

# Regional Conservation Partnership Program

***Revised*** Fiscal Year (FY) 2020 and 2021  
Regional Conservation Partnership Program  
National Funding Opportunity (NFO)

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No. **USDA-NRCS-NHQ-RCPPC-21-NOFO0001033**  
(Revised)

Date Revision Issued: October 8, 2020



## Summary Information

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

**Funding Opportunity Title:** Announcement for Program Funding for NRCS's Regional Conservation Partnership Program (RCPP) for Federal Fiscal Years (FYs) 2020 and 2021.

**Funding Opportunity Number:** USDA-NRCS-NHQ-RCPPC-21-NOFO0001033

**Catalog of Federal Domestic Assistance Number:** 10.932, Regional Conservation Partnership Program

**DUE DATE:** Proposals must be received by NRCS by **11:59 p.m. Eastern Time on November 30, 2020.**

***NRCS is republishing this Announcement for Program Funding to remove a sentence in the Land Eligibility section (p.10) related to industrial forest land. The deleted sentence read: "Forest land eligibility does not encompass industrial forest lands that are owned by companies, organizations, and individuals who engage in commercially oriented forest management and production activities."***

*NOTE: The RCPP Alternative Funding Arrangement (AFA) provision is implemented through a separate funding announcement. Information on the FY 2021 AFA competition will be announced in late 2020.*

### EXECUTIVE SUMMARY:

The Regional Conservation Partnership Program (RCPP) promotes coordination of NRCS conservation activities with partners that offer value-added contributions to expand our collective ability to address on-farm, watershed, and regional natural resource concerns. Through RCPP, NRCS seeks to co-invest with partners to implement projects that demonstrate innovative solutions to conservation challenges and provide measurable improvements and outcomes tied to the resource concerns they seek to address.

Using guidance contained in this notice, potential RCPP partners propose projects that generate conservation benefits by addressing specific natural resource objectives in a State/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 RCPP, NRCS may provide both financial and technical assistance funds to project partners and agricultural producers to carry out projects. RCPP proposals are evaluated through a competitive proposal process based on four criteria: impact, partner contributions, innovation, and partnership and management.

This funding announcement combines RCPP funding for FYs 2020 and 2021 and applies only to this competition. The forthcoming publication of the RCPP final rule may include program changes.

Up to \$360 million is available for RCPP projects through this announcement. Proposals are accepted from 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).

**SUBMISSIONS:** Proposals must be submitted through the RCPP portal. See section VIII of this announcement for information on using the RCPP portal to submit proposals. Registration with USDA's eAuthentication system is required to access the RCPP portal. Time-sensitive information on registering for eAuthentication access is included in section VIII of this notice.

**FOR MORE INFORMATION:** Applicants are encouraged to contact the appropriate RCPP State

Coordinator(s) with questions. You can find the names of RCPP Coordinators (as of October 8, 2020) in appendix II of this announcement.

Interested applicants are encouraged to visit this RCPP website

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/financial/rcpp/?cid=nrcseprd1477816> to access three products that may be helpful in developing proposals:

- 1) A webinar with general information about the funding announcement that took place on August 17, 2020.
- 2) A second webinar recording that specifically addresses how to submit an RCPP proposal through the RCPP portal.
- 3) A Frequently Asked Questions (FAQ) document developed specifically for this funding announcement.

# Table of Contents

<b>EXECUTIVE SUMMARY:</b> .....	<b>2</b>
<b>SUPPLEMENTARY INFORMATION</b> .....	<b>5</b>
<b>I. FUNDING OPPORTUNITY DESCRIPTION</b> .....	<b>5</b>
A. Legislative Authority .....	5
B. Delivering Assistance Through Partnerships .....	5
C. Vision and Goals of the Program .....	5
D. Overview of the RCPP Proposal Process.....	6
E. Final Rule .....	6
<b>II. FUNDING AVAILABILITY</b> .....	<b>6</b>
A. Fund Pools and Priority Resource Concerns.....	7
B. Adjusted Gross Income Waivers.....	8
C. Interim Practice Standards .....	8
<b>III. ELIGIBILITY INFORMATION</b> .....	<b>8</b>
A. Lead Partners.....	8
B. Contributing Partners .....	9
C. Producers and Landowners .....	9
D. Land Eligibility .....	10
E. Eligible Activities.....	11
F. Historically Underserved Producers .....	12
<b>IV. RCPP Project Funding</b> .....	<b>12</b>
A. NRCS Technical Assistance, Partner Contributions, and Partner Technical Assistance .....	12
<b>V. RCPP PROPOSAL REQUIREMENTS</b> .....	<b>16</b>
A. Format and Instructions .....	16
B. Proposal Content.....	17
<b>VI. PROPOSAL REVIEW CRITERIA</b> .....	<b>18</b>
A. Proposal Evaluation Process.....	20
B. Environmental Review Requirements .....	20
<b>VII. PROJECT INFORMATION AND ADMINISTRATION</b> .....	<b>21</b>
A. RCPP Programmatic Partnership Agreements.....	21
B. Reporting and Reimbursement Requirements.....	21
C. Notifications .....	22
D. Withdrawal of Proposals .....	22
<b>VIII. SUBMISSION INFORMATION</b> .....	<b>22</b>
<b>IX. AGENCY CONTACTS</b> .....	<b>23</b>
<b>Appendix I – RCPP Agreements, Contracts and Conservation Activities</b> .....	<b>24</b>
RCPP Funding Overview.....	24
Producer Contracts and Supplemental Agreements .....	24
Land Improvement/Land Management/Restoration Activities .....	25
Land Rental Activities .....	26
RCPP Conservation Easements.....	26
U.S.-Held Conservation Easements .....	28
Entity-Held Conservation Easements .....	28
Public Works/Watersheds .....	29
<b>Appendix II—State RCPP Coordinators (list current as of October 8, 2020)</b> .....	<b>31</b>

## **SUPPLEMENTARY INFORMATION**

### **I. FUNDING OPPORTUNITY DESCRIPTION**

#### **A. Legislative Authority**

The Regional Conservation Partnership Program (RCPP) is authorized by Subtitle I of Title XII of the Food Security Act of 1985 (the 1985 Act), as amended by Sections 2701 through 2707 of the Agriculture Improvement Act of 2018. The Secretary of Agriculture has delegated the authority to administer RCPP to the Chief of the Natural Resources Conservation Service (NRCS). NRCS is an agency of the U.S. Department of Agriculture (USDA).

#### **B. Delivering Assistance Through Partnerships**

RCPP requires coordination between NRCS and its partners to deliver conservation assistance to producers, landowners, and communities. After announcing RCPP project selections, NRCS negotiates an RCPP programmatic partnership agreement (PPA) for each project with the lead partner before entering into program contracts, easements, or other awards with producers and landowners.

RCPP applicants must work closely with NRCS throughout the proposal and implementation process, through appropriate NRCS State office(s) and designated RCPP State coordinator(s) to—

1. Determine if proposed projects align with RCPP’s goals and policies;
2. Develop and submit a project proposal using the guidance in this notice; and
3. If a proposal is selected to become a project, develop a PPA and implement the project.

#### **C. Vision and Goals of the Program**

RCPP is an innovative program that has as its critical feature a co-investment approach through which NRCS and partners collaborate to implement natural resource conservation activities. Following are four key principles of RCPP:

1. **Impact**—RCPP proposals must propose effective and compelling solutions that address one or more natural resource priorities to help solve natural resource challenges. Partners are responsible for evaluating a project’s impact and results.
2. **Partner Contributions**—Partners are responsible for identifying any combination of cash and in-kind value-added contributions to leverage NRCS’s RCPP investments. It is NRCS’s goal that partner contributions at least equal the NRCS investment in an RCPP project. Substantive and sizable partner contributions are given priority consideration as part of the RCPP proposal evaluation criteria.
3. **Innovation**—NRCS seeks projects that integrate multiple conservation approaches, implement innovative conservation approaches or technologies, build new partnerships, or effectively take advantage of program flexibilities to deliver conservation solutions.

4. Partnerships and Management—Partners must have experience, expertise, and capacity to manage the partnership and project, provide outreach to producers, and quantify the environmental (and when possible, economic and social) outcomes of an RCPP project. RCPP ranking criteria give priority consideration to applicants that meaningfully engage historically underserved farmers and ranchers.

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.

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

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

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

Existing RCPP partners with expiring projects may also request a noncompetitive project renewal through a separate process. A partner selected for a noncompetitive renewal will not be selected for funding for a substantively similar project through this competitive announcement.

#### **E. Final Rule**

The 2018 Farm Bill requires NRCS to develop a regulation for RCPP. The Agency published an interim final rule in March 2020 and solicited public comment. Publication of the final rule in the Federal Register is scheduled for late 2020. This announcement of program funding applies only to funds made available for FYs 2020 and 2021. The forthcoming final rule may include program changes.

## **II. FUNDING AVAILABILITY**

Up to \$360 million is available for RCPP projects through this funding announcement. Fifty percent of RCPP funding is dedicated to NRCS-designated critical conservation area (CCA) projects and 50 percent to projects in the State/multistate category. The FY 2021 RCPP Alternative Funding Arrangement (AFA) competition will be implemented through a separate funding announcement.

The maximum RCPP funding available for any project (combined financial and technical assistance) selected under this announcement is \$10 million. The minimum funding amount for an RCPP project is \$250,000.

RCPP funds, at the time of PPA execution, are committed by NRCS for the duration of the

project, generally not to exceed 5 years from the date of PPA execution. Partners may request a PPA term of longer than 5 years in exceptional circumstances (see section V). RCPP funds are committed for specific purposes based on proposed activities (e.g., land management/restoration, rental, easements, public works/watershed structures) and subsequently obligated through contracts with agricultural producers and supplemental agreements with eligible partners. For all RCPP PPAs, a single one-year, no-cost extension is available at the discretion of NRCS.

RCPP funding may not be expended until a PPA is fully executed.

**A. Fund Pools and Priority Resource Concerns**

RCPP applicants must identify in their proposals whether they are applying to the CCA or State/multistate fund pool.

CCA Pool—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. CCAs and associated priority resource concerns for the FY 2020/2021 RCPP competition are:

RCPP Critical Conservation Areas	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>
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>

CCA projects must take place wholly within a CCA (counties traversed by a CCA border are considered within the CCA boundary). For more information about CCAs, including the

maps of CCA boundaries, visit the [RCPP website](https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/rcpp/) (<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/rcpp/>)

State/multistate Pool—Proposals in the State/multistate category 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.

## **B. Adjusted Gross Income Waivers**

The RCPP statute explicitly states that the 2018 Farm Bill’s adjusted gross income (AGI) limitation does not apply to RCPP partners. AGI does apply, however, to producers and landowners participating in RCPP projects. During agreement negotiations following the announcement of awards, a lead partner may request to waive the applicability of AGI for the entire RCPP project. A producer or landowner who is participating under a project-level applicability waiver would not need to obtain an individual AGI determination.

If the RCPP lead partner does not request or receive a project-level waiver of the applicability of AGI, a participating producer may seek a waiver of the AGI limitation upon receiving an AGI determination. An individual producer waiver may be granted if it would result in the protection of environmentally sensitive land of special significance.

## **C. Interim Practice Standards**

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

In instances where approved conservation practice standards are not available or currently suitable to support proposed work, section 1242 of the 2018 Farm Bill allows for the establishment of interim conservation practice standards to address local- or State-specific needs and considerations. RCPP partners may avail themselves of this provision.

Development and establishment of interim conservation practice standards requires deliberate consideration and National Environmental Policy Act (NEPA) analysis, therefore partners are strongly encouraged to identify the need for any interim conservation practice standards during the proposal process or during PPA negotiations. Requests to establish an interim practice standard during project implementation may be considered, but potential for inclusion in RCPP projects and contracts may be hampered by interim practice standard development timeframes.

# **III. ELIGIBILITY INFORMATION**

## **A. Lead Partners**

The lead partner for an RCPP project is the entity that submits a project proposal, and if selected for an award, negotiates and executes an RCPP PPA with NRCS. The lead partner is ultimately responsible for ensuring completion of project deliverables, delivering all partner

contributions, and assessing project outcomes. Lead partner entities must qualify as one of the following:

- An agricultural or silvicultural producer association or other group of producers.
- A State or unit of local government.
- An Indian Tribe.
- A farmer cooperative.
- A water district, irrigation district, acequia, rural water district or association, or other organization with specific water delivery authority to agricultural producers.
- A municipal water or wastewater treatment entity.
- An institution of higher education.
- An organization or entity with an established history of working cooperatively with producers on agricultural land, as determined by NRCS, to address—
  - Local conservation priorities related to agricultural production, wildlife habitat development, or nonindustrial private forest land management; or
  - Critical watershed-scale soil erosion, water quality, sediment reduction, or other natural resource issues.
- An entity, such as an Indian Tribe, State government, local government, or a nongovernmental organization that has a farmland or grassland protection program that purchases agricultural land easements, as defined in 7 CFR Section 1468.3.
- A conservation district.

## **B. 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.”

Contributing partners may be an eligible partner (i.e., entities described in the list above) and may also be a third-party individual or organization (even a non-USDA Federal agency) that would not qualify as an eligible party by the statutory definition. Note, however, that the lead partner is ultimately responsible for delivery of all partner contributions.

## **C. 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) Where applicable, provide the percent interest share in a payment consistent with operation or ownership shares;
- (3) Comply with the highly erodible land (HEL) and wetland conservation (WC) provisions of the Farm Bill; and
- (4) Comply with the Farm Bill’s AGI provision or receive a waiver as described in section II.B of this announcement.

Qualified partners awarded supplemental agreements to implement entity-held easements or public works activities are not subject to the Farm Bill's HEL, WC, and AGI requirements. Any landowners or producers receiving a payment under these agreements (for an entity-held easement, for example) are subject to the requirements.

Once NRCS selects a project and executes an RCPP PPA 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 delegate a project partner to act as their representative in working with NRCS. Second, eligible producers or landowners seeking to carry out eligible activities consistent with an RCPP project in the project's geographic area may apply directly to NRCS. NRCS may give priority ranking consideration to "bundled applications" submitted by an RCPP partner. Bundled applications refer to one or more producer or landowner applications (for contracts or easements) that the lead partner presents to NRCS for priority consideration as part of an RCPP project.

Any "cost-share" that is provided by a producer or landowner associated with implementation of an RCPP contract (such as land management activities or landowner donations associated with U.S.-held easements) cannot be counted as partner contribution.

#### **D. Land Eligibility**

RCPP projects must be carried out on agricultural or nonindustrial private forest land or on associated land on which NRCS determines an eligible activity would help achieve conservation benefits. Generally, eligible land must be shown in Farm Service Agency 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 and/or conservation lands. This could include incidental areas such as: idle center pivot corners, odd areas, ditches and watercourses, riparian areas, field edges, seasonal and permanent wetlands, and other similar areas.

Below are the two limited circumstances in which public lands may be eligible to be part of an RCPP project:

- A watershed/public works structure is constructed on public lands but the benefits (e.g., flood control, water supply) accrue to private agricultural lands.
- A producer who has demonstrated control of a patchwork of private and public lands seeks to apply a land management activity across the full acreage of the operation.

RCPP funding cannot be used to place conservation easements on land already protected by virtue of being owned 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.

When atypical land eligibility scenarios are proposed, NRCS may consider information provided by a lead partner in determining eligibility. Land eligibility is discussed in more detail in the RCPP Interim Final Rule at 7 CFR Part 1464.

## **E. Eligible Activities**

The RCPP statute includes several USDA programs, referred to as “covered programs” that NRCS uses as a guide for determining eligible RCPP activities. These covered programs are—

- Environmental Quality Incentives Program (EQIP)
- Conservation Stewardship Program (CSP) (excluding the Grassland Conservation Initiative authority)
- Agricultural Conservation Easement Program (ACEP)
- Healthy Forest Reserve Program (HFRP)
- Public Law 83-566 Watershed Program (excluding the Watershed Rehabilitation authority)
- Conservation Reserve Program (CRP)

In accordance with this list of covered programs, a diversity of conservation activities are eligible for inclusion in RCPP projects. As detailed in appendix I, RCPP conservation activities are implemented through individual RCPP contracts with eligible agricultural producers or private landowners, and through RCPP supplemental agreements with eligible partners. These contracts and agreements provide funding to carry out eligible activities similar to those authorized under one or more covered programs. Proposals may propose that partner contributions be used to fund the same types of conservation activities that could otherwise be funded by NRCS.

Proposals must explicitly request funding for at least one of the following eligible activity types, which correspond to eligible RCPP activities:

- Land management
- Land rental
- Entity-held easements
- U.S.-held easements
- Public works/watersheds

A single RCPP project proposal may propose any combination of these eligible activity types be included as part of an RCPP project. For example, an eligible partner could propose to improve wildlife habitat in a given geographic area by engaging producers to carry out land management activities, restore habitat, and place perpetual easements on agricultural lands. Eligible producer(s) would carry out the land management and habitat restoration activities through RCPP land management contracts, while entity-held or U.S.-held conservation easements would be purchased from the eligible landowner(s) through a separate award(s).

Though RCPP activities use the covered programs as guides, the individual RCPP contracts and agreements entered into under an approved RCPP partnership agreement generally provide producers and landowners greater flexibilities than are available under the covered programs. RCPP partnership agreements focus on addressing RCPP project resource concerns and are not strictly bound by the regulations and eligibility criteria of the covered programs. This flexibility allows for innovation, streamlining of project implementation, and facilitation of project success within a controlled template-based system designed to ensure NRCS can maintain financial and environmental integrity. Applicants should carefully read appendix I

of this announcement for additional information on eligible RCPP activity types, including participant eligibility, contract and agreement purposes, and contract and agreement expectations and responsibilities.

#### **F. Historically Underserved Producers**

NRCS gives priority consideration to RCPP proposals that propose to meaningfully and measurably engage and benefit historically underserved farmers, ranchers, and landowners. Historically underserved producers may be eligible for special incentives to encourage their participation in RCPP projects. The definition of historically underserved includes beginning, limited resource, socially disadvantaged, and veteran producers. The definitions for these terms are at <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/people/outreach/slbfr/>. The narrative question section of the proposal in the RCPP portal provides an opportunity for applicants to explain how their project will substantively engage and benefit historically underserved producers.

### **IV. RCPP Project Funding**

RCPP funding provided by NRCS is divided into two categories—financial assistance (FA) and technical assistance (TA). Each RCPP PPA will receive a commitment of funding as follows:

- At least 70 percent FA—These funds are held by NRCS and provided directly to producers/eligible entities to implement eligible RCPP activities.
- Up to 30 percent TA—These funds may be retained by NRCS or split between NRCS and partners to support implementation (e.g., conservation planning, practice design, easement survey, and appraisal and closing expenses) of the RCPP project.

All proposal budgets submitted by partners must be consistent with this funding breakdown.

#### **A. NRCS Technical Assistance, Partner Contributions, and Partner Technical Assistance**

RCPP project funding is comprised of a combination of NRCS funding and partner contributions. It is NRCS's goal that partner contributions be at least equal the NRCS investment in an RCPP project. Partner contributions consist of any combination of cash and in-kind support, and may complement either NRCS's FA or TA, or both. Certain RCPP activities such as entity-held easements and public works activities have specific minimum matching fund requirements (as detailed in appendix I) which may count as partner contributions if they meet requirements detailed in this announcement.

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 factors 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.

Funding from non-USDA Federal agencies may be counted as partner contribution, provided such funding is: 1) expended during the life of the RCPP project, 2) expended within the

project’s geographic boundary and, 3) is expended in support of the project’s goals and objectives.

The table below lists typical TA activities by category. Categories include potential partner contributions, implementation TA, and enhancement TA. The TA categories are described below the table.

The table is intended to—

- Provide applicants with a list of required and potential NRCS TA responsibilities (i.e., roles NRCS will fulfill).
- Provide applicants with a list of potential value-added TA activities, which includes activities potentially eligible for NRCS reimbursement and those that could be counted as partner contributions.
- Outline the relationship between NRCS and partner activities.

NRCS TA Responsibilities*	Potential Partner Contributions (C), Implementation TA (I), Enhancement TA (E)*
<b>Develop and manage RCPP agreements with partners (required)</b>	Develop and manage RCPP agreements with NRCS (C, E)
<b>Agency RCPP outreach and education (required)</b>	Other RCPP project-related outreach and education, including inventories, analyses, and tools needed to inform outreach (C,E)
<b>Environmental evaluations (required)</b>	Inventories and data to support environmental evaluations (C, I)
<b>Eligibility determinations, evaluation, and ranking of RCPP individual applications submitted under an RCPP project (e.g. producer contract applications) (required)</b>	Providing information or tools needed by NRCS to support agency eligibility determinations, evaluation, and ranking (C, I)
<b>Execution and management of individual contracts or supplemental agreements under the RCPP project (required)</b>	Develop and enter into FA contracts or agreements to implement RCPP eligible activities with non-NRCS funds (C)
<b>TA to producers or landowners for planning directly related to installation or management of eligible conservation activities</b>	TA to producers or landowners for planning directly related to installation or management of eligible conservation activities (C, I)
<b>Other FA contract support services (e.g., securing and managing contracts for third-party services like engineering studies, surveys, appraisals, etc.) (some required)</b>	Other non-inherently governmental FA contract support services (e.g., securing and managing contracts for third-party services like engineering studies, surveys, appraisals to satisfy NRCS requirements) (C, I)
<b>Project-related communications and coordination activities</b>	Project-related communications and coordination activities (C, E)
<b>HEL/WC compliance, AGI compliance, and RCPP eligibility determinations (required)</b>	Development and calculation of quantifiable project outcomes (C, E)
<b>Review and analysis of quantified outcomes provided by partners to determine if project goals and objectives are achieved</b>	Manage leveraging of other funds related to the RCPP project goals and objectives (C)

NRCS TA Responsibilities*	Potential Partner Contributions (C), Implementation TA (D), Enhancement TA (E)*
<b>Track and verify expenditures and partner contributions</b>	Development of innovative conservation approaches (C, E)
	Project management and partnership development to accomplish project goals (C, E)
	Staff development/training/capacity building (C)
	Developing/maintaining connections to related conservation efforts (C)
	Any other project-related administrative (indirect) costs** (C)

\*This table is not intended to capture every possible contribution type or TA activity.

\*\*Note that administrative (indirect) costs associated with the implementation of RCPP projects cannot be reimbursed by NRCS, by statute. Unrecovered indirect costs, however, can be counted as partner contributions, as reflected in the table.

**The TA allocated for each RCPP project is generally dividable as follows:**

- Implementation TA: 23 percent (percentage fixed)
  - Five percent (percentage fixed)—Retained by NRCS for RCPP project, contract and agreement management, and required HEL/WC, AGI eligibility, and environmental compliance activities. This is non-negotiable.
  - 18 percent (percentage fixed)—Allocated for TA associated with implementation of RCPP eligible activities, including conservation planning, practice design, TA required for installation and verification, and easement support activities (e.g., title reviews, due diligence, valuation and survey reviews, and closing and monitoring responsibilities). This funding may be entirely retained by NRCS or shared among NRCS and partners based on the division of responsibilities proposed and then agreed to during negotiation of the PPA.

A feature of the RCPP PPA structure outlined in appendix I is that the identity of who will be providing TA for a project—NRCS, the lead partner, or a third party—need not be the same entity or entities identified in the proposal or at the time a PPA is executed. The structure provides flexibility for the use and obligation of TA funding by NRCS, partners or third parties throughout the life of a project. However, as a part of their proposal, lead partners should identify the individuals or entities that are the anticipated TA providers and indicate whether changes are anticipated.

If a lead partner requests implementation TA in its proposal and the identity of the TA provider is known, the lead partner should identify the individuals or entities that will be providing the implementation services and provide evidence of their qualifications. For example, evidence of qualifications for individuals and entities identified to conduct planning may include documentation of technical service provider certification or NRCS-certified conservation planner status. The 18-percent cap on implementation TA means that individuals or entities carrying out implementation activities must do so at defensible rates accepted by NRCS.

- Enhancement TA (E): Seven percent (maximum allowed, negotiated)—Available for partner-led activities directly related to management and enhancement of an approved RCPP project. Eligible enhancement TA activities include outreach to producers and landowners, project management, environmental monitoring, communications activities, development and calculation of quantifiable project outcomes, and development of innovative conservation approaches. Applicant requests for project management and enhancement TA are subject to negotiation and verification during development of the PPA.

Only lead partners may directly receive enhancement TA funds, though lead partners may enter into contractual relationships with other partners or third parties to carry out enhancement TA activities.

If applicants do not request enhancement TA for their project, that TA funding will be folded back into program funding as determined by NRCS. Further, it is anticipated that not all items potentially eligible for enhancement TA will be funded in selected projects due to the seven-percent cap on enhancement TA funding. Partners must provide contributions for enhancement activities when the seven-percent cap is exceeded.

Lead partners must explicitly identify proposed partner-led implementation and enhancement TA activities in their proposal. All TA awards are negotiated between NRCS and partners following project selection. Enhancement TA will be reserved for partner use if a project is selected, however payment rates and performance standards will be specified and agreed to as part of PPA negotiations and may be subject to additional documentation requirements or approvals beyond those included in a selected proposal.

Consistent with the RCPP statute, expenditures for project development such as outreach activities in the project area carried out by RCPP project partners between the time of project selection announcement and PPA execution, may be counted as partner contributions if identified as such in the proposal budget and approved by NRCS after project selection.

There may be rare circumstances for which a TA percentage greater than 30 percent—or a TA percentage less than 30 percent—is justified for RCPP projects. Similarly, there may be rare circumstances in which partners would prefer flexibility in TA percentages between enhancement and implementation TA. Partners requesting any deviations from the TA amounts or allocated percentages described in this section must make their request and provide justification as part of their proposal (in the RCPP portal).

**IMPORTANT:** Official NRCS approval of reimbursable TA activities included in an RCPP proposal does not occur when RCPP project selections are announced. Rather, RCPP funds for implementation TA and enhancement TA deliverables included in selected RCPP proposals are later awarded through supplemental agreements (between NRCS and an eligible partner) following execution of an RCPP PPA (see appendix I for more details on RCPP PPA structure).

**Note on Administrative Costs:** The RCPP statute prohibits NRCS from reimbursing partners for any administrative costs. Also known as overhead or indirect costs, administrative costs are

expenses such as rent and utilities, durable equipment and software acquisitions, space used by staff, copiers, phones, information technology support, and similar costs. While not reimbursable by NRCS, indirect costs may be counted as partner contributions (these are known as unrecovered indirect costs). Organizations that have an active Negotiated Indirect Cost Rate Agreement (NICRA) with the Federal Government must use the rate identified in the NICRA in determining indirect costs to be included in a proposal as contributions. Entities without a NICRA may use a 10-percent indirect cost rate. To determine the amount of administrative costs that may be counted as proposed partner contribution for RCPP, either the NICRA rate or the de minimis rate may only be charged against any partner TA contributions. Current NICRAs must be uploaded as part of the RCPP project proposal in the RCPP portal where applicable.

## **V. RCPP PROPOSAL REQUIREMENTS**

### **A. Format and Instructions**

RCPP proposals must be submitted through the RCPP portal by the deadline in this notice. NRCS evaluates proposals according to the criteria 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 RCPP coordinator(s). Communication with State RCPP coordinators is critical to help partners—

- Frame conservation benefits in terms of NRCS resource concerns;
- Understand RCPP eligible activities and which activities are best suited to treat NRCS resource concerns within the project area;
- Develop their approach for measuring conservation (and potentially economic and social) outcomes of RCPP projects;
- Establish mutual understanding of program and partner capacities and rules (for both NRCS and partner(s)). The RCPP funding model depends on close coordination and collaboration between partners and NRCS to achieve project success.

Names of State RCPP coordinators (as of 10/13/2020) are provided in appendix II of this notice.

**NOTE:** RCPP proposals become the property of NRCS for use in the administration of 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.

### **B. Proposal Content**

RCPP proposals must adhere to the guidance below, which is consistent with the proposal entry screens of the RCPP portal. Any materials submitted but not specifically required below 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 PPAs for selected projects expire after 5 years. Applicants may request a PPA length longer or shorter than 5 years only if such a request is submitted and justified as part of a proposal. NRCS may grant such requests only in exceptional circumstances.

2. List of Project Partners—Identify the lead partner (the only party with which NRCS will execute a PPA) and all nonlead partners that are providing partner contributions or are proposed to receive RCPP implementation or enhancement TA funds. Briefly describe the role of each partner.
3. Narrative Questions—In the RCPP portal, applicants must provide answers to questions related to the evaluation criteria found in section VI of this notice. These questions require the applicant to describe the compelling conservation need for the project, the goals and objectives, the geographic focus, estimated number of participating producers/landowners, and project management capacity of the identified partners, among other items. The RCPP portal restricts answers to a set amount of characters, including spaces.
4. Project Outcomes—All RCPP lead partners are responsible for reporting on conservation outcomes (and, to the extent possible, economic and social outcomes) of their projects. A guidance document for outcomes reporting is posted on the [RCPP website](#). All lead partners should carefully review the guidance document prior to drafting their portal proposal.
5. Deliverables and Contributions—The RCPP portal guides applicants to fill out two tables: one 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/land improvement or rental contracts U.S.-held easements, entity-held easements, public works/watershed funding), typical conservation activities, and TA category (for all TA funding). Funding requests in the project proposal are estimates; however, applicants should propose the most realistic and accurate funding levels possible. If a proposal is selected for funding, final budgets of selected projects will be negotiated during the PPA 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 providing a contribution and identify contributions as cash or in-kind. Contributions also must be listed by activity type.

6. Contribution Commitment Letters—Lead partners must provide a commitment letter from each nonlead partner or other third-party 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 any 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 only party with which NRCS will execute a PPA) assumes responsibility for ensuring that all contributions are delivered as included in the PPA.

7. Project Map—Lead partners must upload a file (jpg. or pdf.) that clearly delineates the geographic scope of the project. Once a project is selected for funding, lead partners will work with an NRCS RCPP State coordinator to develop a more sophisticated project map using GIS.
8. DUNS Number—A Dun and Bradstreet Data Universal Numbering System (DUNS) number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of over 70 million businesses worldwide. All RCPP applicants must have or obtain a DUNS number and include it in their proposal. Information on how to obtain a DUNS number can be found at <http://fedgov.dnb.com/webform> or by calling 1-866-705-5711. Please note that DUNS registration may take up to 14 business days to complete.
9. SAM Number—All RCPP applicants must also have or obtain a current System for Award Management (SAM) number and include it in their proposal. 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://www.sam.gov/portal/public/SAM/>. SAM registration must be renewed annually. Applicants should allow ample time to obtain or renew a SAM number.

## VI. PROPOSAL REVIEW CRITERIA

Before undergoing technical review, NRCS screens proposals for completeness and partner eligibility. Proposals determined by NRCS to be substantially incomplete (i.e., cannot be properly assessed by the technical reviewers) or ineligible are eliminated from the RCPP competition. NRCS notifies lead partners 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 during proposal development.

- Impact (25 percent)
  - Does the proposal describe a compelling conservation need and clear project goals and objectives?
  - Does the proposal propose to generate substantial conservation benefits, and are those

- benefits likely to be achieved based on proposed project methods and approaches?
- Is the project area the appropriate scale for the resource concern(s) and goals identified?
- Does the proposal describe measurable and achievable environmental project outcomes? What about economic and social outcomes?
- Partner Contributions (25 percent)
  - What percentage of the overall project cost will come from non-USDA partner resources?
  - What is the composition of partner contributions—cash vs. in-kind?
  - To what extent are partner contributions value-added 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)?
  - Do proposed contribution deliverables, contribution commitment letters, and valuation methods demonstrate a clear and compelling relationship to project deliverables and outcomes?
  - Are contribution deliverables and valuation methods clearly documented?
- Innovation (20 percent)
  - Does the project propose innovative methods or approaches for conservation planning, implementation, or assessment, or propose the use of promising new technologies that have a demonstrated likelihood of success?
  - Does the project take advantage of the unique programmatic and implementation elements afforded by RCPP (e.g., multiple activity types, easement flexibilities, contract bundling, etc.)?
  - Is this a project that is most effectively carried out through RCPP rather than other NRCS Farm Bill programs?
  - Does the partner plan to target project funding to particular locations or producers/landowners based on a scientific assessment or research-based plan?
- Partnerships and Management (30 percent):
  - Is the proposal supported by a robust partnership that includes a diversity of entities and organizations? Is the partnership of a size and composition required to achieve the proposed conservation benefits?
  - Is the project timeline realistic, reflecting the time, tasks, and expenses needed to carry out project planning, implementation, and evaluation needs?
  - Does the lead partner demonstrate experience managing similar conservation projects, executing deliverables, and successfully getting conservation on the ground?
  - For multistate projects, is the number of States included in the project a reasonable number to facilitate effective project management?
  - 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?
  - Does the proposal meaningfully encourage or include the participation of historically underserved producers and landowners, including socially disadvantaged, beginning, limited resource and veteran farmers and ranchers, or include as a partner(s) organization working with or representing such groups?

## **A. Proposal Evaluation Process**

All RCPP technical evaluations are carried out by NRCS State offices using the criteria outlined above. Multistate and CCA project evaluations are coordinated by the relevant States. NRCS State Conservationists will consult with State Technical Committees on the RCPP review process.

NRCS leadership reviews the results of the State evaluations and makes recommendations for funding to the Chief. The Chief may consider available funding, geographic diversity, applicant diversity, and other factors in making the final project selections.

## **B. Environmental Review Requirements**

Some RCPP conservation activities may require national, State, and as necessary, local permits. All required national, State, and 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 of any relevant permitting requirements as part of the proposal packet. NRCS cannot provide RCPP funding until the environmental review requirements demonstrating how compliance with NEPA and other Federal, State, and local laws and regulations will be met. NRCS may not approve, or may withdraw, funding for projects that it determines do not realistically account for the time or expense of addressing environmental concerns, or where project may result in unacceptable adverse environmental impacts.

Once an RCPP PPA is executed, NRCS conducts site-specific environmental evaluations (EEs) during the planning phase of all individual awards (e.g., producer contracts or easements) for land improvement/land management, rental, and easement activities to ensure compliance with NEPA, and other Federal, State, and local laws and regulations and NRCS policy. In addition, where the NRCS conservation planning process or conservation practice standards are to be supplemented or replaced with innovative measures, or public works/watershed activities are included in an RCPP proposal, NEPA analysis is required at the RCPP project level, and an environmental assessment or environmental impact statement is likely to be required.

Project proposals should incorporate explicit acknowledgment of any NEPA and other environmental compliance needs and reflect such information in the project timeline and budget. Expense of such analyses must be included in total projects cost as either a partner TA contribution, or (to the extent approved during PPA negotiations) as a potentially reimbursable implementation TA item (see TA description in section IV). 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 cultural resource or species occupancy surveys needed for NRCS to assess project effects and be involved in required consultations.

Partner contributions to the RCPP project that would not occur *but for* RCPP funding received from NRCS (i.e., connected actions) must be analyzed in any relevant site-specific EEs conducted during the NRCS conservation planning process, and/or evaluated in a project-level NEPA analysis as determined necessary by NRCS in collaboration with the lead partner or

designee. Cost (and delays) of such analyses shall be the responsibility of the partner unless otherwise agreed to in PPA negotiations.

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

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

After a proposal is selected to become an RCPP project, the lead State Conservationist will initiate negotiations with the lead partner to define the final scope and responsibilities of the RCPP PPA. This process 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 announcement for details of TA). Project negotiations will also confirm contribution deliverables and valuation methods.

The RCPP PPA serves as the agreement guiding the project. No RCPP funding is obligated through the PPA itself. Rather the PPA includes lead partner deliverables, timelines, and expectations for future RCPP awards and partner contributions based on the negotiated terms of an approved project, available RCPP funding, and other program considerations.

Following execution of the RCPP PPA, future RCPP awards associated with that agreement may include RCPP producer contracts and supplemental agreements with eligible partners (e.g., TA agreements, easement agreements, public works/watershed agreements). These future RCPP awards are not subject to lead partner negotiation and will be managed according to NRCS-developed terms and conditions necessary to ensure program and financial integrity.

RCPP applicants should anticipate a project start date of July 1, 2021.

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

Reporting requirements are included in RCPP PPAs. 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 enhancement or implementation TA, or ultimately terminating a PPA.

Any associated RCPP award executed through a supplemental agreement, such as TA agreements, will require additional reporting.

Any RCPP partner or third party that is the recipient of a supplemental agreement is responsible for requesting payment from NRCS for project activities. As a condition of supplemental agreement(s), NRCS and a partner may negotiate, subject to NRCS approval, documentation requirements for payment, based on the agreement deliverables and activities. For example, if the lead partner requests payment for an enhancement TA task like producer outreach activities, submission of meeting agendas and a list of participants may be required before NRCS remits the payment. For project management activities, a summary document describing the activities and the fee schedule/personnel hours required to complete those

activities may be required. Similarly, completion and documentation standards to establish payment eligibility for implementation TA tasks must be included in implementation TA agreements. Specific documentation requirements must be agreed to by NRCS and the relevant partner(s) prior to execution of any supplemental agreement.

RCPP partners must maintain documentation of expenses paid by NRCS and partner contribution expenditures for 3 years beyond the expiration of a supplemental agreement. NRCS intends to audit a random sample of RCPP projects annually. If a partner fails to produce documentation of RCPP funding expenses and payments as well as and partner contribution expenditures, NRCS may require partners to take remedial action. If partners are unable to satisfy NRCS's requirements, the PPA or supplemental agreements may be suspended or terminated.

NRCS will provide to RCPP lead partners:

- A semiannual report describing the status of each pending and obligated RCPP contract associated with a lead partner's PPA; and
- An annual report describing NRCS use of TA associated with the lead partner's PPA.

### **C. Notifications**

All applicants will receive notification of selection or nonselection. Following notification of selection, the appropriate NRCS RCPP State coordinator will contact the lead partner to initiate negotiation and development of an RCPP PPA. Partners with projects not selected for funding will receive reviewer feedback on their proposals.

NRCS anticipates making announcements of RCPP project awards in April 2021.

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

Lead partners may withdraw their RCPP proposal after the submission deadline by emailing a letter on official organization letterhead to the [national RCPP inbox \(rcpp@usda.gov\)](mailto:rcpp@usda.gov) with a carbon copy to the lead State's RCPP coordinator. The letter should include the reason for withdrawal.

## **VIII. SUBMISSION INFORMATION**

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

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

1. Identify a single system user for your organization.
2. Establish a USDA level-2 e-Auth account (designated user only) following the guidance accessed at the following web address <https://www.eauth.usda.gov/mainPages/index.aspx>.
3. After an eAuth credential is secured, request RCPP portal system access (designated user

only) (<https://nracs-sites.secure.force.com/>) under “New Users” click “Start Here.”

4. Develop full proposal in RCPP portal.

The RCPP portal automatically sends applicants an email to acknowledge 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, and to complete the proposal in the RCPP portal. Applicants are advised that steps 2 and 3 above may take several weeks to complete. Difficulties related to these 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, are incomplete, are submitted after the deadline date listed in this notice, or are submitted through registered or certified mail, submitted by facsimile, or delivered by courier.

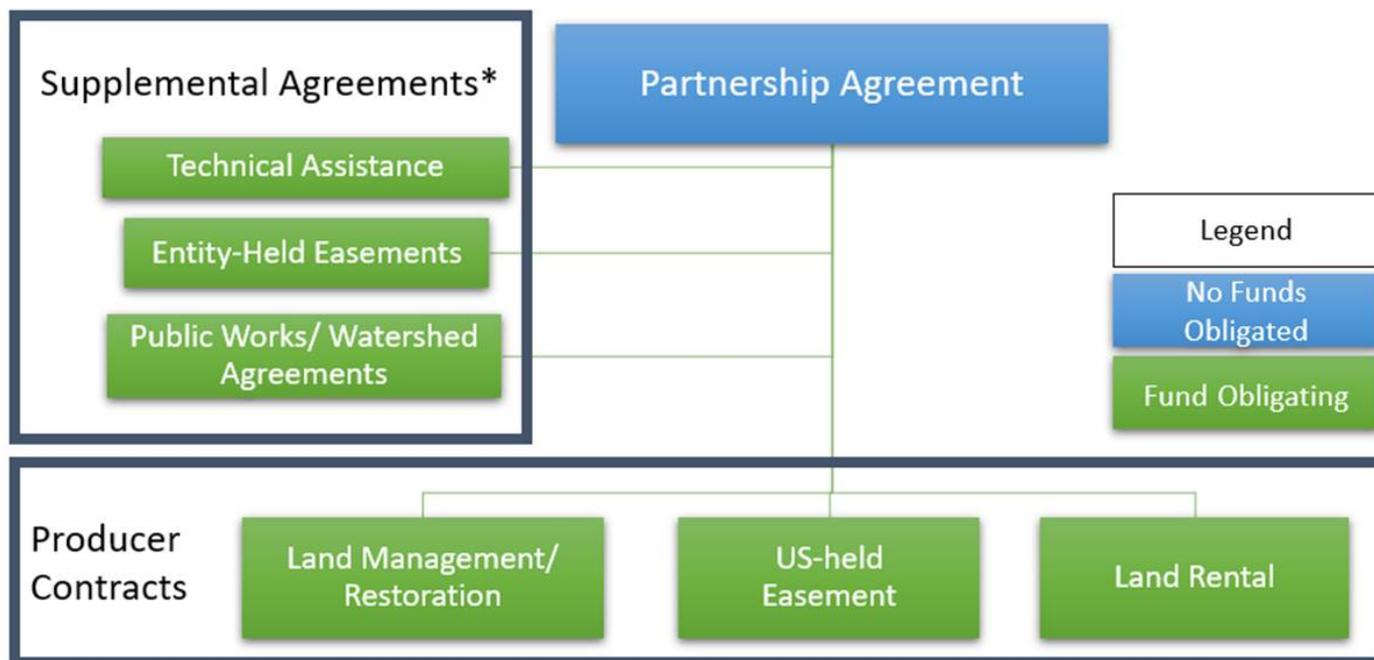
Persons with disabilities who require alternative means for communication (e.g., Braille, large print, audio tape) should contact the USDA TARGET Center at: (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

## **IX. AGENCY CONTACTS**

Applicants with questions are encouraged to contact the appropriate NRCS State RCPP coordinator with questions. State RCPP coordinators are often best suited to answer partner questions about proposals and RCPP in general. Appendix II of this notice contains the list of NRCS State RCPP Coordinators, as of October 8, 2020.

Potential applicants may also contact national RCPP staff by email at [rccp@usda.gov](mailto:rccp@usda.gov) with questions.

## Appendix I – RCPP Agreements, Contracts and Conservation Activities



\*Agreements with sponsors for public works/watershed activities, technical assistance, and entity-held easement agreements.

### RCPP Funding Overview

Once an RCPP proposal is selected for funding, the lead partner and NRCS negotiate the terms of an RCPP PPA. The PPA documents the relationship between NRCS and the lead partner but does not obligate any funding. RCPP funding will flow to eligible partners through supplemental agreements and to producers, including eligible landowners, through producer contracts.

The graphic above provides an overview of the relationship between the RCPP PPA, potential supplement agreements, and available producer contract types. Producer contracts (between NRCS and an eligible producer or landowner) are used to implement land management, restoration, rental, and U.S.-held easement activities. Supplemental agreements (between NRCS and an eligible partner) are used generally to award enhancement or implementation TA funding, to implement watershed/public works projects, or to implement an entity-held easement agreement.

### Producer Contracts and Supplemental Agreements

A majority of RCPP funding is expected to be provided to farmers, ranchers, and landowners of nonindustrial private forest land or agricultural lands through producer contracts and supplemental agreements. RCPP proposals must describe the types of eligible activities included in a project, but partners are not necessarily expected to identify the farmers, ranchers, and landowners they plan to target or that might participate in the project.

The RCPP final rule is under development, as are final program policies, IT systems, and contracting and agreement documents. Template contracting instruments and agreement documents will be available for partner (and public) review before lead partners sign PPAs.

The information below is designed to provide partners with enough information on the types of RCPP-eligible activities and associated flexibilities to inform the development of RCPP proposals.

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

- The 2018 Farm Bill affords NRCS flexibility to establish the eligible conservation activities to be carried out through RCPP. Existing NRCS covered programs are used as a guide to identify eligible activities, but the regulations of the existing covered programs do not necessarily apply to RCPP. At the same time, foundational aspects of NRCS program implementation are maintained for RCPP (e.g., planning processes, conservation practice standards, and payment schedules) to maintain scientific rigor and financial integrity.
- RCPP contracts and supplemental agreements associated with a given RCPP PPA are expected to be of limited duration to increase the likelihood that conservation benefits are generated during the 5-year (in most cases) life of an RCPP project. However, once executed, the individual RCPP producer contracts or supplemental agreements may generally remain in effect even if they extend beyond the expiration of the RCPP PPA.
- Five types of RCPP FA activities are proposed within RCPP to address the wide range of eligible activities available in covered programs and RCPP projects.

RCPP Activity Type	Associated Covered Program Authorities
Land management	EQIP, CSP, ACEP-Wetland Reserve Easements (WRE) (restoration), HFRP (restoration), Public Law 83-566
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., grasslands, floodplains, agricultural lands, riparian areas)
Easement (entity-held)	ACEP-Agricultural Land Easement (ALE), Public Law 83-566 (floodplain easement); expanded to include easements on land uses other than those traditionally eligible under the covered programs (e.g., wetlands, non-industrial private forest lands)
Public works/watersheds	Public Law 83-566

### Land Management Activities

Land management (including land restoration and improvement) contracts 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 Public Law 83-566.

Funds awarded for these purposes will use proven aspects of NRCS planning, implementation, and contracting methodology, and are expected to be based principally on NRCS conservation practice standards, existing CSP enhancements, stewardship activities, and existing payment schedules.

Application, ranking, and contracting will emulate similar aspects of EQIP and CSP program implementation. Producer and land eligibility restrictions tied to specific EQIP and CSP regulatory requirements, such as CSP “whole operation” requirements or EQIP irrigation history requirements do not apply to RCPP land management contracts.

Processes will be provided for consideration of adjustments to payment percentages, payment scenarios and/or

the development and use of interim practice standards, subject to NRCS consideration and approval in accordance with agency policy. Additional flexibilities that may be afforded to RCPP partners include project/partner-driven ranking pools, the potential for blending of previously distinct program activities in a single contract, and the potential for leveraging partner contributions for greater conservation benefits.

### **Land Rental Activities**

Land rental activities will be offered based on a combination of the EQIP and CRP contracting model between NRCS and an eligible producer committed to addressing RCPP project resource concerns on eligible lands. Application, ranking, and contracting will emulate applicable aspects of NRCS ranking processes.

However, unlike the traditional CRP program, RCPP land rental authority is not generally expected to be used for landscape-scale soil erosion protection. Rather, NRCS will consider funding rental components of RCPP project proposals in which the lead partner proposes that RCPP land rental activities focus on short-term, targeted rental needs in the context of a larger RCPP project. Examples include paying 1–3 years of foregone income to incentivize adoption of an innovative cropping system or to transition to an organic production system.

These awards will incorporate proven aspects of NRCS planning, implementation, and contracting methodology, and are based either on an estimate of foregone income, or on RCPP PPA-negotiated scenarios. Processes will be provided for consideration of partner-driven development of payment levels and payment standards. Anticipated flexibility and benefits of these awards, relative to existing covered program awards, will be in the possibility of project/partner driven ranking pools, potential for partner innovation in proposed conservation purposes warranting short-term rental payments, and in the potential for leveraging partner contributions for greater conservation benefits.

### **RCPP Conservation Easements**

RCPP easements retain some elements of ACEP and HFRP easements while differing in substantial ways. An RCPP conservation easement may be either U.S.-held or entity-held and both types are available for a wider variety of land uses and conservation purposes which are driven by the conservation benefits and resource concerns identified in the RCPP project rather than being limited to the land eligibility requirements of the covered programs. Under other NRCS easement programs, U.S.-held easements are only available for wetlands (ACEP-WRE), forestlands (HFRP), and floodplains (Emergency Watershed Protection Program-Floodplain Easements), and entity-held easement are only available for the protection of eligible agricultural lands, including grasslands (ACEP-ALE) or floodplains (under Public Law 83-566). In contrast, an RCPP easement whether it is U.S.-held or entity-held may be acquired on any lands eligible for RCPP with an agriculturally linked land use, such as preservation of high quality cropland or grasslands, restoration or protection of degraded or natural wetlands, floodplains, or riparian areas buffering agricultural lands, or protection of nonindustrial private forest lands. Application, ranking, easement acquisition processes, and contracting for RCPP easements emulate applicable aspects of existing NRCS easement programs.

Lead partners may help inform NRCS funding decisions through project-ranking criteria and/or bundled applications. Additional flexibilities of RCPP easements include the possibility of partner-driven ranking pools, potential for partner innovation in providing outreach and project development with interested landowners to build robust easement applications, and the potential for leveraging partner contributions for greater conservation and/or participants benefit.

Below is a table summarizing the RCPP easement types (U.S.-held or entity-held) with explanatory narratives on some of the aspects unique to the particular easement types provided below the table.

	<b>U.S.-Held Easements</b>	<b>Entity-Held Easements</b>
<b>Easement Holder</b>	Acquired and held by the United States by and through USDA NRCS	Acquired and held by an eligible entity that meets the requirements of 7 CFR Section 1468.3.
<b>Easement Deed Requirements</b>	Must use one of three standard easement deeds provided by NRCS: 1. Highly restrictive; 2. Moderately restrictive; 3. Minimally restrictive.	Must attach the minimum deed terms provided by NRCS to the eligible entity's own conservation easement deed terms. NRCS minimum deed terms available: 1. Highly restrictive; 2. Moderately restrictive; 3. Minimally restrictive. NOTE: Two versions of each set of the above-listed deed terms are available, one with and one without the terms related to a U.S. right-of-enforcement.
<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).	
<b>Basis for RCPP Compensation Cap</b>	Landowner is paid a percentage of the value of the easement. - Up to 100% of easement value for a high level of landowner restriction (similar to current ACEP-WRE) - Up to 75% of easement value for a moderate level of landowner restriction (similar to current ACEP-WRE with reservation of grazing rights or HFRP) - Up to 50% of easement value for a low level of landowner restriction (similar to current ACEP-ALE)	Cost-share provided to the entity for their purchase of an easement based on a percentage of the value of the easement. - Up to 50%—with U.S. right of enforcement - Up to 25%—without U.S right of enforcement
<b>Valuation Methodology</b>	Easement value determined via appraisal.	Easement value determined via appraisal of before-and-after fair market value of the offered acres.
<b>Partner Match</b>	Matching funds provided by partners are not required but contributions are encouraged to further RCPP project objectives.  Any landowner donation associated with U.S.-held easements cannot count as partner contribution for the project.	Partner match is required 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>RCPP award type for easement purchase</b>	Producer contract entered into directly with eligible landowners.	Supplemental agreement entered into with an eligible entity that will hold the easement on eligible land.
<b>Allowed uses of RCPP financial assistance</b>	Cost of easement itself, acquisition-related costs (e.g., appraisal, survey, due diligence, title and closing services), restoration implementation costs.	Cost of easement itself, costs for NRCS technical appraisal review, and NRCS environmental database search. RCPP financial assistance funds awarded for an entity-held easement may not be used for any other purposes.

### **U.S.-Held Conservation Easements**

RCPP awards for U.S.-held conservation easements are offered through producer contracts with eligible landowners of eligible lands. U.S.-held easements are in general permanent easements with exceptions for Tribes (i.e., 30-year contracts) or States where State law prohibits permanent easements (duration set at the longest duration allowable under State law).

Application, ranking, easement acquisition processes, and contracting of RCPP U.S.-held easements emulate applicable aspects of ACEP and HFRP. The acquisition of a U.S.-held easement under RCPP, like other NRCS easement programs that result in an easement held by the United States, are subject to U.S. Department of

Justice (DOJ) title standards and approval by the USDA Office of the General Counsel. Therefore, a U.S.-held easement acquired under RCPP must use one of three standard easement deeds provided by NRCS. These three standard 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 the partner, in consultation with NRCS, to determine which of the three standard easement deeds (categorized as highly, moderately, and minimally restrictive) is most appropriate to achieve the identified RCPP project purposes for a given project. NRCS reserves the right to determine eligibility of any particular parcel for the program, and any particular level of restriction. Selection of the easement deed that will be used is a foundational component of landowner application, evaluation, and ranking.

Additionally, the more restrictive the terms of the easement, the higher the percentage of the easement value that may be provided under RCPP. For example, the use of the highly restrictive standard RCPP easement deed to acquire a wetland easement with restrictions and requirements similar to an ACEP-WRE easement (through which the landowner sells most of the property rights to the United States) will be eligible to receive a higher percentage of the easement value than a less restrictive wetland easement acquired using the minimally restrictive standard RCPP easement deed wherein the landowner sells fewer property rights in exchange for greater certainty regarding the ability to conduct future land management activities compatible with the easement (e.g., future timber harvest).

RCPP financial assistance that may be provided for the easement itself is based on the value of the easement as determined by an appraisal via a methodology to be determined by NRCS. NRCS may use supplemental 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.

### **Entity-Held RCPP Conservation Easements**

RCPP awards for entity-held easement will be offered through supplemental agreements and require collaboration between NRCS, a qualified entity, and an eligible landowner. Either a qualified lead partner or a qualified third-party entity that meets the requirements of 7 CFR Section 1468.3 may apply to be the holder of an RCPP entity-held easement.

Partners and landowners must follow easement acquisition and closing processes similar to ACEP-ALE and must attach the NRCS-provided minimum deed terms to their conservation easement deeds. The 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 U.S. right of enforcement and the associated provisions and one that does not include such terms. The availability of these options allows the partner, in consultation with NRCS, to determine which of set of minimum deed terms (categorized as highly, moderately, and minimally restrictive) and which version (with or without a U.S. right of enforcement) is most appropriate to achieve the identified RCPP project purposes on a particular property. Selection of the minimum deed terms that will be used is a foundational component of landowner application, evaluation, ranking, and determining valuation through an appraisal.

RCPP financial assistance that may be provided for the easement itself is based on the value of the easement as determined by a before-and-after appraisal via a methodology to be determined by NRCS. In order to determine the value of the easement, the appraisal will take into consideration the terms of the conservation easement, including 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.

Based on the before-and-after appraisal, NRCS may provide up to 50 percent of the easement value for entity-held easements that include a right of enforcement for the United States, and up to 25 percent of the easement value for entity-held easements that do not include a U.S. right of enforcement. Partner-matching funds toward the cost of the easement itself are required and may consist of any combination of landowner donation toward the easement value and partner cash contribution toward payment of easement compensation to the landowner. Easement matching funds may be counted as RCPP partner contributions for the project, if otherwise included in PPA and accepted by NRCS.

Similar to ACEP-ALE, acquisition and easement management costs are the responsibility of RCPP partners and cannot be reimbursed by NRCS. These costs may be counted as partner contributions (not project-level match) 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 further the applicant's project goals. The same cost-share requirements and limitations that apply to entity-held easement transactions 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 hold simultaneously both the fee simple title and the conservation easement under an RCPP buy-protect-sell transaction. For RCPP, State or local government agencies are eligible to enter into buy-protect-sell transactions, provided all other required elements of such transactions are satisfied.

### **Public Works/Watersheds**

Through the public works/watershed projects component of RCPP, eligible partners may receive financial assistance awards to support implementation of structural works of improvement to address watershed-scale issues for the benefit of eligible land, similar to many projects completed under Public Law 83-566.

Unlike other RCPP contract types, RCPP project proposals must detail proposed public works/watershed activities to the fullest extent possible to provide project reviewers information needed to assess project viability. While RCPP projects could include planning, design, and installation of proposed public works/watershed projects, timing is critical to fully complete a project from start to finish in the 5 (or potentially longer) years of an RCPP project, so details of both TA and FA requests associated with public works projects must be included in the questionnaire section of the proposal in the RCPP portal. Projects requesting lump-sum planning, design, or public works installation funding that do not include proposals for defensible and trackable documentation of specific tasks and schedules may be penalized in the ranking process.

NRCS retains approval authority for planning, design, and environmental responsibilities (including adherence to NEPA and applicable Principles, Requirements, and Guidelines for Federal water projects) for RCPP public works activities. NRCS will generally satisfy these responsibilities by following NRCS watershed and engineering policy, except when negotiated otherwise.

RCPP project proposals containing public works activities can identify: 1) any proposed deviations from NRCS policy, and/or 2) prior approved plans and 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, planning, or design phases of a project indicate that timely project completion is unlikely. It is NRCS's intent that only those proposals with robust work plans, detailed cost proposals, and proven partner capacities advance for funding consideration.

Applicants are reminded that all RCPP public works/watershed projects must have demonstrable ties to proposed RCPP project conservation benefits and eligible agricultural lands. In contrast to Public Law 83-566,

for example, RCPP program purposes do not include recreation and municipal water supply.

When RCPP public works/watershed financial assistance funds are budgeted and awarded in a project, actual supplemental agreement match (vs. project-level contributions) may be required. Public works improvements targeting non-flood control purposes have a minimum 35 percent cash-match requirement. Flood control projects may request up to 100 percent RCPP financial assistance, though ranking may preclude their selection without substantial partner contributions (a feature of all RCPP projects). 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 included in 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/or participants benefit.

As a reminder, Public Law 83-566-like land treatment activities will be funded under land improvement/management/restoration contracts with the producer rather than public works supplemental agreements.

## Appendix II—State RCPP Coordinators (list current as of October 8, 2020)

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