



# Regional Conservation Partnership Program Frequently Asked Questions FY 2019 Funding Announcement

October 11, 2019 version

## Contents

Program and Project Eligibility.....	2
Critical Conservation Areas (CCAs).....	3
Project Proposal Details.....	3
Contributions.....	4
Generally Applicable Contribution Questions.....	4
Contribution Letters.....	5
Non-lead Partner Contributions: Non-USDA Federal and Partner Contributions.....	5
Easement Related Contributions.....	6
Technical Assistance.....	6
Financial Assistance Activities.....	7
Generally Applicable Financial Assistance Questions.....	7
Easement Specific Questions: US Held and Entity Held Easements.....	8
Partner Responsibilities: Outcomes and Data Sharing.....	10
Alternative Funding Arrangements.....	10

## Program and Project Eligibility

**Question:** The funding announcement says that entities with an established history of working collaboratively with producers are eligible to be RCPP lead partners. How will NRCS define "established history" and how do partners know whether they are eligible based on this provision?

**Response:** If an applicant is a for-profit or non-profit entity that is applying based on their eligibility as an organization with an established history of working collaboratively with producers, it is incumbent upon the applicant to clearly justify in their proposal (in their response to the narrative questions) their status as an eligible partner. NRCS will review partner eligibility as part of the RCPP evaluation process.

**Question:** Can RCPP funding be used to support conservation research?

**Response:** No. RCPP funding supports the implementation of conservation activities and not research.

**Question:** Can an entity participate in more than one RCPP project?

**Response:** Yes. An entity can participate in more than one RCPP project. If a partner proposes contributions to more than one project, the contributions must be tied to individual projects. In other words, the same contribution(s) cannot be counted as partner contributions on multiple projects.

**Question:** Can a lead partner submit more than one RCPP proposal?

**Response:** Yes. A lead partner can apply for more than one RCPP project. Partner contributions may be tied only to a single project.

**Question:** May RCPP funds be used to do restoration work on federally owned lands (e.g. National Park Service or a National Forest)? What about state-owned lands?

**Response:** Generally, no. RCPP is a private lands conservation program. There may be cases, however, where RCPP activities may be carried out on federal, state, or other government-owned land to meet project goals. Examples of these instances include watershed or public works structures on government-owned land, or a combination of government-owned and private lands (these projects must still provide benefits to agricultural lands). There may also be instances where incidental RCPP activities may be carried out on non-private lands to meet project goals and objectives. For example-- a project targeting grassland plant community health that includes conservation activities on government-owned lands leased to the producer.

**Question:** Is funding for the life of any RCPP project dependent on future federal budget actions?

**Response:** RCPP project selection results in a commitment of current year funding for to support eligible project activities in the future, just as was the case with financial assistance commitments to existing (2014 Farm Bill) RCPP projects.

**Question:** How will source water protection projects be identified and accounted for towards the 10 percent Farm Bill requirement? Will there be a targeted allocation for source water projects?

**Response:** The 10% requirement applies to Farm Bill funding in general; there is no explicit target for RCPP project selection. However, source water protection was added to the purposes of RCPP in the 2018 Farm Bill statute, and NRCS fully anticipates making awards to projects that address source water protection.

**Question:** What is the role of local NRCS offices in RCPP projects?

**Response:** Local NRCS offices play a prominent role in implementation of RCPP projects. Local offices enroll producers and landowners in RCPP contracts and easements, complete Highly Erodible

USDA is an equal opportunity provider, employer, and lender.

Lands/Wetlands Conservation determinations, AGI compliance checks, and provide other project management activities. Local offices will also be responsible for completing implementation TA activities, such as planning, design, installation and checkouts of RCPP producer contracts, unless an approved supplemental TA agreement is in place for partners to carry out some or all of these implementation TA activities.

**Question:** Are entities in American Samoa, Guam, Puerto Rico and the Commonwealth of the Northern Marianas Islands eligible for RCPP?

**Response:** Yes. Qualified partners in these locations are eligible to apply in the State/Multistate funding pool.

**Question:** The funding announcement indicates a mid-June 2020 start date for RCPP projects. Does that mean that producer contracts and easements can be signed soon after that date?

**Response:** The June 2020 date is an estimate and is dependent on several other factors including completion of project negotiations and necessary software development activities. Enrollment of producers and landowners in RCPP contracts and easements can occur after full execution of the RCPP partnership agreement.

**Question:** How much emphasis is placed on historically underserved producers when scoring applications?

**Response:** Under the "Partnerships and Project Management" evaluation criterion, agency leadership may give priority consideration to applicants that meaningfully engage historically underserved farmers, ranchers, and land owners.

## Critical Conservation Areas (CCAs)

**Question:** How are CCAs identified/selected?

**Response:** The USDA Secretary selected existing CCAs in 2014 and they remain unchanged in the FY 2019 funding announcement. The 2018 Farm Bill provides authority to review CCA designations once every five years. USDA plans to review the CCA designations in 2020 as part of the RCPP regulatory development process.

**Question:** Our conservation district is not within a Critical Conservation Area. Can we still be a partner in a proposal?

**Response:** Proposals may be submitted in either the CCA funding pool or the State/Multistate pool. Entities proposing work outside a CCA must apply to the State/Multistate pool.

**Question:** How can partners verify whether acres are within a CCA boundary?

**Response:** Please contact your RCPP State Coordinator for assistance. Coordinators have access to detailed CCA maps.

## Project Proposal Details

**Question:** Are only lead partners required to acquire "Level 2 eAuth" permissions?

**Response:** Yes. Only the lead partner--that will submit the RCPP proposal and any subsequent project reporting--is required to get "Level 2 eAuthorization" permissions.

USDA is an equal opportunity provider, employer, and lender.

**Question:** If a lead partner is submitting multiple applications, does a single individual have to act on its behalf for all of the applications?

**Response:** Not necessarily. A lead partner needs to designate an individual to act on their behalf for each individual application. A single partner could designate different individuals to serve that role for different applications/projects.

**Question:** If a partner is interested in bundling applications for a RCPP project, is the partner required to identify the participating producers at the time of proposal?

**Response:** No. The application process does not require identification of participating producers at the time of project application; however, if proposed project's potential for success hinges on participation of a specific producer (e.g., a land owner holding a pivotal property in a project with targeted watershed or easement activity), then the critical producer's level of interest/commitment to the project could inform evaluation of the project proposal.

**Question:** Is each state limited to a specific amount of RCPP funding, or number of projects?

**Response:** Overall RCPP program funding limited (with current APF expected to award up to \$300 million in project funding) but there is no limit on the number of projects funded in a given State. Currently, some states have over 20 existing RCPP projects, some just one.

## Contributions

### Generally Applicable Contribution Questions

**Question:** The funding announcement states the goal that partner contributions be at least equal to NRCS' investment for RCPP. Does that mean that every project must have at least a 1:1 ratio of partner contributions to NRCS investment?

**Response:** The stated goal that partner contributions are at least equal to NRCS' investment in RCPP projects is applicable to both the program as a whole and to individual projects. Given that project contributions count significantly in the proposal evaluation criteria, a project that is substantially short of the 1:1 ratio is unlikely to be selected for funding.

**Question:** Are there limits on the timing of partner contributions?

**Response:** Partner contributions included in the negotiated deliverables of an executed project agreement may be delivered any time between award announcement and the end of the approved project agreement. Contributions delivered prior to announcement of project selection or after the partnership agreement expires cannot be counted.

**Question:** Do conservation activities implemented with partner contributions need to adhere to NRCS technical standards?

**Response:** RCPP project funding is comprised of both NRCS funding and partner contributions. All project funding must be used for conservation activities in support of project resource concerns, conservation benefits, and project goals. Only activities supported by NRCS FA or TA must adhere to NRCS technical standards, but conservation activities supported by partner contributions must not result in natural resource degradation.

**Question:** If NRCS wants to fund a project at less than the proposed amount, will partners have an opportunity to reduce the scope of the project in line with the funding reduction?

**Response:** This type of opportunity will be provided during the partnership agreement negotiation. In addition to the deliverables and outcomes, partners may reduce partner contributions proportionally. USDA is an equal opportunity provider, employer, and lender.

For example, if a RCPP land management funding award is reduced relative to the proposed request, but general project goals can be achieved at a lower funding level, then a proportional decline in partner contributions may be allowed during project negotiations. Conversely, in an "all or none situation," such as where available RCPP funding is insufficient to fully support the proposed federal share of a public works activity and the shortfall will preclude completion of construction, and cannot be made up via other partner contributions, it is possible the partnership agreement may never be executed.

**Question:** Does the 70/30 FA and TA split for each project apply to partner contributions?

**Response:** The 70/30 FA/TA split applies to the NRCS funding, it does not apply to contributions.

### Contribution Letters

**Question:** Do all partner contributions need to be secured through commitment letters at the time a proposal is submitted?

**Response:** All contributions not provided by the lead partner must be supported by contribution letters. Partner contributions are a critical element to the success of a RCPP project. However, there may be limited instances where, for example with RCPP entity-held easements, the exact source of matching funds for easements may not be known at the time a project proposal is submitted. In such cases, the lead partner must document demand for RCPP entity-held easements in the project proposal to provide NRCS with confidence that the partner contributions will ultimately be delivered.

**Question:** What needs to be in a partner contribution commitment letter?

**Response:** There is a sample partner contribution commitment letter on the [How to Apply](#) page of the RCPP website. The financial commitments included in the letter must be consistent with figures included in the RCPP Portal proposal.

**Question:** If two contributing partners are working jointly on a component of the project, do they need separate commitment letters, or can they submit a joint letter?

**Response:** NRCS needs to ensure that the non-lead partner's contributions are committed to the project. In this case, if both partners are providing contributions to the project, they must both submit commitment letters.

**Question:** As part of a proposal, do we need to provide separate commitment letters for both in-kind and cash contributions?

**Response:** Contribution letters are required for all non-lead partner contributions. A single contribution letter is needed from each partner which can include cash and in-kind contributions.

### Non-lead Partner Contributions: Non-USDA Federal and Partner Contributions

**Question:** The funding announcement states that non-USDA Federal funding may count as partner contributions. What about USDA funds that have gone to another Federal agency? Or EPA funding that has been sent to USDA? Can either of those count?

**Response:** Non-USDA federal funds may be included as contributions; USDA funds may not. This limitation is tied to both the appropriation and the obligation/consumption of the funds, so funds that either originate with USDA or pass through USDA are ineligible to be counted as contribution.

**Question:** How much of the project partner contributions can be from a non-USDA federal partner?

**Response:** There is no required minimum ratio of non-federal to federal contributions. However, the Farm Bill states that the USDA may prioritize applications that "significantly leverage non-federal financial and technical resources..."

USDA is an equal opportunity provider, employer, and lender.

**Question:** Can the (outright) purchase of farmland for restoration to forest land by a local government be counted as partner contribution?

**Response:** Generally, the purchase of farmland by a government entity (State, local, Federal), for the purpose of taking that land out of production would not be consistent with the purposes of RCPP. However, a partner applying for a RCPP award could propose such activities if a compelling case can be made in the proposal and subsequent negotiations that the acquisition would further RCPP project purposes. If the proposal be selected, and the partner's rationale for inclusion of contributions is accepted by NRCS, the contributions could be allowed.

**Question:** Can agricultural producers or landowners contribute to project partner contributions?

**Response:** In most cases, contributions from producers and landowners are not allowed. For example, the following are not allowable as contributions:

- 1) landowner donation associated with RCPP U.S.-held easements; or
- 2) Producer share of a RCPP land management contracts where payment is based on an estimated payment schedule amount.

However, landowner donations associated with RCPP entity-held easements may count as partner contributions if delivered during the partnership agreement life. Similarly, producers may carry out conservation activities in a project area that meet project purposes, unassociated with a RCPP producer contract or easement, and depending on the specific circumstances, those conservation activities could be counted as partner contributions.

### Easement-related Contributions

**Question:** Can easements not funded through RCPP be counted as partner contributions if they are executed by a partner entity in the RCPP project area and support the project's resource concerns?

**Response:** The value of such easements could be counted as project-level partner contributions if included in the negotiated partnership agreement. However, they may not count as match required for RCPP entity easements, which require parcel-level match.

### Technical Assistance

**Question:** If a partner would like to hire a contractor to do environmental monitoring as part of their Enhancement TA activities, is that reimbursable to the partner?

**Response:** NRCS can reimburse a partner that uses a qualified contractor to deliver project enhancement activities, if the deliverables satisfy requirements of an approved RCPP TA supplemental agreement.

**Question:** Does Enhancement TA funding go to both NRCS and project partners?

**Response:** Enhancement TA is available only to RCPP project partners.

**Question:** What if project enhancement activities cost more than 7% of the overall funding request?

**Response:** The table on page 12 of the RCPP funding announcement identifies activities eligible for reimbursement as Enhancement TA. If a partner chooses not to use NRCS funding for those activities, or NRCS funding does not cover all of those activities, then partner contributions can fund them.

USDA is an equal opportunity provider, employer, and lender.

**Question:** If we are proposing to use contractors for some RCPP implementation activities, do we need to name them in the proposal?

**Response:** Contractors may be involved in various aspects of an RCPP project. To the extent participating contractors are identified at the time of proposal development, that information should be included. If not identified, there will be opportunities in the future, as project implementation is underway, to identify contractors and provide qualifications to NRCS prior to obligation of funding for specific activities.

**Question:** The funding announcement mentions the need to justify TA requests and partner contribution proposals with fee schedules. Can you provide more detail about this?

**Response:** Both TA requests and partner contribution proposals must be sufficiently justified, whether that includes a fee schedule for personnel costs, documentation for equipment donations, etc. TA ultimately funded and reimbursed through a supplemental agreement will require rigorous documentation. More detailed information will be provided to partners upon negotiation of any TA supplemental agreements.

## Financial Assistance Activities

### Generally Applicable Financial Assistance Questions

**Question:** Is RCPP financial assistance (FA) funding provided to producers/landowners or to partners?

**Response:** For projects funded through this FY 2019 funding announcement, projects financial assistance is provided directly to producers through RCPP contracts for the following RCPP conservation activities: land management/improvement activities, U.S. held easement activities, and land rental activities. For watershed/public works and entity-held easements, funding is generally obligated to partners/eligible entities through supplemental agreements (although in the case of Entity-held easements, funds are expected to be reimbursable to partners to the extent they reflect entity payments to land owners, similar to how it currently works for ACEP-ALE.)

**Question:** When will new RCPP-specific instruments (easement deeds, agreement templates, contracting templates) be available?

**Response:** New RCPP specific instruments and templates, including a template partnership agreement, template deeds, producer contracts and supplemental agreement templates for each activity type, are expected to be available after project selections, to support project negotiations in the first quarter of calendar year 2020.

**Question:** For the RCPP activity types and their associated covered program authorities, can you elaborate on the flexibility between the RCPP activities and the traditional activities through their associated programs? Can you give some specific examples?

**Response:** The covered programs were used as a guide to determine the new RCPP's authorized activities. Elements of the covered programs are also used in RCPP to maintain fiscal and scientific integrity of the program. Outside of those maintained elements, there are flexibilities available in RCPP for all of the activity types. Two examples:

- 1) The requirements that 60% of EQIP funding go toward livestock operations and 10% toward wildlife habitat do not apply to RCPP.
- 2) RCPP easements do not have the land use restrictions common to NRCS easement programs. A RCPP easement can be placed on cropland, forest land, wetlands, riparian areas, etc.

USDA is an equal opportunity provider, employer, and lender.

**Question:** Can you provide more information about how partners will go about bundling RCPP contracts from multiple producers?

**Response:** The RCPP statute allows NRCS to give priority to RCPP producer applications that are bundled by a RCPP partner. This means that partners may work with specific producers to fill out RCPP contract/easement applications and indicate to NRCS staff that a group of applications is "bundled" for the purpose of providing priority for funding. More detailed information will be provided to partners selected for awards during the partnership agreement negotiation process.

**Question:** Will RCPP lead partners have to use competition to find contractors as part of a RCPP project?

**Response:** RCPP project selections will afford some level of flexibility in contracting processes, but both NRCS and the lead partner are expected to adhere to standards of Federal financial responsibility (e.g. NRCS will only enter into TA supplemental agreements where costs are defensible and work is directly related to completion of the project's related FA expenses).

**Question:** Does RCPP still allow for a waiver of the Adjusted Gross Income (AGI) limitation?

**Response:** The 2018 Farm Bill statute includes AGI waiver authority for RCPP. AGI waivers are not considered until project implementation begins. Partners should state, however, in their proposal if AGI waivers are integral to the success of their proposed project.

**Question:** Does the EQIP payment limitation of \$450,000 per producer apply to RCPP producer participants?

**Response:** No. The \$450,000 EQIP payment limitation does not apply to RCPP.

**Question:** For the land management/improvement activity type, should we expect the same list of practices and enhancements as is currently used in EQIP and CSP? May we propose a new practice in our proposal?

**Response:** For RCPP land management/improvement contracts, NRCS will use existing EQIP conservation practices and CSP enhancements, to maintain financial and scientific integrity. Partners are free to propose new practices in RCPP proposals. In instances where NRCS determines that work proposed by a partner will not fit an existing practice standard (even under a new payment scenario), an interim practice standard may be considered. Approval of interim standards, however, can be a lengthy process and proposals need to take into account potential delays associated with interim standard development.

### Easement Specific Questions: US-Held and Entity-Held Easements

**Question:** For RCPP U.S. held government easements, can another federal agency (other than NRCS) hold these?

**Response:** No. NRCS is the holder of all RCPP U.S. held easements. Entity-held easements are held by a third party, such as a qualified land trust, tribe or authorized state or local governmental body.

**Question:** Are Grasslands of Special Significance (GSS) easements under the ALE Program eligible for the 75% reimbursement usually permitted under the ALE Program?

**Response:** For RCPP entity-held easements, NRCS will not provide more than 50% of the value of the easement. RCPP easements are distinct from ACEP-ALE and ACEP-WRE easements, with different characteristics and flexibilities.

USDA is an equal opportunity provider, employer, and lender.

**Question:** For the 50% match requirement on RCPP entity-held easements, can the match solely consist of landowner donated value as potentially allowed under ACEP in the 2018 Farm Bill?

**Response:** RCPP easements are distinct from ACEP easements. For RCPP entity-held easements, the match requirement is at least 50% of the value of the easement. No more than half the match (25% of the total easement value) can be a landowner donation. The remainder must be cash.

**Question:** Does RCPP recognize entity certification as it is used for ACEP-ALE?

**Response:** No. ALE entity certification is not directly relevant for RCPP. However, a certified entity may make note of certification in the qualification questions in the APF to support entity qualification aspects of their proposal.

**Question:** Can you explain why the match requirements are different for RCPP entity-held and U.S. held easements?

**Response:** RCPP entity-held easements are roughly modeled on ACEP-ALE which has a matching funds requirement. RCPP, however, provides some additional flexibilities related to eligible land use types and the possibility of no contingent right of enforcement.

RCPP U.S. held easements are a new type of NRCS easement based on a tiered, land use restriction-based template deed. Even though each tier has a different compensation cap, the general approach of U.S-held easements is consistent with ACEP-WRE or HFRP, where matching funds are not required and payments are made directly to an eligible land owner.

**Question:** If an entity has an approved ACEP-ALE conservation easement template, can the template be used for RCPP?

**Response:** No. RCPP easements are distinct from ACEP easements. NRCS is developing minimum deed terms for RCPP entity held easements. Partners with approved RCPP projects may work with NRCS to explore flexibilities within the RCPP entity held easement types, and while ALE deed may form basis for these negotiations, blanket applicability of ALE approved templates is not possible as RCPP deeds will need to reference RCPP project purposes.

**Question:** Can you provide further detail about the RCPP easement option without a right of enforcement?

**Response:** Currently, all NRCS easement deeds have, at a minimum, a government right of enforcement, also sometimes referred to as the "contingent right" clause. While details have yet to be finalized, RCPP entity-held easements acquired without a U.S. right of enforcement are expected to be available only to well-qualified easement holding entities.

**Question:** Is the lead partner on an RCPP project required to hold easements if the project funding is going largely to purchasing easements?

**Response:** No. The lead partner is not required to hold easements. In the case of U.S. held easements, NRCS would be the easement holder. In the case of entity-held easements, another partner (other than the lead) can hold the RCPP easements. In either case, the lead partner is still responsible for completion of project deliverables and delivery of partner contributions.

USDA is an equal opportunity provider, employer, and lender.

## Partner Responsibilities: Outcomes and Data Sharing

**Question:** Will RCPP projects heavily focused on conservation easements be required to measure and report on outcomes?

**Response:** All projects will need to demonstrate outcomes. "Long term protection of land" is a new RCPP-supported resource concern anticipated to facilitate reporting for easement projects.

**Question:** Under the first iteration of RCPP (2014-2018), partners were often unable to ascertain the identity of producers who signed up as part of a RCPP project, due to federal privacy rules. How can partners be expected to report on project outcomes if they do not know everything that is happening on a project?

**Response:** NRCS must balance its goal of reporting environmental outcomes for every RCPP project with producer privacy provisions in Section 1619 of the Farm Bill. NRCS is working to ensure that RCPP partners have access to sufficient information to be able to report fully on the outcomes of their projects.

**Question:** How can we report on environmental outcomes for long-lived species, or on situations where it is very challenging to directly measure or model environmental outcomes?

**Response:** NRCS understands the complexity of developing and reporting on the environmental outcomes of RCPP projects. Some project types are more suited to outcomes reporting than others. Partners must describe how they intend to report on project outcomes in their proposal and through the partnership agreement negotiation, NRCS will work with partners to develop an approach that meets both entities' needs and capabilities.

## Alternative Funding Arrangements

**Question:** What is an alternative funding arrangement (AFA)?

**Response:** The 2018 Farm Bill authorizes NRCS to enter into up to 15 grant or Alternative Funding Arrangements (AFA) with RCPP partners per year. These AFA projects will operate more like traditional grants, with partners being responsible for the delivery of all FA and TA to producers and landowners.

**Question:** Does the current RCPP funding announcement include the Alternative Funding Announcement provision in the 2018 Farm Bill?

**Response:** No. The AFA provision is not being implemented through the FY 2019 funding announcement. NRCS anticipates releasing a separate AFA funding announcement after publication of the RCPP interim final rule.

**Question:** Should a partner interested in RCPP wait for implementation of the AFA provision if they think that will be a better fit?

**Response:** AFA projects are intended to be distinct from traditional RCPP projects funded through the current announcement. AFA partners will have to justify in their proposals why the traditional RCPP project approach does not work for their proposed project. In addition, it is anticipated that for AFA projects, partners will be expected to carry out all of the TA and FA contracting with producers and landowners.

USDA is an equal opportunity provider, employer, and lender.

**Question:** What type of project arrangement would the AFA be appropriate for?

**Response:** An AFA proposal is required to justify why the project is better suited for the AFA component, rather than as a traditional RCPP project. It is anticipated that AFA partners will be responsible for carrying out all FA and TA activities with participating producers and landowners. The 2018 Farm Bill statute provides examples of the types of projects more suited to AFAs:

- 1) infrastructure investments on ag or forest lands;
- 2) development and implementation of watershed plans; and
- 3) leveraging of federal investment with private financial mechanisms, such as performance-based conservation and environmental markets.