

# **REGIONAL CONSERVATION PARTNERSHIP PROGRAM (RCPP)**

## **Fiscal Year (FY) 2019 Announcement for Program Funding (APF)**

USDA-NRCS-NHQ-RCPP-19-GEN0010372

Date Issued: September 3, 2019



Natural Resources Conservation Service  
Commodity Credit Corporation  
Financial Assistance Programs Division  
Programs Deputy Area

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## 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 Year (FY) 2019.

**Funding Opportunity Number:** USDA-NRCS-NHQ-RCPP-19-GEN0010372

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

**DUE DATE:** Applications must be received by NRCS by **5:00 p.m. Eastern Time on December 3, 2019.**

*NOTE: The RCPP Alternative Funding Arrangement (AFA) provision will be implemented through a separate funding announcement following publication of the RCPP interim final rule.*

## 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), discussed in section II.A. below. NRCS and partners collaborate to design, promote, and implement RCPP projects on agricultural and non-industrial private forest land. Through RCPP, NRCS may provide both financial and technical assistance funds to project partners and agricultural producers to carry out projects.

This funding announcement applies only to funds made available for FY 2019. The forthcoming RCPP rulemaking may include program changes. The 2018 Farm Bill reauthorized RCPP and made substantive changes to the program. RCPP is now a standalone program with authorized eligible activities similar to those offered by other NRCS programs, but with modifications and flexibilities unique to RCPP. Due to the large number of changes from the prior program authorized in the 2014 Farm Bill, applicants are encouraged to read the entirety of this funding announcement carefully, including the appendices, to gain a full understanding of this new version of RCPP. RCPP applications are evaluated through a competitive application process based on four criteria: impact, contributions, innovation, and partnership and management.

Up to \$300 million is available for RCPP projects for FY 2019. Applications 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:** Applications must be submitted through the RCPP portal. The RCPP Portal is undergoing updates and will not be available to partners when this funding announcement is posted. Partners should monitor the RCPP website, which will provide notice when the portal becomes available. In the interim, partners should avail themselves of the RCPP Partner Proposal Guide and Proposal Template documents posted on the RCPP website. These documents are consistent with NRCS's proposed updates to the portal and allow partners to begin developing proposals ahead of the portal's opening.

See section VIII of this announcement for information on using the RCPP portal to submit applications. 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 September 3, 2019) in appendix III of this announcement.

A webinar with general program information for RCPP applicants is scheduled for 3 p.m. Eastern Time on September 26<sup>th</sup>. Information on how to participate in the webinar will be posted on the [RCPP website](#).

A second webinar that specifically addresses how to submit a RCPP application through the RCPP portal will be scheduled once the Portal opening date is set. Details on this webinar will be posted on the RCPP website.

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## **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 enters into partnership agreements with lead partners and subsequently into program contracts to implement eligible activities.

RCPP applicants must work closely with NRCS throughout the application 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 application using the guidance in this notice; and
3. If an application is selected to become a project, develop a partnership agreement 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 applications 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 application 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 (including land owners eligible for specific types of RCPP assistance including conservation easements) across the landscape, and propose innovative, sustainable, and measurable approaches to achieving compelling conservation goals.

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

Applicants submit a full project application following the guidance in section V of this funding announcement. The 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 applications 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 or projects completed ahead of schedule 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. Interim Final Rule**

The 2018 Farm Bill requires NRCS to develop a regulation for RCPP. The Agency is developing an interim final rule, which is scheduled for publication in the Federal Register in late 2019 or early 2020. This announcement of program funding applies only to funds made available for FY 2019. The forthcoming rulemaking may include program changes.

## **II. FUNDING AVAILABILITY**

Up to \$300 million is available for RCPP projects for FY2019. 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 RCPP Alternative Funding Arrangement (AFA) provision will be implemented through a separate funding announcement following publication of the RCPP interim final rule.

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 partnership agreement execution, are committed by NRCS for the

duration of the project, generally not to exceed 5 years from the date of partnership agreement execution. Partners may request a partnership agreement 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 partnership agreements, a single 1-year, no-cost extension is available at the discretion of NRCS.

RCPP funding may not be expended until a partnership agreement is fully executed. NRCS cannot pay for work initiated before the partnership agreement is 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 applications must address at least one of the relevant CCA's priority resource concerns. CCAs and associated priority resource concerns for the FY 2019 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 degraded plant condition</li> <li>• Water quality degradation</li> </ul>                                                         |
| Columbia River Basin (ID, OR, WA)                                              | <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>                                     |
| California Bay Delta (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>                                     |
| 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](#).

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 applications identifying a reasonable and 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. After initiation of a project, AGI waivers may be requested by individuals or entities applying for participation in RCPP as a producer. NRCS may grant a waiver if it determines a waiver is necessary to fulfill the objectives of the program or protect 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 local NRCS offices to identify conservation practices (and other eligible activities) best suited to addressing priority resource concerns and generating conservation benefits associated with any given RCPP project.

In instances where approved practices 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 so partners are strongly encouraged to identify the need for interim practice standards during the application process or during project negotiations. Requests for establishment of an interim practice standard during project implementation may still 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 application, and if selected for an award, negotiates and executes an RCPP partnership agreement with NRCS. The lead partner is ultimately responsible for ensuring completion of project deliverables, delivering all partner contributions, and assessing project outcomes. Lead partners may be any of the following (this is the list of eligible partners in the RCPP statute):

- 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—
  - o Local conservation priorities related to agricultural production, wildlife habitat development, or nonindustrial private forest land management; or
  - o 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 the lead partner, RCPP projects may include direct or in-kind contributions from other entities, known as “contributing partners”. Contributions may be provided by a non-lead eligible partner (from the list above) and may also be provided by a third-party individual or organization (even a non-USDA Federal agency) that would not qualify as an eligible party by the statutory definition.

## **C. Producers and Landowners**

Agricultural producers or eligible private landowners receiving funding as part of RCPP projects must be in compliance with the Farm Bill’s highly erodible lands and wetlands conservation provisions, as well as the AGI limitation. Once NRCS selects a project and executes an RCPP partnership agreement with a lead partner, eligible producers or land owners 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 a RCPP project in the project’s geographic area can apply directly to NRCS. NRCS may give priority ranking consideration to a bundle of producer or landowner applications submitted by an RCPP partner.

Any “cost-share” that is provided by a producer or landowner to implement RCPP activities (such as land management/improvement/or restoration activities, forgone income associated with land rental contracts, or land owner 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 associated land on which NRCS determines an eligible activity would help achieve conservation benefits (i.e., improved condition of natural resources resulting from implementation of eligible conservation activities).

Eligible conservation activities may be implemented on public lands when those activities are allowable, will benefit eligible lands as determined by NRCS, and are included in the scope of an approved RCPP project.

### **E. Eligible Activities**

The RCPP statute includes several USDA programs for NRCS to use 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 Reserved 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 contracts with eligible agricultural producers or private landowners, and through 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. Applications may also propose that partner contributions be used to fund the same types of conservation activities that could also be funded by NRCS.

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

- Land management/land improvement/restoration
- Land rental
- Entity-held easements
- United States-held easements
- Public works/watersheds

A single RCPP project application can propose any combination of these eligible activity types 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) participating in this hypothetical project would carry out the land management and habitat restoration activities through RCPP land management contracts, while entity-held or US-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, RCPP contracts and agreements generally provide applicants and producers greater flexibilities than covered program contracts and agreements. RCPP awards focus on addressing RCPP project resource concerns and are not as strictly bound to covered program regulations and eligibility criteria. 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 purposes, and contract expectations.

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

NRCS gives priority consideration to RCPP projects that propose to meaningfully engage historically underserved farmers, ranchers, and landowners. The definition of historically underserved includes beginning, under resourced, 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 application in the RCPP portal provides an opportunity for applicants to explain how their project will substantively engage 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 partnership agreement 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 of the RCPP project.

All application 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 at least equal the NRCS investment in a RCPP project. Partner contributions consist of any combination of direct funding and in-kind support. NRCS strongly recommends that partners propose value-added contributions that elevate and 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.

The table below lists typical TA activities by category. Categories include potential Partner Contributions (C), Implementation TA (I), and Enhancement TA (E). 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.

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

| <b>NRCS TA Responsibilities</b>                                                                                                                                               | <b>Potential Partner Contributions (C),<br/>Implementation TA (I), Enhancement TA (E)</b>                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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 financial assistance (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 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>                                                                                      | Environmental monitoring to support partner responsibility to track and report on project outcomes (C, I)                                                                                                         |
|                                                                                                                                                                               | Development and calculation of quantifiable project outcomes (C, E)                                                                                                                                               |
|                                                                                                                                                                               | Manage leveraging of other funds related to the RCPP project goals and objectives (C)                                                                                                                             |
|                                                                                                                                                                               | 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) |

*\*\*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% (percentage fixed)
  - Five percent NRCS TA (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.
  - Eighteen percent implementation TA (I) (percentage fixed)—allocated for TA associated with implementation of RCPP eligible activities, including conservation planning, practice design, 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 a split of duties proposed in the application and subject to post-selection negotiations.

If partners request implementation TA, they must identify the individuals or entities that will be providing the implementation services and provide evidence of their qualifications to conduct such activities. 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 rates competitive with NRCS rates.

- Enhancement TA: 7% (maximum allowed, negotiated)—potentially available for partner-led activities directly related to management and enhancement of the approved RCPP project. Eligible to be earned by partners for 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 partnership agreement.

If applicants do not intend to request project enhancement TA that TA funding will be folded back into program funding as determined by NRCS. Further, it is not anticipated that all items potentially eligible for RCPP funding as enhancement items will be funded in selected projects, due to the 7% cap on enhancement funding. Partners are expected to provide contributions for enhancement items when the 7% cap is exceeded, although NRCS may approve proportional reductions in proposed contributions if a project is not fully funded at the time of award.

Proposal budgets must explicitly identify proposed partner-led implementation and enhancement TA requests. All TA awards are negotiated between NRCS and partners following project selection. NRCS only awards implementation TA when the Agency determines there is overall benefit to the project and the negotiated award amounts will not adversely affect the agency's ability to implement NRCS responsibilities in the table above. Enhancement TA will be reserved for partner use if project is selected, however specific payment rates and performance standards shall be part of project negotiations and may be subject to additional documentation requirements or approvals beyond those included in a selected project proposal.

Funding from non-USDA Federal agencies can be counted as partner contribution, provided it is expended in support of RCPP projects purposes in the project area.

Consistent with the RCPP statute, expenditures for project development, including outreach activities in the project area carried out by RCPP project partners between the time of project selection announcement and partnership agreement execution can be counted as partner contributions if identified as such in the proposed project budget and approved by NRCS during execution of the partnership agreement.

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

**Note on Administrative Costs:** The RCPP statute prohibits NRCS from reimbursing partners for any administrative costs. Sometimes thought of 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, etc. 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 that agreement in determining indirect costs to be included in a proposal as contributions. Entities without a NICRA may use a 10-percent indirect cost rate. Current NICRAs must be uploaded as part of the RCPP project application in the RCPP portal where applicable.

## **V. RCPP APPLICATION REQUIREMENTS**

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

Eligible partners must submit an RCPP project application by the deadline noted in this notice. NRCS evaluates project applications according to the criteria in section VI of this notice. Partners must submit project applications through the RCPP portal.

At least 4 weeks prior to the application deadline, and before starting an application in the RCPP portal, eligible 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;
- Partners understand RCPP eligible activities and which activities are best suited to treat NRCS resource concerns within the project area;
- Partners 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.

You can find the names of State RCPP coordinators (*as of 9/3/2019*) in appendix III of this notice.

**NOTE:** RCPP project applications become the property of NRCS for use in the administration of the program and will not be returned to the applicant. Application details will not be shared publicly but summary data of successful applications, such as project title, RCPP funding requested, total contribution proposed, geographic target area, and proposed project activities and benefits may be made publicly available.

## **B. Project Application Content**

The RCPP project application must adhere to the guidance below, which is consistent with the design of the application entry screens of the RCPP portal. Any materials 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 RCPP staff. It is recommended that the primary contact is the project director (i.e., the individual coordinating project activities) and the alternate contact is the administrative contact (i.e., the individual managing the administrative components of the project, including program 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.

Though RCPP partnership agreements for funded projects in general are 5 years in length, the portal allows applicants to request a partnership agreement length longer or shorter than 5 years and provide a justification for longer requests. Applicants must be aware that such requests will be granted only in exceptional circumstances.

2. List of Project Partners—identify the lead partner (the only party with which NRCS will execute a partnership agreement) and all non-lead partners that are providing partner contributions or are proposed to earn RCPP implementation or enhancement TA funding. Briefly describe the role of each partner.
3. Project Questionnaire—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, and project management capacity of the partnership, among other items. The RCPP portal restricts answers to a set amount of characters. Character limitations include spaces.

4. Project Outcomes—all RCPP lead partners are responsible for developing and reporting on conservation outcomes (and, to the extent possible, economic and social outcomes) of their projects. A guidance document for developing outcomes is posted on the [RCPP website](#).
5. Deliverables and Contributions—the portal guides applicants to fill out two tables—one connects 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 year and anticipated RCPP producer activity types (e.g. land management/land improvement or rental contracts US-held easements, entity-held easements, public works/watershed funding), typical conservation activities, and TA category (for TA). Funding requests in the project application are estimates; however, applicants should propose the most realistic and accurate funding levels possible. If an application is selected for funding, final budgets of selected projects will be negotiated during the partnership agreement development phase, with proportional changes required if either contributions or RCPP funding amounts change.

In the partner contributions table, applicants must list the lead partner and any contributing partners providing a contribution and identify contributions as cash or in-kind. Contributions also must be listed by activity type.

6. Contribution Commitment Letters—provide a commitment letter from each nonl-ad partner or other third-party providing contributions, including cash and in-kind services. Dollar amounts must match figures provided in the RCPP portal. If any discrepancies are noted, NRCS will use the lower of the two amounts. Project support letters will not be considered and should not be submitted through the RCPP portal.

While contributions from non-lead partners and other third parties are encouraged and should be included in a partner's proposal when integrally related to proposed project success, the lead partner (the only party with which NRCS will execute a partnership agreement) assumes full responsibility for ensuring that all contributions are delivered as included in the partnership agreement.

7. Project Map—lead partners must upload a jpg. or pdf. that clearly delineates the geographic scope of the project. Upon selection for as a project, lead partners will work with an RCPP State coordinator to develop a more sophisticated project map using GIS.
8. DUNS Number—a Dun and Bradstreet (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. 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. 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, the system has been slow to respond to requests in 2019.

## **VI. APPLICATION REVIEW CRITERIA**

Before undergoing technical review, NRCS checks applications for completeness and partner eligibility. Submitted project applications 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 project applications that have been removed from competition prior to the technical review.

RCPP applications that successfully pass this initial vetting are evaluated against the following criteria. It is recommended that applicants use these criteria as a guide during application development.

- Impact (25 percent)
  - Does the application describe a compelling conservation need and clear project goals and objectives (for CCA projects—is the project addressing one or more priority resource concerns)?
  - Does the application 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 application 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 to enhance the overall collective effort?
  - Are the intended uses of partner cash and in-kind resources clearly stated and tied to overall project objectives?
- 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?

- Is this a project that is most effectively carried out through RCPP versus other NRCS Farm Bill programs?
- Does the partner plan to target project funding to particular locations or producers based on a scientific assessment or research-based plan?
- Partnerships and Management (30 percent):
  - Is the application 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 application include a strategy for partner-led outreach and education to agricultural producers and private landowners?
  - Does the application 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. Review Process**

All RCPP technical reviews occur at the State level. Multistate and CCA project evaluations are coordinated by the relevant States. Proposals are evaluated using the criteria outlined above. NRCS State Conservationists will consult with State Technical Committees on the RCPP review process.

An NRCS leadership review board evaluates the results of the State reviews described above 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 decisions.

#### **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 activity. Applicants should consider permit-related activities when establishing a project timeline. NRCS requires that applicants provide appropriate documentation of any relevant permitting requirements as part of the application 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 are satisfied. NRCS may choose not to 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 partnership agreement 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 application, 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 project timeline and budget should reflect them. Expense of such analyses shall be included in total projects cost as either a partner TA contribution, or (to the extent approved as during project 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 project negotiations.

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

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

After a project application is selected for 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 partnership agreement. 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).

The RCPP partnership agreement serves as the agreement guiding the project. There is no funding obligated through the partnership agreement. Rather the partnership agreement 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.

RCPP applicants should anticipate a project start date of June 15, 2020.

Following execution of the RCPP partnership agreement, 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 supplemental 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.

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

Reporting requirements are included in RCPP partnership agreements. Lead partners are required to submit annual progress reports through the RCPP portal. These reports include information on project deliverables, partner contribution expenditures and deliverables, producer and landowner outreach and participation, and quantifiable project outcomes. Lead partners also are responsible for submitting a final report and fact sheet that can be shared with the public. Failure of an RCPP lead partner to stay current with 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 partnership agreement.

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

Any RCPP partner that is the recipient of a supplemental agreement is responsible for requesting reimbursement from NRCS for project activities. As a condition of supplemental agreement(s) execution, NRCS and a partner may negotiate, subject to NRCS approval, documentation requirements for reimbursement, based on the agreement deliverables and activities. For example, if the lead partner requests reimbursement for an enhancement TA task like producer outreach activities, submission of meeting agendas and a list of participants may be required for reimbursement. 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 shall be included in implementation TA agreements. These are just a few examples. Specific documentation requirements must be agreed to by NRCS and the relevant partner(s) prior to execution of any supplemental agreement.

RCPP partners are also required to maintain documentation of both reimbursable expenses 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 reimbursable and partner contribution expenditures, NRCS may require partners to take remedial action. If partners are unable to satisfy NRCS's requirements, the partnership agreement or supplemental agreements may be suspended or terminated.

NRCS will provide to RCPP partners:

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

### **C. Notifications**

All applicants will receive notification of selection or non-selection. Following notification of selection, the appropriate RCPP State coordinator will contact the lead partner to initiate negotiation and development of a partnership agreement. Partners with projects not selected for funding will receive reviewer feedback on their applications.

### **D. Withdrawal of Applications**

Lead partners looking to withdraw their RCPP application after the submission deadline may do so by emailing a letter on official organization letterhead to the [national RCPP inbox](#) 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 applications through the RCPP portal at <https://nrsc-sites.secure.force.com/>.

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

- Identify a single system user for your organization.
- 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>.
- After an eAuth credential is secured, request RCPP portal system access (designated user only) (<https://nrsc-sites.secure.force.com/>) under “New Users” Click “Start Here.”
- Develop full application 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 portal access, and to complete the application in the portal. Difficulties related to these or other application processes will not result in an extension of the application deadline.

NRCS will not consider applications that do not meet the application 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**

Partners with questions are encouraged to contact the appropriate NRCS State RCPP coordinator with proposal-related questions. State coordinators are often the person best suited to answer partner questions about proposals and RCPP in general. Appendix III of this notice

contains the list of NRCS State RCPP coordinators, as of September 3, 2019.

Potential applicants may also contact national RCPP staff with questions.

Email: [rcpp@usda.gov](mailto:rcpp@usda.gov)

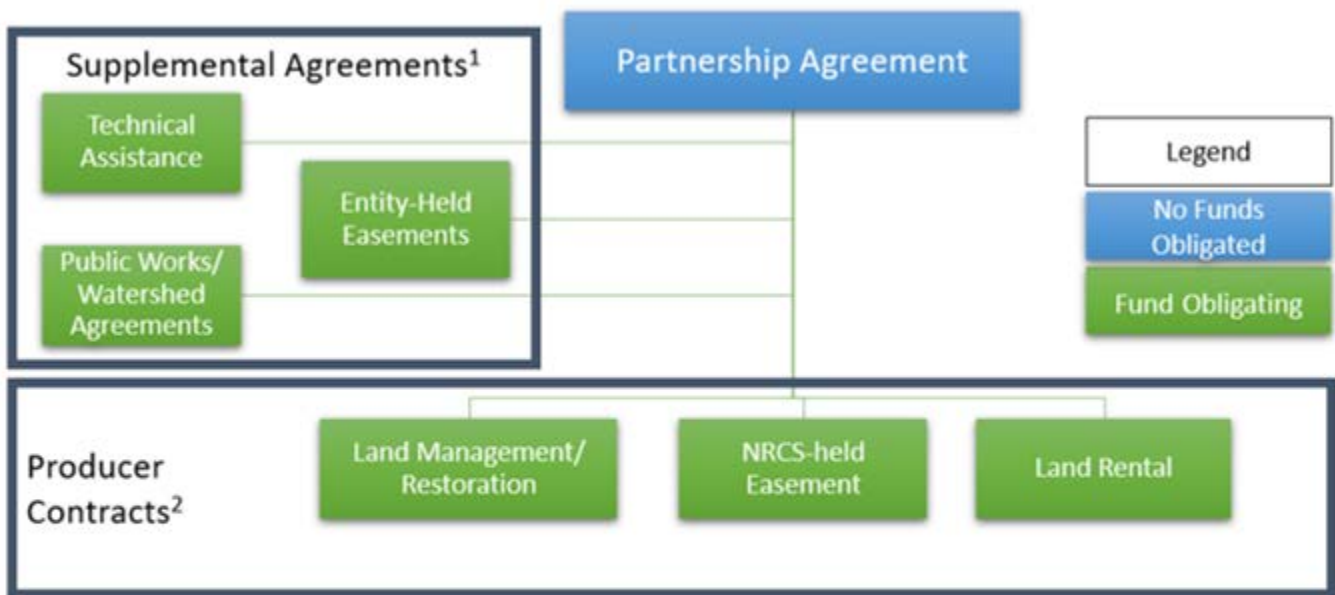
USDA-NRCS

1400 Independence Avenue SW

Room 5242

Washington, D.C. 20250

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



1 – Agreements with partners for public works/watershed activities, technical Assistance, and entity-held easement agreements.

2 – Contracts with a producer may contain one or more of the components listed in this section.

\*\*\* Land management/restoration contracts may be with either a producer/land owner, or in very limited conditions as determined by NRCS, via a supplemental agreement with an eligible partner as required to achieve an eligible project purpose.

### RCPP Funding Overview

The 2018 Farm Bill reauthorized RCPP but established it as a standalone program. The partnership agreement documents the relationship between NRCS and the lead partner but does not obligate any funding. RCPP funding will flow to partners through supplemental agreements and to producers, including eligible landowners, through producer contracts.

The graphic above provides an overview of the RCPP partnership agreement, 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 to award enhancement or implementation TA funding, to implement Public Law 83-566 watershed 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 to implement entity-held easements and Public Law 83-566-like projects. RCPP project applications 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.

An interim final rule for RCPP is under development, as are final program policies, IT systems, and contracting

and agreement documents. Template contracting instruments and agreement documents are expected to be available for partner (and public) review before lead partners sign partnership agreements, but it is not guaranteed. NRCS anticipates that the IT and administrative infrastructure to support producer contracts and supplemental agreements will be ready no later than June 1, 2020.

Pending finalization of producer contract and supplemental agreement details, 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 project applications. None of the descriptions provided are final and any or all may be modified ahead of publication of the interim final rule.

The following principles have been developed to help inform details of contract and agreement development:

- 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 authorized activities, but the rules and 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 are expected to be of limited duration to increase the odds 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 associated with that RCPP project will generally remain in effect even if they extend beyond the expiration of the RCPP partnership agreement.
- 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 improvement / management/ restoration | 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), Public Law 83-566 (floodplain easement); expanded to include land uses other than those traditionally eligible under the covered programs (e.g. grasslands, agricultural lands, riparian areas) |
| Easement (entity-held)                     | ACEP-ALE (currently); expanded to include easements on land uses other than those traditionally eligible under the covered programs (e.g., wetlands, floodplains, forest lands)                                            |
| Public works/watersheds                    | Public Law 83-566                                                                                                                                                                                                          |

### **Land Improvement/Land Management/Restoration Activities**

Land improvement/land management/restoration 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 Public Law 83-566 (land treatment).

Funds awarded for these purposes will utilize 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 applications 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 expected to be based principally on an estimate of foregone income. 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 will retain some elements of ACEP and HFRP easements while differing in substantial ways. Both U.S.-held and entity-held easements are offered. Below is a table summarizing RCPP easements, with explanatory narratives below the table.

| Easement Type | Potential Land Use                                                                                                                                                                  | Basis for RCPP Compensation Cap                                                                                                                                                                                                                                                                                                                                                                                            | Valuation Methodology                                                                               | Partner Match                                                                                                                                                                                                                                                                           |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| U.S.-held     | Agricultural land (including incidental lands), grasslands, forest land, wetland, other lands with demonstrated ties to RCPP project purposes (e.g. floodplains or riparian areas). | Landowner is paid a percentage of the value of the easement.<br>- Up to 100% of easement value for a high level of landowner restriction (e.g., current ACEP-WRE)<br>- Up to 75% of easement value for a moderate level of landowner restriction (e.g., current ACEP-WRE with reservation of grazing rights, HFRP-like)<br>- Up to 50% of easement value for a low level of landowner restriction (e.g., current ACEP-ALE) | Easement value determined via appraisal.                                                            | Expanded ACEP-WRE model--cash match not required but contributions encouraged to further RCPP project objectives.<br><br>Partner innovations/support for U.S.-held easements (e.g., preparedness to accept third-party monitoring and/or enforcement responsibilities) also considered. |
| Entity-held   |                                                                                                                                                                                     | Cost-share provided to the entity for their purchase of an easement based on a percentage of the value of the easement.<br>- Up to 50%—with U.S. right-of-enforcement<br>- Up to 25%—without U.S right-of-enforcement                                                                                                                                                                                                      | Easement value determined via appraisal of before-and-after fair market value of the offered acres. | Simplified ALE general model: Federal contribution limited to 50% of easement value, with limits on landowner donation (25% or less) and minimum entity cash/in-kind (25% or more of purchase price, at parcel [vs. RCPP project] level.)                                               |

## U.S.-Held Conservation Easements

RCPP conservation easement awards will be offered to eligible landowners to execute conservation easements on a diversity of land uses. 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).

Under current NRCS covered programs, U.S.-held easements are only available for wetlands (ACEP-WRE) and forestland (HFRP). For RCPP, U.S.-held easements will be available for any agriculturally linked land use, such as cropland, grasslands, natural wetlands or riparian areas buffering agricultural lands. RCPP easements are driven by ties to RCPP project resource concerns and conservation benefits, not land use or other covered program eligibility factors.

Application, ranking, easement acquisition processes, and contracting will emulate applicable aspects of ACEP and HFRP. RCPP easements will use new template deeds based on the level of restriction warranted by the easement in the specific context of a RCPP project, which will be a foundational component of landowner application, evaluation, and ranking. The more restrictive the terms of the easement, the higher the percentage of the easement value that may be provided under RCPP.

For example, an RCPP wetland easement with restrictions and requirements similar to an ACEP-WRE easement

(through which the landowner sells most of the property rights) will be eligible to receive a higher percentage of the easement value than a less restrictive wetland easement wherein the landowner sells fewer of those 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.

Partner contributions may be used to complement NRCS funding. 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. Additional flexibilities of RCPP U.S.-held easements may include partner-driven ranking pools, potential for partner innovation in providing outreach and project development with interested landowners to develop robust easement applications, and the potential for leveraging partner contributions for greater conservation and/or participant benefit.

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

Currently, NRCS only allows entities to hold ACEP-ALE agricultural land easements. For RCPP, entity-held easements are eligible for any land use and driven by conservation benefits and resource concerns identified in the RCPP project. For example, entity-held easements may be enrolled on forest land, wetlands, riparian areas, in addition to on agricultural lands and grasslands.

RCPP awards for entity-held easement require collaboration between NRCS, a qualified entity, and an eligible landowner. 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. Similar to ACEP-ALE, acquisition and easement management costs are the responsibility of RCPP partners (i.e., they cannot be not reimbursed by NRCS). These costs may be counted as partner contributions based on final agreement terms and negotiated project deliverables.

Partners and landowners will be expected to follow easement acquisition and closing processes similar to ACEP-ALE and include or address NRCS-provided minimum deed terms in their conservation easement deeds. 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.

Application, ranking, easement acquisition processes, and contracting will emulate applicable aspects of existing NRCS easement programs. Lead partners may help inform NRCS funding decisions through project ranking criteria and/or bundled applications.

Partner matching funds for RCPP easements are required, mirroring ACEP-ALE policy. Easement matching funds may be counted as RCPP partner contributions for the project.

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. 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.

Additional flexibilities of entity-held 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.

## **Public Works/Watersheds**

Through the public works/watersheds component of RCPP, eligible partners may receive financial assistance awards to support implementation of structural works of improvement to address watershed-scale issues on eligible land, similar to projects currently carried out under Public Law 83-566. Unlike other RCPP contract types, RCPP project proposals must detail proposed public works/watershed activities (i.e., detailed plan of work) 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 application 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.

Partner proposals for public works/watershed projects must include sufficient detail for reviewers to evaluate the project need and the ability of the partner to complete the project on time. Unlike for other types of RCPP activities, partners lead the planning, design, and installation public works/watershed. However, NRCS retains watershed plan and design approval authority consistent with Federal infrastructure projects and informed by NRCS watershed and engineering directives and related Public Law 83-566 policy. NRCS may discontinue assistance if the planning or design phases of a project indicate that timely project completion is unlikely. It is NRCS's intent that only those applications with robust work plans, detailed cost proposals, and proven partner capacities advance for funding consideration.

Applicants are reminded that all RCPP public works/watershed project must have demonstrable ties to proposed RCPP project conservation benefits and eligible agricultural lands.

When RCPP public works/watershed financial assistance funds are provided for a project, partner cash match is required for project purposes except flood damage prevention related to excess water control. Flood control projects may request up to 100 percent RCPP financial assistance, though ranking may preclude their selection without substantial contributions (given these projects inclusion in RCPP). Watershed/public works improvements targeting non-flood control purposes will have a minimum 35 percent cash-match requirement. Cash-match 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. Public works/watershed project cash match may be counted as RCPP project contributions, but neither cash nor in-kind RCPP partner contributions not directly associated with the RCPP public works/watershed funding can be counted toward public works/watershed match requirements.

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--Sample RCPP Project

Below are examples of how the authorized activity flexibilities offered under the 2018 Farm Bill may differentiate new RCPP projects from 2014 Farm Bill RCPP projects. These are offered as broad examples for informational purposes and not intended to show a preference for these types of projects.

### Sample 1:—This project is designed to improve aquatic fish habitat

| Project activity                                                                  | 2014 RCPP approach                                         | 2018 RCPP approach                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permanent riparian easements to support stream shading for water temperature      | Potentially available under WRE, HFRP or Public Law 83-566 | RCPP easement, either U.S.-held or entity-held                                                                                                                                                                                                           |
| Riparian buffer (i.e., tree planting)                                             | EQIP contract—practice standard 391                        | Producer contract—practice standard 391, potential streamlining to combine with easement                                                                                                                                                                 |
| Pest management (to reduce pesticide drift into streams)                          | CSP contract—enhancement E315134Z                          | Producer contract—enhancement E315134Z, potentially on same contract as riparian buffer practice                                                                                                                                                         |
| Project management and producer outreach                                          | Only through partner contributions                         | Outcomes reporting is required, both project management/producer outreach and outcomes development and reporting may be eligible for reimbursement as enhancement TA through supplemental agreement with lead partner (subject to cap on enhancement TA) |
| Outcomes measurement (e.g., estimation of shade created and temperatures reduced) | Optional                                                   |                                                                                                                                                                                                                                                          |

### Sample 2: This project is designed to improve local water quality and enhance endangered turtle habitat

| Project activity                                                                                | 2014 RCPP approach                                                                                       | 2018 RCPP approach                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permanent easements encompassing cropland, forest, and wetlands                                 | Three easements—WRE and HFRP (U.S.-held), ALE (entity-held)                                              | RCPP easement, either U.S.-held or entity-held                                                                                                                             |
| Wetland restoration/habitat improvement practices                                               | As many as four contracts needed to match wetland practices with WRE, forestry practices with HFRP, etc. | Single producer contract covering practices on all land uses                                                                                                               |
| Precision nutrient management for water quality                                                 | CSP contract with enhancement E590118X                                                                   | Producer contract for enhancement E590118X—potentially same contract as above                                                                                              |
| Land rental (short-term to protect turtle habitat while easements are in process)               | N/A                                                                                                      | Producer contract—potentially same contract as above                                                                                                                       |
| Outcomes measurement (e.g., estimated turtle population impacts and water quality improvements) | Optional                                                                                                 | Outcomes reporting is required and may be eligible for reimbursement as enhancement TA through supplemental agreement with lead partner (subject to cap on enhancement TA) |

## Appendix III—State RCPP Coordinators (list current as of 9/3/2019)

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