligibility must be completed prior to the partner executing individual enrollment contracts or agreements and prior to issuing any payments that the partner expects NRCS to reimburse. Lead partners must timely furnish the data required for NRCS to complete compliance checks.

## **2. Land Eligibility**

RCPP projects must be carried out on agricultural or nonindustrial private forest land or on associated land that NRCS determines would benefit from an eligible conservation activity. Generally, eligible land must be shown in FSA records as private or tribal and be used for agricultural or forestry purposes.

“Associated land” is defined as land associated with farms and ranches that is not purposefully managed for food, forage, or fiber and is typically associated with nearby production or conservation lands. Associated land (such as wetlands, riparian areas, grasslands, or floodplains) may comprise the entirety of an enrolled area or may be incidental areas on an enrollment that includes agricultural or nonindustrial private forest land. Associated land may include areas such as idle center pivot corners, , ditches and watercourses, riparian areas, field edges, seasonal and permanent wetlands, and other similar areas. To be included in an enrolled area, RCPP funded activities implemented on associated lands must be functionally related to and address resource concerns on agricultural or nonindustrial private forest lands in the project area.

Below are the two limited circumstances in which public lands may be included in an RCPP project:

1. A watershed or public works structure is constructed on public lands but the benefits (such as flood control or water supply) accrue to private agricultural lands or nonindustrial private forest lands.
2. A producer who has demonstrated control of a patchwork of private and public lands seeks to apply a land management activity on public lands as part of a system of improvements to address resource concerns on both public and private lands in the producer’s operation.

RCPP funding cannot be used to place conservation easements on land already protected through its ownership by a land trust or other entity that is required by statute or organizational intent to protect land from development, with the exception of lands that are a part of a “buy-protect-sell” transaction for an entity-held easement that meets applicable policy requirements.

Land eligibility is discussed in more detail in the RCPP regulations at 7 CFR part 1464.

### **3. Eligible Activities**

RCPP eligible activities are based on existing USDA programs referred to as “covered programs” (see Appendix I). Project proposals must explicitly request funding for at least one of the following RCPP eligible activity types:

- Land management
- Land rental
- Entity-held easements
- U.S. held easements (for RCPP Classic only)
- Public works and watersheds

A single RCPP project proposal may propose to include any combination of these eligible activity types as part of a RCPP project.

For example, an eligible partner could propose to improve wildlife habitat in a geographic area by engaging producers in land management activities, restoration of habitat, and placement of perpetual easements on agricultural lands. Eligible producers would carry out the land management and habitat restoration activities through RCPP land management contracts, while conservation easements held by other entities or the United States would be purchased from the eligible landowner through a separate award.

Though RCPP activities (whether a practice, activity, land rental, agreement, easement, or related conservation measure) are potentially available under a covered program’s statutory authority, the individual RCPP contracts and agreements made under an approved RCPP partnership agreement may provide producers and landowners greater flexibility than what is available for such activities under the covered programs.

RCPP partnership agreements focus on addressing RCPP project resource concerns and are not subject to the covered program’s regulations and eligibility criteria. Activities proposed that do not align with existing NRCS practices are subject to additional requirements to comply with NEPA.

The following are the “covered programs,” used as a guide for determining eligible RCPP activities:

- Environmental Quality Incentives Program (EQIP)
- Conservation Stewardship Program (CSP) (excluding the Grassland Conservation Initiative authority)
- Agricultural Conservation Easement Program (ACEP)



- Healthy Forests Reserve Program (HFRP)
- Public Law 83-566 Watershed Program (excluding the Watershed Rehabilitation Program at 16 U.S.C. 1012)
- Conservation Reserve Program (CRP)

Applicants should carefully read 7 CFR part 1464 and Appendix I of this notice for additional information on eligible RCPP activity types, including participant eligibility, contract and agreement purposes, and contract and agreement expectations and responsibilities.

## **IV. RCPP PROJECT FUNDING**

The RCPP funding provided by NRCS is divided into two categories: FA and TA. Each RCPP project will receive the maximum funding commitment up to the per award limitation when the proposal is selected.

Applicants may request NRCS funding for up to 25 percent of TA activities. The remainder of the proposed budget will be used for FA to implement eligible conservation activities (see section III(F)). The applicant should meet with the applicable state conservationist prior to developing and submitting their proposal to discuss partner TA activity capabilities and proposed funding.

For RCPP Classic projects, FA is typically provided through producer and parcel contracts between NRCS and producers or landowners. RCPP Classic FA funds are held by NRCS and typically the producer or landowner is paid directly by NRCS; however, NRCS generally provides FA as cost-share assistance to an eligible entity to support the eligible entity's purchase of an entity-held easement from an eligible landowner.

For AFA projects, funding assistance is provided to partners in advance or on a reimbursement basis as appropriate.

### **A. Financial Assistance**

FA is delivered through RCPP eligible program activities. RCPP eligible program activities are based on existing USDA programs referred to as "covered programs" (see Appendix I). Project proposals must explicitly request funding for at least one of the following RCPP eligible activity types:

- Land management
- Land rental
- Easements held by entities
- Easements held by the United States (for RCPP Classic only)
- Public works and watersheds

### **B. Technical Assistance**

TA expenses include activities such as conservation planning, implementation, quality assurance, project management, outreach, and coordination.

NRCS maintains substantial responsibility for ensuring that RCPP conservation activities are implemented according to Federal and agency statutes, regulations, and policies. Some of NRCS's responsibilities cannot be delegated and must be performed by NRCS. For responsibilities that cannot be delegated, NRCS uses TA funds.

Whether TA activities are performed by NRCS, a partner, or a third party, they must be executed according to applicable Federal requirements, including NRCS planning procedures, conservation practice standards, and job approval authorities. Any partner TA activities must be performed at defensible rates approved by the NRCS state conservationist.

RCPP TA funds may not be used for due diligence expenses incurred by an eligible entity associated with the purchase of an easement held by an entity. NRCS may provide TA funds to an eligible partner to assist with preparing easement plans when NRCS is responsible for developing the easement plan.

The NRCS state conservationist will work with the lead partner to refine proposal budgets for TA, which could include allocating TA funding to partners that have the capacity and capability to perform the work according to NRCS planning and practice standards. TA funds can also be earned by partners for project-level activities, which include project management, outcomes assessment, and the other activities listed in this section. When a project is selected, NRCS will identify and make publicly available the amount of TA funds that NRCS will provide to the project.

Partner TA budgets in project proposals are tentative and ultimately negotiated between NRCS and the lead partner. The NRCS state conservationist will work with partners to establish eligible TA activity deliverables and valuation methods.

The following is a list of common eligible TA activities:

1. Producer and parcel contracts conservation planning, design, and implementation for:
  - Land management and rental contracts
  - Easements held by the United States
  - Public work projects
2. Project Management
3. Innovation
4. Outreach
5. Outcomes Assessment

**IMPORTANT:** The partner cannot be reimbursed for any work performed before the execution of a signed agreement with NRCS that obligates funds to a specific partner. However, consistent with RCPP flexibilities, for the period beginning on the date that

NRCS announces the approval of an application under this notice and ending the day before the effective date of the partnership agreement, any amounts expended by the lead partner for staff salaries to develop the partnership agreement may be considered part of the contribution of the lead partner.

### **C. Administrative and Equipment Costs**

The RCPP statute prohibits NRCS from reimbursing partners for administrative costs, which include expenses for rent and utilities, durable equipment and software acquisitions, space used by staff, copiers, phones, information technology support, and other similar costs or expenses that are not directly related to the implementation of the project. It is incumbent upon RCPP partners to provide NRCS with sufficient evidence of any costs directly related to the RCPP project for which they are seeking reimbursement.

### **D. Partner Contributions**

NRCS's goal is for partner contributions to constitute a significant part of each project. Partner contributions may be any combination of cash and in-kind support, and may complement either NRCS's FA, TA, or both. Certain RCPP activities such as easements held by entities and public works activities have specific minimum match requirements (see details in Appendix I).

For RCPP Classic projects, producer expenses are not eligible contributions if associated with a producer contract funded by RCPP. Producer expenses incurred for eligible activities completed without RCPP funding assistance may be eligible as a contribution.

For AFA projects, producer contributions may be counted where producer actual costs exceed reimbursements from RCPP and partner funds.

NRCS strongly recommends that partners propose value-added contributions that enhance the overall impact and efficacy of an RCPP project. The magnitude and significance of partner contributions factor into the project evaluation criteria listed in section VI. NRCS may approve proportional reductions in proposed contributions if a project is funded at less than the proposed amount.

To count as partner contributions, partner expenditures must be:

- expended during the life of the RCPP project,
- expended within the project's geographic boundary,
- included in the partnership agreement, and
- expended in support of the project's goals and objectives.

Funding from Federal agencies outside of USDA may be counted as partner contributions, provided that such funding meets the contribution requirements previously discussed in this section. Partners are responsible for consulting the other Federal agencies from which they receive funds to determine how an RCPP project may affect non-Federal match for those agencies' purposes.

Expenditures for project development activities, such as producer outreach carried out by RCPP project partners between the time of project selection announcement and agreement execution, may be counted as partner contributions if identified in the proposal budget and approved by NRCS after project selection.

Partner contribution valuations must demonstrate actual costs incurred by partners during the project life. NRCS may consider estimates or models for in-kind contributions. Where NRCS determines that the proposed contributions, valuation methods, or quantities delivered do not satisfy the program requirements, the lead partner is ultimately responsible for identifying replacement contributions acceptable to NRCS. If NRCS does not agree to the replacements, NRCS may amend or terminate the RCPP agreement.

Partners providing TA activities as a project contribution may count limited indirect costs as a partner contribution, as follows:

1. To determine the amount of indirect costs that may be counted as partner contribution to the RCPP, the Negotiated Indirect Cost Rate Agreement (NICRA) rate or the de minimis rate may only be charged against the same partner’s negotiated TA contributions.
2. Organizations that have an active NICRA with the Federal Government must use the rate and base identified in the NICRA to determine the indirect costs to be included in a negotiated agreement as contributions. Where applicable, current NICRAs must be uploaded as part of the RCPP project proposal in the RCPP portal.
3. Entities without a NICRA may use a de minimis rate of up to a 10 percent for indirect costs.
4. Due to the unique nature of RCPP agreements, NRCS may identify certain partner expenses as administrative costs that are not defined as indirect costs in an organization’s NICRA. Partners may request that such partner expenses be considered partner contributions beyond the NICRA rate (partners may flag this in the proposal’s contributions deliverables table and discuss it with NRCS if the proposal is selected for an award).

The following table includes potentially eligible partner contributions.

<b>Potentially Eligible Partner Contributions</b>
Deliver FA and benefits to producers or landowners to complement RCPP funding, addressing one or more project resource concerns.
Develop and manage RCPP agreements with NRCS.
Provide other RCPP project-related outreach and education, including inventories, analyses, and tools needed to inform outreach.
Support inventories and data for environmental evaluations.
Provide information or tools needed by NRCS to support agency eligibility determinations, evaluation, and ranking.

<b>Potentially Eligible Partner Contributions</b>
Develop and enter into FA contracts or agreements to implement RCPP-eligible activities using non -NRCS funds.
Deliver TA activities to producers or landowners for planning directly related to initiating or managing eligible conservation activities.
Deliver TA activities to eligible FA or resource assessment services (e.g., securing and managing contracts for third-party services like engineering studies, surveys, or appraisals of easements held by the United States).
Communicate and coordinate project-related activities.
Provide due diligence activities for easements held by entities.
Develop and calculate quantifiable project outcomes.
Manage the leveraging of other funds related to RCPP project goals and objectives.
Develop innovative conservation approaches.
Manage project and develop partnership to accomplish project goals.
Develop, train, and build staff.
Develop and maintain connections to related conservation efforts.
Manage administrative costs (see section IV(C) for limits on eligible administrative costs)

## **V. RCPP PROPOSAL REQUIREMENTS**

### **1. Format and Instructions**

RCPP proposals must be submitted through the RCPP portal by the deadline provided in the Executive Summary of this notice. NRCS evaluates proposals according to the criteria provided in section VI of this notice.

At least 4 weeks prior to the proposal deadline, and before starting a proposal in the RCPP portal, entities interested in applying to RCPP are advised to request a meeting with the appropriate NRCS state conservationist and RCPP coordinator. Communication with state leadership is critical to helping partners:

1. frame conservation benefits in terms of NRCS resource concerns (it is recommended that partners discuss all the NRCS practices that might be needed to ensure the full scope of resource concerns are identified);
2. understand RCPP eligible activities and which activities are suited to treat NRCS resource concerns within the proposed project area;
3. identify partner TA needs and capabilities;
4. develop the approach for measuring conservation (and potentially economic and social) outcomes of RCPP projects; and
5. establish a mutual understanding between NRCS and partners regarding the partner capacities and requirements, as the RCPP funding model depends on close

coordination and collaboration between partners and NRCS to achieve project success.

A list of state conservationists and RCPP coordinators (as of the date of this notice's posting) is on the [RCPP website](#).

**NOTE:** RCPP proposals become the property of NRCS for administering the program and will not be returned to the applicant. Proposal details will not be shared publicly, but summary data of successful proposals (such as project title, RCPP funding requested, total contribution proposed, geographic target area, and proposed project activities and benefits) will be made publicly available.

## 1. Proposal Content

RCPP proposals must adhere to the following guidance, which is consistent with the proposal entry screens of the RCPP portal. Any additional materials submitted but not specifically required in the following list will not be considered in the review process.

1. **Basic Project and Contact Information:** Lead partners must list a primary and alternate contact to help ensure effective communication with NRCS staff. The primary contact should be the project director (i.e., the individual coordinating project activities) and the alternate contact should be the administrative contact (i.e., the individual managing administrative components of the project such as project payments, etc.).

Lead partners must select the primary (and secondary, if relevant) natural resource concern addressed by the project. For CCA projects, the primary resource concern must be a priority resource concern listed in section II of this notice.

RCPP agreements for selected projects expire after 5 years. Applicants may request an agreement length longer or shorter than 5 years only if such a request is submitted and justified as part of a proposal.

2. **List of Project Partners:** Identify the lead partner (the party with which NRCS will execute the partnership agreement) and all contributing partners, as well as partners that will receive RCPP implementation or enhancement TA funds. Briefly describe the role of each partner.
3. **Narrative Questions:** In the RCPP portal, applicants must answer questions related to the evaluation criteria found in section VI of this notice. These questions require the applicant to describe the compelling conservation need addressed by the project, the goals and objectives, the geographic focus, the estimated number of participating producers and landowners, and the project management capacity of the identified partners, among other items. The RCPP portal restricts answers to a defined number of characters, including spaces. Narrative questions will be posted on the [RCPP How to Apply web page](#).

4. **Project Outcomes:** An RCPP lead partner is responsible for reporting on the conservation outcomes expected of their projects (and to the extent possible, any economic and social outcomes expected). A guidance document for outcomes reporting is posted on the [RCPP How to Apply web page](#). Applicants who intend to serve as lead partner should carefully review the outcomes reporting guidance document prior to drafting their portal proposal.
5. **Deliverables and Contributions:** The RCPP portal guides applicants to fill out two tables. One table connects proposed project deliverables with funding requested (both FA and TA), and the other table collects partner contribution information.

In the deliverables table, applicants must request RCPP funding by project year and anticipated RCPP activity types (e.g., land management and land improvement, rental contracts for easements held by the United States, easements held by entities, public works and watershed funding, typical conservation activities, and TA funding). Funding requests in the project proposal are estimated; however, applicants should propose the most realistic and accurate funding levels possible. If a proposal is selected, the final budgets of selected projects will be negotiated during the agreement development phase, with proportional changes required if either contributions or RCPP funding amounts change.

In the partner contributions table, applicants must list the lead partner and any contributing partners, as well as identify contributions as cash or in-kind. If a proposal is selected for an award, NRCS will use this contribution information to ensure that contributions are eligible and verifiable, and that partners have an auditable system for tracking contributions. NRCS analysis of contributions during agreement negotiations may result in changes to eligible contributions in the agreement.

As described in section IV(D), partner contributions can include partner administrative expenses, within limits. To help NRCS evaluate the eligibility of administrative expense contributions, applicants should either include them as a separate line item or make the administrative expenses clear if they are included in a contribution line item (e.g., personnel costs).

6. **Contribution Commitment Letters:** Lead partners must provide a commitment letter from each non-lead partner or other third-party that is providing contributions, including cash and in-kind services. Dollar amounts entered in the RCPP portal must match the amounts identified in the commitment letters. If discrepancies are noted, NRCS will use the lower of the two amounts. Letters offering general support for the project will not be considered and should not be submitted through the RCPP portal.

For all projects, the lead partner (the party with which NRCS will execute a partnership agreement) assumes responsibility for ensuring that all contributions are delivered as proposed in the agreement. A template for commitment letters can be found on the [RCPP How to Apply web page](#).

7. **Project Map:** Applicants must upload an image (jpg. or pdf.) that clearly delineates the geographic scope of the project. Once a project is selected for funding, the lead partners will work with an NRCS state RCPP coordinator to develop a more sophisticated project map using Geographic Information Systems.
8. **SAM Registration:** The System for Award Management (SAM) is the official U.S. Government system that consolidated the capabilities of the Central Contractor Registration, Federal Register, Online Representations and Certification Application, and Excluded Parties List System. To register, go to <https://sam.gov/content/home>. SAM registration must be renewed annually. All RCPP applicants must be registered within sam.gov and include their Unique Entity Identification in their proposal. Applicants should allow ample time to obtain or renew their SAM account.

## VI. PROPOSAL

### A. REVIEW CRITERIA

Before undergoing technical review, NRCS screens proposals for completeness and partner eligibility. Proposals determined by NRCS to be ineligible or substantially incomplete (i.e., cannot be properly assessed by the technical reviewers) are eliminated from the RCPP competition. NRCS notifies applicants of any proposals that have been removed from competition prior to the technical review.

RCPP proposals that successfully pass this initial vetting are evaluated against the following technical review criteria. It is recommended that applicants use these criteria as a guide when developing a proposal.

#### 1. Impact (50 percent)

1. Does the proposal describe a compelling climate mitigation and/or conservation need and clear project goals and objectives?
2. Will the proposal generate substantial climate mitigation and/or conservation benefits, and are those benefits likely to be achieved based on proposed project methods and approaches?
3. Is the project area the appropriate scale for the resource concerns and goals identified?
4. Does the proposal describe measurable and achievable climate mitigation and/or environmental project outcomes? Are there economic and social outcomes?
5. Does the partner plan to target project funding based on a scientific assessment or research-based plan?



## **2. Partner Contributions (15 percent)**

1. To what extent are partner contributions adding value and bringing unique and qualified expertise or resources to the project to enhance project outcomes (e.g., cash vs. in-kind, FA vs. TA, TA skills and expertise)?
2. Do proposed contribution deliverables, contribution commitment letters, and valuation methods demonstrate a clear and compelling relationship to project deliverables and outcomes?
3. Are contribution deliverables and valuation methods clearly documented?

## **3. Partnerships and Management (35 percent)**

1. Is the proposal supported by a robust partnership that includes a diversity of entities and organizations? Is the partnership the required size and composition to effectively achieve the proposed conservation benefits in a coordinated manner?
2. Is the project timeline realistic, reflecting the time, tasks, and expenses needed to execute project planning, implementation, and evaluation needs?
3. Does the lead partner demonstrate experience managing similar conservation projects, executing deliverables, and successfully achieving conservation initiatives?
4. For multistate projects, is the number of states and entities included in the project a reasonable number to facilitate effective project management?
5. Do the partners have a history of collaboration and engagement with agricultural producers and private landowners to ensure high levels of participation? Does the proposal include a strategy for partner-led outreach and education to agricultural producers and private landowners?
6. As a Justice40 covered program, does the proposal meaningfully encourage or include the participation of HU producers and landowners, including socially disadvantaged, beginning, limited resource, veteran farmers and ranchers, or Indian Tribes?
7. Does the partnership include an organization that has a history of collaborating with or representing HU producers and landowners?
8. Is this a project that is most effectively performed through RCPP rather than another NRCS Farm Bill program or does it effectively coordinate more eligible activities from covered programs?
9. Does the partner bring adequate and skilled technical capacity to the project?

## **Additional Information About Review Criteria and Process**

## **Climate-Smart Agriculture through Inflation Reduction Act Funding**

Up to \$225 million of the RCPP funds available through this funding announcement is provided through the Inflation Reduction Act of 2022 (IRA). The IRA directs NRCS to prioritize funding for proposals that “support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding, or sequestering carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production.”

When making awards using the IRA funding, NRCS will give the highest priority to proposals that best meet this statutory intent. Examples of land management activities that are consistent with this statutory intent include implementing soil health management systems and practices, nutrient management practices, and grazing and wildlife habitat practices that improve the storage of forest carbon. For easements, NRCS will prioritize forest, wetland, and grassland easements that protect land and habitats that are or will be in permanent vegetative cover, are located on soils high in organic carbon, or will be managed to contribute to carbon sequestration.

NRCS will give second priority to proposals that address other aspects of climate change adaptation or mitigation efforts, including climate-smart agriculture. Examples may include proposals with watershed activities designed to increase water supply or improve flood control, or easements such as along riparian corridors that buffer impacts from floods, improve water quality or quantity, accommodate sea level rise, or address changes in habitat ranges.

When climate-smart practices, systems, easements, and watershed activities are a part of a proposal, applicants are encouraged to describe how each activity improves climate mitigation (e.g., sequester carbon or reduce greenhouse gas emissions) or improve climate adaptation (e.g., increase resilience).

### **Proposal Evaluation Process**

For RCPP Classic, all RCPP technical evaluations are carried out by NRCS state offices using the criteria previously outlined. Multistate and CCA proposal evaluations are coordinated by the relevant states. NRCS state conservationists will consult with state technical committees on the RCPP review process.

For AFAs, a national review team will evaluate proposals, with participation from state offices.

NRCS leadership will review the results of the state and national team evaluations and make recommendations for funding to the Chief. The Chief will consider available funding, geographic diversity, applicant diversity, and other factors in making the final project selections.

## **Environmental Review Requirements**

Some RCPP conservation activities may require Federal, State, Tribal, or local permits. All required Federal, State, Tribal, or local permits must be acquired prior to initiation of project activities. Applicants should consider tasks and requirements associated with obtaining necessary permits when establishing a project scope and timeline. Applicants must provide appropriate documentation for any relevant permit requirements as part of the proposal packet.

Once a Partnership Agreement is executed, NRCS and partners will follow policy that requires site-specific environmental evaluations during the planning phase of an eligible activity. In addition, NEPA review is required at the RCPP project level when the NRCS conservation planning process or conservation practice standards are to be supplemented or replaced with innovative measures or when public works and watershed activities are included in an RCPP proposal. NRCS may complete an environmental assessment to determine whether an environmental impact statement must be conducted for the project.

Project proposals should incorporate explicit acknowledgment of any NEPA and other environmental compliance needs and reflect such information in the project timeline and budget. Expenses for such analyses must be included in total project cost as either a partner TA contribution, or (if approved during agreement negotiations) as a potentially reimbursable TA item. NRCS is responsible for compliance with Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act and may not delegate these responsibilities to partners. Subject to NRCS-approved processes and review, partners may arrange and pay for any resource surveys needed for NRCS to assess project effects and be involved in required consultations.

Partner contributions to the RCPP project that would not occur without RCPP funding received from NRCS (i.e., projects without independent utility) must be analyzed as part of the NEPA analysis if determined necessary by NRCS in collaboration with the lead partner or designee. Costs (and delays) of such analyses will be the responsibility of the partner unless otherwise agreed to during negotiations.

## **VII. PROJECT INFORMATION AND ADMINISTRATION**

### **A. RCPP Partnership Agreements**

After a proposal is selected to become an RCPP project, the lead state conservationist will negotiate the final budget, scope, and responsibilities of the RCPP agreement with the lead partner.

NRCS staff complete the agreement, with involvement and concurrence from the lead partner. The lead NRCS state office will facilitate agreement negotiations. The agreement must be finalized and signed by the deadline in the project selection announcement.

Agreement negotiations will include detailed discussions on the roles of the lead partner, contributing partners, and NRCS in implementing the project, including the provision of

TA funding (refer to section IV of this notice for details on TA). Project negotiations will also confirm or refine contribution deliverables and valuation methods.

RCPP applicants should generally anticipate a project start date no earlier than December 31, 2023, and no later than June 1, 2024. Updates to these dates will be communicated to partners on selected proposals.

## **B. Reporting and Reimbursement Requirements**

Annual and final project reporting requirements are included in the RCPP agreement. Lead partners must submit annual progress reports to NRCS. These reports must include information on project deliverables, partner contribution expenditures, producer and landowner outreach and participation, and quantifiable project outcomes. Lead partners must also submit a final report and fact sheet that can be shared with the public. Failure of an RCPP lead partner to stay current with annual and final reporting requirements, project timelines, or contribution expenditures may result in NRCS requiring additional project oversight, adjustments to TA, or ultimately terminating an agreement.

Partner reimbursements associated with a RCPP award executed through an agreement, such as TA agreements, may require additional reporting. Any RCPP partner or third party that is the recipient of an agreement is responsible for requesting payment from NRCS for completed deliverables. As a condition of an agreement, NRCS and a partner may negotiate (subject to NRCS approval) technical requirements and valuation methods for agreement deliverables. For example, if the lead partner requests TA payment for producer outreach activities involving a meeting, submission of actual partner costs incurred to host the meeting, the meeting agenda, and a list of participants may be required before NRCS remits the payment. NRCS and the awardee partner must agree to specific documentation requirements prior to execution of any agreement.

RCPP partners must maintain documentation for expenses paid by NRCS as well as partner contribution expenditures for 3 years beyond the expiration of an agreement.

NRCS intends to audit a random sample of RCPP projects annually. RCPP funds are capped at the lesser of 100 percent of actual cost to the partner, to the producer, or maximum Federal share and cannot be used to pay partner administrative expenses (see Appendix I).

NRCS will provide RCPP lead partners with:

- a semiannual report indicating the status of each pending and obligated RCPP contract associated with a lead partner's agreement, and
- an annual report of NRCS TA expenditures associated with the lead partner's agreement.

## **C. Notifications**

NRCS anticipates making announcements of RCPP project awards in Fall 2023.

NRCS will notify all applicants of selection or non-selection. Following selection, the appropriate NRCS RCPP state coordinator will contact the applicant to initiate negotiation and development of a Partnership Agreement.

Applicants with projects not selected for funding will receive reviewer feedback on their proposals.

#### **D. Withdrawal of Proposals**

Applicants may withdraw their RCPP proposal after the submission deadline by pressing “withdraw” on the proposal record in the RCPP portal, accompanied by an email to the national RCPP inbox ([rcpp@usda.gov](mailto:rcpp@usda.gov)) notifying NRCS of the withdrawal.

## **VIII. SUBMISSION INFORMATION**

Applicants must submit proposals through the RCPP portal at <https://nrsc-sites.secure.force.com>.

Applicants must have eAuthentication (eAuth) level-2 credentials to access the RCPP portal. This is a USDA-wide requirement and is non-negotiable. The following are the steps for obtaining eAuth permissions to submit an RCPP project proposal:

1. Identify a single system user for your organization.
2. Establish a USDA level 2 eAuth account (designated user only) following the guidance accessed at <https://www.eauth.usda.gov/mainPages/index.aspx>.
3. After an eAuth credential is secured, request RCPP portal system access (designated user only at <https://nrsc-sites.secure.force.com>), and under “New Users,” click “Start Here.”
4. Develop a full proposal in the RCPP portal.

The RCPP portal automatically sends applicants an email acknowledging receipt at the time of submission. Applicants are solely responsible for ensuring timely submission through the portal and are strongly advised to allow sufficient time to obtain eAuth and RCPP portal access, as well as to complete the proposal in the RCPP portal. Applicants are advised that establishing an eAuth account and securing system access (steps 2 and 3) may take several weeks to complete. Difficulties related to e-Auth access or other proposal submission requirements will not result in an extension of the proposal deadline.

NRCS will not consider proposals that do not meet the proposal requirements or are incomplete, submitted after the deadline date in this notice, or received through registered or certified mail, facsimile, or courier.

Persons with disabilities who require alternative means for communication (e.g., Braille, large print, audio tape, etc.) should contact the USDA TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

## A. AGENCY CONTACTS

Applicants with questions are encouraged to contact the appropriate NRCS state RCPP coordinator with proposal-related questions. State coordinators are often the person best suited to answer applicant questions about proposals and RCPP in general. The [RCPP website](#) maintains a list of NRCS state conservationists, and RCPP coordinators are updated for each funding opportunity. Potential applicants may also contact national RCPP staff by email at [rcpp@usda.gov](mailto:rcpp@usda.gov) with questions.

## **IX. APPENDIX I – RCPP AGREEMENTS, CONTRACTS AND CONSERVATION ACTIVITIES**

### **A. RCPP Funding Overview**

Once an RCPP proposal is selected for funding, the lead partner and NRCS negotiate the terms of a Partnership Agreement. The agreement documents the relationship between NRCS and the lead partner.

For RCPP Classic, producer contracts (between NRCS and an eligible producer or landowner) are used to implement land management, rental, and activities for easements held by the United States. Other agreements between NRCS and an eligible partner are used to award TA funding, implement watershed and public works projects, or provide RCPP cost-share assistance to an eligible entity for the purchase of an easement held by an entity from an eligible landowner.

For AFAs, all FA and partner TA funding is awarded to the partner through an agreement.

### **B. Producer Contracts, Agreements, and Third-Party Contracts**

For RCPP Classic a majority of RCPP funding is provided to farmers, ranchers, and landowners of eligible agricultural, nonindustrial private forest land, or associated lands. RCPP proposals must describe the types of eligible activities included in a project, but partners are not necessarily expected to identify the specific farmers, ranchers, and landowners that may ultimately participate in the project.

The following principles guide the development of RCPP contracts and agreements:

- Existing NRCS covered programs are used to identify eligible activities, but the regulations of the existing covered programs do not directly apply to RCPP. At the same time, foundational aspects of NRCS contracting processes (e.g., planning processes, conservation practice standards, and payment schedules) are maintained for RCPP producer contracts and agreements to maintain scientific rigor and financial integrity.
- RCPP producer contracts and agreements with partners are expected to be of limited duration to increase the likelihood that conservation benefits are generated during project life. However, once executed, the individual RCPP producer contracts or agreements with partners may remain in effect even if they extend beyond the expiration of the RCPP agreement if determined necessary by NRCS.
- For RCPP Classic, typically all agreements and producer contract applications involving FA will be ranked using NRCS ranking processes. Bundled applications, discussed in section III(D) of this notice, may receive ranking priority. There may be instances where lead partners may choose to “preselect” a specific farm, ranch, or forestland for project activities, particularly for easement projects or where particular lands are critical to realizing project outcomes. In such cases, the proposal’s narrative responses to questions should identify any preselected parcels. Preselection does not equate to selection, as all RCPP producers and lands must meet applicable eligibility requirements.

- In general, agreements providing TA funding to partners do not need to go through ranking unless determined otherwise by NRCS.
- Five types of RCPP FA activities can be proposed within RCPP to address the wide range of eligible activities available in covered programs and RCPP projects. These RCPP FA activity types are identified along with their associated covered program authorities in the following table:

RCPP FA Activity Type	Associated Covered Program Authorities
Land management	EQIP, CSP, ACEP-Wetland Reserve Easements (WRE) (restoration), HFRP (restoration), all PL-566-like infrastructure and land treatment work for benefit of specific producers or absent an approved watershed plan
Land rental	CRP
Easement (U.S. held)	ACEP-WRE, HFRP (easement); expanded to include land uses other than those traditionally eligible under the covered programs (e.g., natural wetlands, grasslands, floodplains, non-industrial private forests lands, agricultural lands, riparian areas)
Easement (entity-held)	ACEP-Agricultural Land Easement (ALE); expanded to include easements on land uses other than those traditionally eligible under the covered programs (e.g., wetlands, non-industrial private forest lands, floodplains, riparian areas)
Public works/watersheds	Public Law 83-566

During proposal development, the RCPP portal allows partners to identify potential contracting mechanisms for project-related obligations of RCPP FA and TA funds. While contract types included in proposals, such as funds for various activities themselves, may have to be revised during agreement negotiations (or even later during agreement management), partners are advised to consider the following table showing contract types and the limits on their use when developing proposal budgets.

RCPP Contract Type	Associated Activities
Producer Contracts	Contracts between NRCS and an eligible producer on eligible lands. These contracts are used for land management and rental activities.
Agreements	Agreements between NRCS and a partner to support delivery of FA or TA. Agreements are used to reimburse partners for specific project deliverables.
Third-Party Contracts	Contracts between NRCS and a third party (e.g., an engineering firm or easement appraiser) to support implementation of project activities.



### **C. Land Management Activities**

Land management producer contracts (including land restoration and improvement) will be offered based on an EQIP/CSP-like contracting model between NRCS and an eligible producer, including private landowners committed to addressing RCPP project resource concerns on eligible lands. The conservation activities included under this category also include restoration and land management practices authorized under ACEP-WRE, HFRP, and the land treatment component of Pub. L. No. 83-566.

### **D. Land Rental Activities**

NRCS will enter land rental activities with eligible producers based on, CRP, and related rental contracting models. The land rental activities will address RCPP project resource concerns on eligible lands. Application, ranking, and contracting will follow applicable aspects of NRCS ranking processes.

NRCS and partners must ensure that any rental payments do not duplicate other producer practice or activity payments. The anticipated flexibility and benefits of rental contracts will be defined through project specific rental scenarios, the availability of project or partner driven ranking pools, the potential for partner innovation in proposed conservation purposes warranting rental contracts, and the potential for leveraging partner contributions for greater conservation benefits.

### **E. RCPP Conservation Easements**

NRCS will either purchase an RCPP easement directly from an eligible landowner (i.e., easements held by the United States) or will enter into a cost-share agreement with an eligible entity to assist that entity in their purchase of an RCPP easement from an eligible landowner (i.e., easements held by entities). RCPP easements retain some elements of ACEP and HFRP easements while differing in substantial ways. RCPP funds may be used to purchase an easement on a variety of lands to address the conservation benefits and resource concerns identified in the RCPP project.

Under NRCS covered programs, easements held by the United States are only available for agricultural wetlands and associated riparian areas (ACEP-WRE) or forestlands (HFRP). Agreements to assist with the purchase of entity-held easements are only available for the protection of eligible agricultural lands, including grasslands (ACEP-ALE) or floodplains (Pub. L. No. 83-566). In contrast, an RCPP easement (whether it is held by the United States or an entity) may be acquired on any lands eligible for RCPP, including preservation of high quality cropland or grasslands, restoration or protection of degraded or natural wetlands, floodplains, riparian areas on associated lands, or protection of nonindustrial private forest lands. Application, ranking, easement acquisition processes, and contracting for RCPP easements emulate applicable aspects of ACEP and HFRP.

Lead partners may help inform NRCS funding decisions through project-ranking criteria and bundled applications. The additional flexibilities of RCPP easements include the possibility of partner-driven ranking pools. For example, partners may identify innovative approaches to

outreach and project development with interested landowners, build robust easement applications, and leverage contributions for greater conservation or landowner benefit.

The following table summarizes the RCPP easements, providing explanatory narratives on some of the aspects unique to the particular easement types provided later in this appendix.

	Easements Held by the United States	Easements Held by Entities
<b>Easement Holder</b>	Acquired and held by the United States through the USDA NRCS	Acquired and held by an eligible entity that meets the requirements of 7 CFR 1468.3.
<b>Easement Deed Requirements</b>	<p>Must use one of three warranty easement deeds provided by NRCS: (1) RCPP Warranty Easement Deed for Protection of Conservation Values (Highly restrictive); (2) RCPP Warranty Easement Deed for Conservation Uses (Moderately restrictive); or (3) RCPP Warranty Easement Deed for Working Lands (Minimally restrictive).</p> <p>A partner may also request that NRCS use an easement deed used by NRCS under WRE, HFRP, or other easement held by the United States under an NRCS program (such as Grassland Reserve Program or EWPP-Floodplain easements) with appropriate adjustments made for RCPP funding, project purposes, and land eligibility.</p>	<p>Must attach or incorporate the RCPP minimum deed terms provided by NRCS to the eligible entity's own conservation easement deed terms.</p> <p>NRCS minimum deed terms available: RCPP Minimum Deed Terms for Protection of Conservation Values (Highly restrictive); RCPP Minimum Deed Terms for Conservation Use with Compatible Agricultural Uses (Moderately restrictive); or RCPP Minimum Deed Terms for Agricultural Use (Minimally restrictive).</p> <p><b>NOTE:</b> Two versions of each set of the previously listed RCPP minimum deed terms are available, one with and one without the terms related to a right-of-enforcement by the United States. An entity may also propose using an easement template approved under ACEP-ALE with appropriate adjustments made for RCPP funding and project purposes. As part of their proposal, applicants may submit the proposed draft "template" deed planned for use to implement the project.</p>
<b>Duration</b>	Easements are perpetual or maximum duration allowed under state law	Easements are perpetual or maximum duration allowed under state law.
<b>Potential Eligible Land Types</b>	Private agricultural land, nonindustrial private forest land, or associated lands (e.g., riparian areas, floodplains, seasonal or flooded wetlands).	Private agricultural land, nonindustrial private forest land, or associated lands (e.g., riparian areas, floodplains, seasonal or flooded wetlands).
<b>Basis for RCPP Compensation Cap</b>	RCPP funds pay landowner the value of the rights being acquired under the easement as	RCPP cost-share provided to the eligible entity for their purchase of an easement

	<b>Easements Held by the United States</b>	<b>Easements Held by Entities</b>
	determined by the NRCS valuation methodology.	based on a percentage of the value of the easement. <ul style="list-style-type: none"> <li>• Up to 75 percent—with right of enforcement only where easement will directly facilitate purchase of lands by historically underserved landowners</li> <li>• Up to 50 percent—with U.S. right of enforcement, or without U.S. right of enforcement for transactions that will directly facilitate purchase of lands by historically underserved landowners</li> <li>• Up to 25 percent—without U.S right of enforcement</li> </ul>
<b>Valuation Methodology</b>	Easement value determined via before-and-after Uniform Standards of Professional Appraisal Practice (USPAP) appraisal or alternative valuation method, where appropriate.*	Easement value determined through before-and-after USPAP appraisal or alternative valuation methods, where appropriate.*
<b>Partner Match</b>	Partner match is not required for easements acquisition of easements held by the United States.	Partner match is required for acquisitions of easements held by entities and may consist of any combination of landowner donation toward easement value or partner cash contribution toward payment of easement compensation to the landowner.
<b>Partner Contribution</b>	Contributions are encouraged to promote the RCPP project objective that the partner contribute substantially towards the overall costs of a project. Examples of such contributions may include assistance with acquisition related expenses. Only partner, in-kind, or cash contributions from a source other than the landowner may count towards the partner contribution for the project.	Landowner donation or charitable contribution may be credited as partner contribution so long as easement closes during the term of the RCPP partnership agreement, and the donation is consistent with the RCPP project proposal and other agreement terms.
<b>RCPP Award Type for Easement Purchase</b>	Producer contract entered into directly with eligible landowners.	Agreement entered into by NRCS with an eligible entity that will hold the easement on eligible land.

	Easements Held by the United States	Easements Held by Entities
Allowed Uses of RCPP FA	Cost of the easement itself, acquisition-related costs (e.g., appraisal, survey, due diligence, and title and closing services), and restoration implementation costs (if they are done to NRCS's standards and specification). Where applicable, identify NRCS as the intended user, client, or insured.	Cost of the easement itself, costs for NRCS technical appraisal review, and NRCS environmental database search. RCPP FA funds awarded for an easement held by an entity may not be used for any other purposes.

\*Alternative valuation methods may include the use of area wide market analysis (AWMA) or other market area valuations, existing partner appraisal processes, or other industry approved valuation methods. The proposal should include how the alternative method will establish the easement value. Prior to proposal submission, an applicant interested in using an alternate valuation easement method must first consult with the relevant RCPP coordinator and the Easement Programs Division valuation team at [NRCS.NationalAppraisers@usda.gov](mailto:NRCS.NationalAppraisers@usda.gov). The proposal must include how the alternative valuation methodology is appropriate and feasible for the lands and easement types targeted for enrollment.

## F. Conservation Easements Held by the United States

RCPP awards for conservation easements held by the United States are offered through producer contracts with eligible landowners of eligible lands. Easements held by the United States are perpetual or for the maximum duration allowed under state law.

Application, ranking, easement acquisition processes, and contracting of RCPP easements held by the United States follow applicable aspects of ACEP-WRE and HFRP. Acquiring a RCPP easement held by the United States (like other NRCS easement programs that result in an easement held by the United States) is subject to U.S. Department of Justice (DOJ) title standards and approval by the USDA Office of the General Counsel (OGC).

Easements held by the United States that are acquired under RCPP must use one of three standard warranty easement deeds provided by NRCS (the standard warranty easement deeds are available on the [RCPP website](#)), the NRCS approved adjustments to covered program, or another NRCS easement program warranty deed for easements held by the United States. These standard warranty easement deeds each contain a set of terms that establish the level of restrictiveness of the easement by identifying the easement purposes, the rights being acquired by the United States, the rights being retained by the landowner, the allowable uses, restrictions, and prohibitions.

The availability of these options allows NRCS, in consultation with the partner, to determine which of the standard warranty easement deeds is most appropriate to achieve the identified RCPP project purposes for a given project and protect the conservation values as stated in the individual easement. Selecting the appropriate warranty easement deed is a foundational component of landowner application, evaluation, and ranking.

NRCS will only acquire an easement on lands that it has determined to be eligible and that meet all applicable requirements, including appropriate statement of conservation values and use of the appropriate corresponding warranty easement deed, and on which OGC has approved the sufficiency of the title to the land for the purpose it is being acquired.

Any RCPP FA that may be provided for the easement itself is based on the value of the easement as determined by an NRCS valuation methodology. In general, the more restrictive the terms of the easement, the higher the value that may be provided for the easement on a particular parcel of land under RCPP.

NRCS may use agreements to procure easement related surveys, appraisals, closing services, or other realty related services consistent with applicable DOJ acquisition processes and requirements. Partner contributions may be used to complement NRCS funding and provide additional compensation to a landowner.

#### **G. Agreement of Assistance for Purchasing RCPP Conservation Easements Held by Entities**

RCPP awards for cost-share assistance for the purchase of easements held by entities will be offered through agreements and require collaboration between NRCS, an eligible entity, and an eligible landowner. Only an eligible entity that meets the requirements of 7 CFR 1468.3 may apply to be the holder of an RCPP easement.

Partners and landowners must follow easement acquisition and closing processes similar to ACEP-ALE and must attach or incorporate the NRCS-provided RCPP minimum deed terms to their conservation easement deeds. The RCPP minimum deed terms provided by NRCS establish one of three levels of restrictiveness of the easement (categorized as highly, moderately, or minimally restrictive) by identifying the easement purposes, the allowable uses, the limitations on use, and prohibitions. Additionally, each set of minimum deed terms has two versions, one that includes a right of enforcement and the associated provisions and one that does not include such terms. If consistent with the project purposes, a partner may also request the ability to use a template deed used in one of the covered easement programs with appropriate adjustments made to address authorization, funding source, etc.

The availability of these options allows the partner, in consultation with NRCS, to determine which set of RCPP minimum deed terms (categorized as highly, moderately, and minimally restrictive or applicable covered program easement deed terms) and which version (with or without a right of enforcement) is most appropriate to achieve the identified RCPP project purposes on a particular property. Selecting the minimum deed terms is a foundational component of landowner application, evaluation, ranking, and determining valuation.

Any RCPP FA that may be provided for the easement itself is based on the value of the easement as determined by a before-and-after appraisal through an NRCS methodology. To determine the value of the easement, the appraisal must take into consideration the terms of the conservation easement, including the conservation values that the easement will protect and the level of restrictiveness of the easement. The more restrictive the easement, the greater the value

difference between the before-and-after conditions, which results in a higher easement value than a less restrictive easement would on the same piece of land.

Similar to ACEP-ALE, the acquisition-related costs and management costs of the easement are the responsibility of RCPP partners and cannot be reimbursed by NRCS. These costs may be counted as partner contributions based on final agreement terms and negotiated project deliverables.

RCPP applicants may propose projects that incorporate buy-protect-sell transactions for acquisition of entity-held conservation easements. The applicant should identify in the proposal how buy-protect-sell transactions advance the applicant's project goals. The same cost-share requirements and limitations that apply to transactions for easements held by entities generally also apply to buy-protect-sell transactions. Any buy-protect-sell transactions, if funded, must satisfy NRCS requirements for such transactions. At a minimum, an eligible entity cannot simultaneously hold both the simple fee title and the conservation easement under an RCPP buy-protect-sell transaction. State, Tribal, or local government agencies are eligible to enter into buy-protect-sell transactions for the RCPP, provided that all other required elements of such transactions are satisfied.

## **H. Public Works and Watersheds**

Through the public works and watershed projects component of RCPP, eligible partners may receive FA awards to support the immediate or future implementation of improved structural works to address watershed-scale issues for the benefit of eligible land, similar to many projects completed under Pub. L. No. 83-566. In FY 2023, NRCS will consider only watershed activity that supports design, design and construction, or construction-only projects that are developed consistently with the NRCS Watershed Manual and the National Engineering Manual. Primary consideration among watershed projects may be afforded construction-only projects, with secondary and tertiary consideration provided for design and construction, and design-only projects respectively. Projects without an NRCS approved watershed plan will not be considered for watershed activity funding under this NFO. (Note: RCPP funding is not available to support rehabilitation of any watershed structure assisted by NRCS, as that component of Pub. L. No. 566 authority is expressly prohibited by RCPP statute.)

Unlike other RCPP contract types, RCPP project proposals must detail proposed public works and watershed activities to the fullest extent possible to provide project reviewers information needed to assess project viability. While RCPP projects could design and install proposed public works and watershed projects, it is critical to fully complete a project from start to finish within the 5 years (or potentially longer) of an RCPP project timeline. Therefore, details of both TA and FA requests associated with public works projects must be included in the questionnaire section of the RCPP proposal in the portal.

NRCS retains approval authority for planning, design, and environmental responsibilities (including adherence to NEPA and the principles, requirements, and guidelines for Federal water resource projects) for RCPP public works activities. NRCS will generally satisfy these responsibilities by following NRCS watershed and engineering policy, except when negotiated otherwise. (Note: Infrastructure projects that meet NRCS requirements for Land Management

activity type are not necessarily subject to the same requirements as full water resource projects. Please consult the RCPP coordinator in your state for additional information how to determine which activity type is the best fit for any given situation.)

RCPP project proposals containing public works activities should identify: (1) any proposed deviations from NRCS policy, (2) the NRCS approved watershed plan (name and date of approval), and (3) existing designs that might help accelerate implementation of RCPP public works activities. Final disposition of any deviations or prior approved plans and designs are subject to both project negotiations and individual NRCS review and evaluation processes.

NRCS may discontinue assistance if the negotiation or design phase (in design plus construction projects) of a project indicates that timely project completion is unlikely. It is NRCS's intent that only those proposals with robust active plans, detailed cost proposals, and proven partner capacities advance for funding consideration.

Applicants are reminded that all RCPP public works and watershed projects must have demonstrable ties to proposed RCPP project conservation benefits and eligible agricultural lands. In contrast to Pub. L. No. 83-566, for example, RCPP program purposes do not include recreation or municipal water supply as eligible purposes.

When RCPP public works and watershed FA funds are budgeted and awarded in a project, actual agreement match (vs. project-level contributions) may be required. Public works improvements targeting non-flood control purposes have a minimum cash-match requirement of 35 percent. Flood control projects may request up to 100 percent for RCPP FA, although ranking may preclude their selection without substantial partner contributions (a feature of all RCPP projects). Similarly, RCPP TA funding could potentially pay for the entire design. However, particularly in design-only projects, contributions would necessarily need to provide meaningful conservation benefits because a design by itself is unlikely to compete well against projects with more direct benefits. With NRCS approval, public works project match may be counted as RCPP project contributions, but proposed partner contributions not directly associated with the public works activities cannot be counted toward public works match requirements.

Matching funds requirements may be reduced or waived if funding is awarded to a project in which the benefits will principally accrue to communities or regions where most residents meet limited resource or socially disadvantaged criteria, as defined in the 1985 Act and amended by the 2018 Farm Bill.

Additional flexibilities associated with these awards include the potential for innovative contracting for experienced partners with demonstrated design, contracting, and implementation skills, and the potential for leveraging partner contributions for greater conservation and participant benefit.

As a reminder, land treatment activities related to Pub. L. No. 83-566 will be funded under land improvement, management, and restoration contracts with the producer rather than through public works agreements.