USDA United States Department of Agriculture

Regional Conservation Partnership Program Alternative Funding Arrangements



Fiscal Year 2024
Natural Resources Conservation Service
Notice of Funding Opportunity
No. USDA-NRCS-NHQ-RCPPAFA-24-NOFO0001355

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NOTICE OF FUNDING OPPORTUNITY SUMMARY INFORMATION

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

Funding Opportunity Title: Regional Conservation Partnership Program (RCPP) Alternative Funding Arrangements (AFA) for Federal fiscal year (FY) 2024.

Funding Opportunity Number: USDA-NRCS-NHQ-RCPPAFA-24-NOFO0001355

Assistance Listing: 10.932, Regional Conservation Partnership Program (RCPP)

Due Date: NRCS must receive proposals by 4:59 p.m. Eastern Time on July 2, 2024.

Note: The RCPP AFA and Classic FY 2024 notices of funding opportunity (NFO) will run concurrently. For information on Classic proposals please see USDA-NRCS-NHQ-RCPP-24-NOFO0001354.

The RCPP promotes the coordination of NRCS conservation activities with partners that offer value-added contributions to expand our ability to address on-farm, watershed, and regional natural resource concerns. Through the RCPP, NRCS seeks to co-invest with partners to implement projects that provide solutions to conservation challenges thereby measurably improving the resource concerns they seek to address. RCPP promotes collaboration with partners, stakeholders, and various communities, which is paramount to achieving equity in NRCS programs and services.

Using guidance contained in this notice, partners propose projects that generate conservation benefits by addressing specific natural resource concerns in a state or multistate area or by addressing 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 assistance (FA) and technical assistance (TA) funds to project partners and agricultural producers for implementing projects. RCPP proposals are evaluated through a competitive proposal process based on three criteria: impact, partner contributions, and partnership and management.

Up to $1.5 billion is available for RCPP projects through this announcement and the FY 2024 Classic announcement, which includes $300 million of the Agriculture Improvement Act of 2018 (2018 Farm Bill) funding and $1.2 billion of Inflation Reduction Act (IRA) funding. Proposals will be accepted from all 50 States, the Caribbean Area (Puerto Rico and the U.S. Virgin Islands), and U.S. territories in the Pacific Island Areas (Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands). NRCS will prioritize using IRA funds for projects that will implement climate-smart agriculture and forestry conservation activities as described in section F.3.a. of this announcement.

Up to $100 million is being made available specifically for NRCS to enter into programmatic partnership agreements with Indian tribes. This set aside will be shared by this announcement and the FY 2024 Classic announcement. Any unused funds may be available for other partnership agreements.

RCPP AFAs are intended to support project structures and approaches that cannot be carried out as effectively through the RCPP Classic NFO. RCPP AFA applicants must describe the innovative nature of the conservation approach they are proposing to justify potential funding through an RCPP AFA NFO rather than an RCPP Classic NFO. Moreover, applicants should consider the additional administrative and technical assistance responsibilities that accompany receipt of an RCPP AFA award.

The 2018 Farm Bill provides the following examples of project types that might be implemented through RCPP AFA:

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

Although RCPP AFA provides flexibilities to partners, these projects share the overarching focus of RCPP, which is to engage with producers and landowners to implement conservation practices, systems, and approaches on (or for the benefit of) agricultural and nonindustrial private forest lands.

NRCS can make up to 15 awards through this funding opportunity through Farm Bill funding. This limit does not apply to projects funded through the Inflation Reduction Act.

Submissions: Proposals must be submitted through the RCPP portal. See section E of this announcement for information on using the RCPP portal to submit proposals. Access to the RCPP portal requires a level 2 eAuthentication credential or a Login.gov credential. Obtaining a new Login.gov credential involves multiple steps and can take several days to complete. Instructions are posted on the How to Apply to RCPP web page listed below.

For More Information: Applicants are expected to contact the appropriate state conservationists and state RCPP coordinators prior to submitting a proposal. NRCS will use a state conservation questionnaire to record the results of these conversations. Proposals without a completed questionnaire may have their score and ranking reduced.

A list of state RCPP coordinators (as of the date of this announcement's posting) is on the NRCS How to Apply to RCPP web page.

Applicants can also email the RCPP inbox (rcpp@usda.gov) with any questions about the announcement. The NRCS RCPP website is also a great source of current information about the program.

Interested applicants are encouraged to participate in one or more of the webinars below to learn about the program and how to apply.

2024 RCPP NFO Applicant Outreach Webinar

This webinar will provide general information for applicants submitting proposals for the Regional Conservation Partnership Program (RCPP). The same material will be covered at both webinars followed by a question-and-answer section. Please refer to the RCPP website for more information. Regional Conservation Partnership Program | Natural Resources Conservation Service (usda.gov)

- **April 23, 2024, RCPP Applicant Outreach Webinar Registration Link – 2pm to 4pm EDT** - https://events.gcc.teams.microsoft.com/event/e2f45f75-7ea4-410b-b1c9-567537cd2454@ed5b36e7-01ee-4ebc-867e-e03cfa0d4697

- **May 30, 2024, RCPP Applicant Outreach Webinar Registration Link – 2pm to 4pm EDT** - https://events.gcc.teams.microsoft.com/event/226dcb51-0b57-43b1-b340-95e535238713@ed5b36e7-01ee-4ebc-867e-e03cfa0d4697

NRCS will schedule additional webinars on RCPP easements and providing outreach to tribal applicants. Information on all webinars will be posted to the RCPP how to apply page.

A. PROGRAM DESCRIPTION

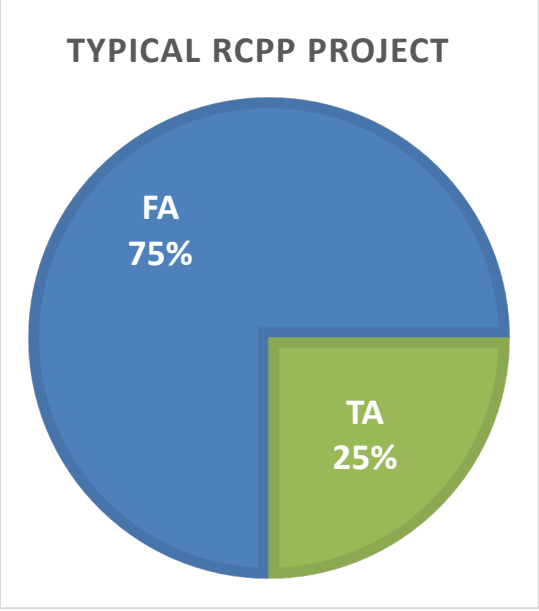
1. Legislative Authority

The RCPP is authorized by Subtitle I of Title XII of the Food Security Act of 1985, as amended by Sections 2701 through 2707 of the 2018 Farm Bill (Pub. L. 115-334). The Secretary of Agriculture has delegated the authority to administer RCPP to the Chief of the NRCS. NRCS is an agency of USDA. NRCS has promulgated regulations for RCPP implementation at 7 CFR 1464. All actions funded under this notice are subject to RCPP statutes and regulations. Funds are made available through the 2018 Farm Bill and the Inflation Reduction Act of 2022 (Pub. L. 117-169).

2. Delivering Assistance Through Alternative Funding Arrangements

NRCS delivers conservation solutions so agricultural producers can protect natural resources and feed a growing world. NRCS provides leadership and funding to ensure that all programs and services are made accessible to all customers, fairly and equitably, with emphasis on reaching historically underserved farmers and ranchers and Native American tribal governments and organizations.

RCPP projects include both FA and TA. FA funds are used to pay for the implementation of conservation activities. For RCPP AFA projects, the lead partner administers Financial Assistance (FA) and Technical Assistance (TA) through the programmatic partnership agreement (PPA). For proposals that require NRCS involvement in the delivery of FA or TA, please see USDA-NRCS-NHQ-RCPPAFA-24-NOFO0001354 and consider whether RCPP Classic would be a better fit for your proposed RCPP project.



NRCS provides funding to partners to support conservation activities with eligible producers and landowners on (or benefitting) eligible land. RCPP AFA funding flows directly from NRCS to a lead partner and not directly from NRCS to producers, landowners, or other entities as in RCPP Classic.

Through this announcement, NRCS gives substantial preference to lead partners that can provide producers the TA necessary to implement conservation activities that are part of an RCPP AFA project. NRCS will provide non-delegable TA for each

project to fulfill compliance requirements of the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Section 7 of the Endangered Species Act (ESA), and will confirm as specified in the PPA that participating producers that receiving RCPP funding comply with the Farm Bill payment eligibility requirements,[1] such as adjusted gross income (AGI) limitations and conservation compliance requirements for highly erodible lands and wetlands conservation (HEL/WC).[2]

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

a. determine if a proposed project aligns with RCPP's goals and policies,

b. identify and negotiate partner TA needs and capabilities, and

c. develop and submit a project proposal using the guidance in this notice.

3. Vision and Goals of the Program

The RCPP follows a partner-driven approach to conservation that funds solutions to natural resource challenges on agricultural land. The following are the three key principles of RCPP.

a. Impact. RCPP proposals must include effective and compelling solutions that address one or more natural resource concerns to help solve natural resource challenges. Partners are responsible for evaluating a project's impact and results.

b. Partner Contributions. Partners are responsible for identifying any combination of cash and in-kind value-added contributions to leverage NRCS's RCPP investments. Partner contributions are evaluated based on their share of overall project costs and the value of qualified expertise that they add to achieving project goals and objectives.

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

Successful RCPP applicants will (1) bring an array of financial and technical capabilities to projects; (2) demonstrate experience working effectively and collaboratively with agricultural producers and landowners; and (3) propose

[1] 7 CFR Part 1400
[2] 7 CFR Part 12

innovative, sustainable, and measurable approaches to achieving compelling conservation outcomes.

B. FUNDING AVAILABILITY AND FUND POOL SELECTION

NRCS will award up to $1.5 billion through this funding opportunity and the FY 2024 Classic announcement. The maximum RCPP funding available for a single project selected under this announcement is $25 million, including both FA and TA. The minimum funding amount for an RCPP project is $250,000. Projects selected under this funding opportunity may receive funding from either the 2018 Farm Bill or the IRA. Proposals will not need to identify whether the applicant wishes to receive 2018 Farm Bill or IRA funding. For awards made using IRA funding, NRCS will prioritize proposals that address climate mitigation activities. Please see section F(3)(a) for more information.

Proposals will need to select one of the following two funding pools and will only be considered for selection within that funding pool. NRCS intends to use $700 million (50 percent of total funding) for proposals within the NRCS-designated Critical Conservation Area (CCA) funding pool. The remainder of the funding ($700 million) will be used for proposals that select a state or multistate funding pool.

1. Critical Conservation Area (CCA) Funding Pool

The Secretary of Agriculture has designated eight CCAs that represent landscapes with identified priority resource concerns. Each CCA proposal must address at least one of the relevant CCA priority resource concerns. AFA proposals must select one or more of the CCA priority resource concerns. However, proposals within the CCA funding pool that will include easement or rental activities should also include "Long Term Protection of Land" in their proposal. Proposals in the CCA funding pool that include "Long Term Protection of Land" as their only conservation benefit will be deemed ineligible. Each subaward, easement, or producer contract within a CCA project must also address one or more of the CCA priority resource concerns.

CCA	Priority Resource Concerns
Chesapeake Bay Watershed	Inadequate Habitat for Fish, Wildlife, and Invertebrates
	Water Quality Degradation
Colorado River Basin	Excess or Insufficient Water (Flood or Drought)
	Inadequate Habitat for Fish, Wildlife, and Invertebrates
	Soil Quality Degradation
	Water Quality Degradation

CCA	Priority Resource Concerns
Great Lakes Region	Inadequate Habitat for Fish, Wildlife, and Invertebrates
	Water Quality Degradation
Longleaf Pine Range	Degraded Plant Condition
	Inadequate Habitat for Fish, Wildlife, and Invertebrates
	Water Quality Degradation
Mississippi River Basin	Excess or Insufficient Water (Flood or Drought)
	Inadequate Habitat for Fish, Wildlife, and Invertebrates
	Water Quality Degradation
Northeast Forests and Waters	Degraded Plant Condition
	Inadequate Habitat for Fish, Wildlife, and Invertebrates
	Water Quality Degradation
Prairie Grasslands Region	Degraded Plant Condition
	Excess or Insufficient Water (Flood or Drought)
	Inadequate Habitat for Fish, Wildlife, and Invertebrates
Western Waters	Excess or Insufficient Water (Flood or Drought)
	Inadequate Habitat for Fish, Wildlife and Invertebrates
	Water Quality Degradation

The CCA project boundary must fall entirely within the CCA (including counties traversed by a CCA border, which are considered within the CCA boundary). For more information about CCAs, including the maps of CCA boundaries, visit the NRCS CCA web page.

2. State and Multi-State Funding Pool

Proposals in the state and multistate category must be carried out either within a single state or in multiple states. For multistate projects, priority consideration will be given to proposals identifying a manageable number of states.

C. ELIGIBILITY INFORMATION

1. Eligible Partners

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

a. an agricultural or silvicultural producer association or other group of producers;
b. a state or unit of local government;
c. an Indian tribe;
d. a farmer cooperative;
e. a water district, irrigation district, acequia, rural water district or association, or other organization with specific water delivery authority to agricultural producers on agricultural land;
f. a municipal water or wastewater treatment entity;
g. an institution of higher education;
h. 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;
i. an entity, such as an Indian tribe, state government, local government, or a non-governmental organization, that has a farmland or grassland protection program that purchases agricultural land easements, as defined in 7 CFR § 1468.3; or
j. a conservation district.

The lead partner (applicant) for a proposal must meet one of the eligible partner categories. Each project must have a single lead partner, which is the entity that submits an RCPP proposal and negotiates a programmatic partnership agreement (PPA) with NRCS. The lead partner is ultimately responsible for ensuring that project deliverables are completed (including all partner contributions) and reporting on project outcomes.

Lead or other eligible partners may be awarded RCPP funding to provide TA or, in some specific situations limited by regulation, to deliver any FA determined

necessary by NRCS to (1) facilitate the conveyance of an easement from a producer to an eligible entity, (2) implement an eligible watershed activity, or (3) facilitate implementing an eligible land management or rental activity. Partners receiving such awards (typically managed as supplemental agreements) assume responsibility for all deliverables under the terms of the award.

If the proposal includes entity-held easements and the lead partner is not the eligible entity acquiring and managing the easements, an eligible entity must be named in the proposal.

Notes:

(1) NRCS is prohibited by statute from paying any partner administrative expenses. This prohibition is discussed in greater detail in section D(2)(d) of this notice.

(2) Eligible partners that receive RCPP funding through a PPA or supplemental agreement are not directly subject to the HEL/WC,[3] Farm Tract Eligibility,[4] and AGI requirements. However, most RCPP FA and TA awards do require 2018 Farm Bill eligible beneficiaries. Partners providing RCPP funded assistance must document producers and lands benefitted by such awards, and NRCS must confirm benefitted producer and land eligibility as a condition of partner payment eligibility.

(3) Lead partners under an AFA are responsible for ensuring that any RCPP funds obligated under the AFA are administered by them or other partner in accordance with RCPP requirements.

2. Producer and Landowner Eligibility

Agricultural producers or private landowners receiving FA funding as part of an RCPP project must:

a. provide a tax identification number (American Indians, Alaska Natives, and Pacific Islanders may use another unique identification number for each individual who is eligible for payment, when applicable);

b. provide the percentage of interest in a payment that is consistent with operation or ownership shares (when applicable);

c. comply with the HEL/WC and Farm and Tract Eligibility requirements of the Food Security Act of 1985[5];

[3] 7 CFR 12
[4] 7 CFR 1400
[5] 7 CFR 12

d. comply with the AGI provisions or receive a waiver as described in section G (3) of this notice;

e. meet the payment eligibility requirements included in 7 CFR 1400; and

f. complete the eligibility forms necessary to support eligibility through Farm Service Agency (FSA) Farm Records and the 2018 Farm Bill.

Using information provided by the lead partner and the producer, NRCS and FSA are required to verify that participating producers are eligible to receive (or benefit from) RCPP funding and that they comply with the 2018 Farm Bill's payment eligibility and conservation compliance provisions. The lead partner providing financial assistance to producers, or performing work on behalf of producers, must provide NRCS and FSA with the documentation required to complete these determinations.

In addition, NRCS is responsible for ensuring that adequate information is collected to ensure that RCPP AFA projects and activities comply with NEPA and other Federal, state, and local laws and regulations. NRCS is not necessarily responsible for data collection (which can be negotiated), but the agency cannot delegate analytical or decision-making responsibility for these items.

3. Eligible Activities for Financial Assistance

In RCPP, an eligible activity is defined as a practice, activity, land rental, agreement, easement, or related conservation measure that is available under the statutory authority for a covered program, as determined by NRCS. Existing programs covered by NRCS are used as a guide to identify eligible activities, but the regulations of the existing covered programs do not directly apply to RCPP.

The existing covered programs are:

- Agricultural Conservation Easement Program (ACEP)
  - Agricultural Land Easements (ACEP-ALE)
  - Wetland Reserve Easements (ACEP-WRE)
- Conservation Reserve Program (CRP)
- Conservation Stewardship Program (CSP) (excluding the Grassland Conservation Initiative)
- Environmental Quality Incentives Program (EQIP)
- Healthy Forests Reserve Program (HFRP)
- Pub. L. No. 83-566 Watershed Program (Pub. L. No. 566) (excluding the Watershed Rehabilitation Program at 16 U.S.C. 1012)

The following table outlines how the five RCPP FA activity types align with covered program authorities.

FA Activity Type	Covered Program Authorities
Land Management	EQIP, CSP enhancements, & ACEP-WRE/HFRP (restoration activity)
Rental	CRP
Entity-Held Easement	ACEP-ALE/WRE and HFRP (easement acquisition component)
Watershed Project	Pub. L. No. 566

In accordance with this list of covered programs, a wide range of conservation activities are eligible for inclusion in RCPP projects.

4. Land Eligibility

RCPP funded assistance 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 FSA records as private or tribal land and must be used for agricultural or forestry purposes.

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

Public land may be eligible as part of an RCPP project if the land is publicly owned agricultural land or associated land and the enrollment of such land is—

(i) Appropriate for the type of eligible activity, and

(ii) The eligible activity to be implemented on the public land is necessary and will contribute meaningfully to achieving conservation benefits consistent with an approved project.

For example, a watershed/public works structure may be constructed on publicly owned associated lands where the benefits (e.g., flood control, water supply) accrue to private agricultural land or land management practices may be implemented by an

agricultural producer on publicly-owned agricultural lands to address resource concerns on these or other lands considered part of the producer' operation.

D. RCPP PROJECT FUNDING

The RCPP funding provided by NRCS is divided into two categories: FA and TA. Each RCPP project will receive a funding commitment at the time of proposal selection, as follows:

- At least 75 percent FA. These funds are held by NRCS and are provided to eligible partners to implement RCPP activities.
- Up to 25 percent TA. These funds are held by NRCS and are provided to eligible partners to implement conservation activities (e.g., planning, design, etc.) or for project-wide support activities (e.g., project management, outcome assessment, outreach, etc.).

According to program requirements, all proposal budgets will be capped at 25 percent for TA, and combined RCPP and TA contributions must support all project FA, as determined by NRCS. If a project is selected for funding and its FA or TA levels are above or below those previously indicated in this section, lead partners may work with their state RCPP coordinator to request a waiver to specified percentages.

1. Financial Assistance

FA is used to implement conservation activities. Proposals and RCPP agreements organize FA deliverables into the five FA activity types discussed in section C (3). A single RCPP project may propose any combination of these FA activity types. For example, an eligible partner could propose to improve wildlife habitat in a given geographic area by engaging producers in land management activities, restoring habitat, and securing perpetual easements on eligible lands. Eligible producer(s) would carry out the land management and habitat restoration activities through RCPP land management contracts, while entity-held conservation easements would be purchased from the eligible landowner through a separate award. Partners may also implement land management and habitat restoration activities on behalf of eligible landowners.

a. Conservation Practice Standards and Conservation Activities

NRCS conservation practice standards form the environmental and scientific basis for the majority of NRCS-funded conservation. Applicants are encouraged to work with the appropriate NRCS state RCPP coordinators to identify and understand the use of existing NRCS conservation practice standards and conservation activities best suited for addressing project resource concerns and generating the conservation benefits associated with an RCPP project.

In instances where approved conservation practice standards and activities are not available or suitable to support proposed work, RCPP partners may work with NRCS to develop interim standards or activities consistent with RCPP authorities, policies, and procedures. Any interim conservation standards or activities are limited by covered program authorities and guided by NRCS processes and procedures, and they must be accurately reflected in proposal timelines and project delivery models. Interim standards and activities must include full compliance with NEPA and related statutes. If interim standards or activities are part of a project, the proposal budget and timeline should include the additional time and resources needed.

b. Environmental Review Requirements

NRCS cannot provide RCPP funding until projects meet the environmental review requirements demonstrating how they will comply with NEPA and other Federal, state, and local laws and regulations. NRCS may not approve (or may withdraw) funding for projects that do not realistically account for the time or expense of addressing environmental concerns, or where the project may result in unacceptably adverse environmental impacts.

NRCS policy requires site-specific environmental evaluations (EEs) during the planning phase of all individual awards (e.g., producer contracts or supplemental agreements) to ensure compliance with NEPA, and other Federal, state, and local laws and regulations and NRCS policy.

In addition, when innovative measures will supplement the NRCS conservation planning processes or conservation practice standards or when an RCPP proposal will include public works or watershed activities, NRCS requires NEPA analysis at the RCPP project level and may require an environmental assessment or environmental impact statement.

Project proposals should explicitly acknowledge any NEPA or other compliance needs and should reflect this information in the project timeline and budget. Expenses for these analyses must be itemized in project costs as either a partner TA contribution or (to the extent approved during PPA negotiations) as a potentially reimbursable, TA implementation item (see TA description in section D (2)). NRCS is responsible for compliance with section 106 of the NHPA and Section 7 of the ESA and may not delegate these responsibilities to partners. Partners may arrange and pay for any cultural resource or species occupancy surveys that are necessary for NRCS to assess project impacts. These surveys and any related consultations would be subject to NRCS approval and review processes.

NRCS, in collaboration with the lead partner or designee, may determine that it is necessary to analyze any relevant site-specific EEs conducted during the NRCS conservation planning process or evaluated in a project-level NEPA

analysis for partner contributions to the RCPP project that would not occur without RCPP funding from NRCS (i.e., connected actions). Cost (and delays) of such analyses will be the responsibility of the partner unless otherwise agreed to in PPA negotiations.

2. Technical Assistance

TA is used to implement FA activities and RCPP project management. TA to support FA may include all the traditional NRCS TA tasks. TA to support project management may include project management, outreach, and outcomes assessment. TA amounts included in the proposal and agreement are considered estimates. In the event of an award, payments will be based on actual expenditures for activities. The lead partner is responsible for ensuring that sufficient TA is available (for both NRCS funded TA and partner contributions to TA) to ensure delivery of all FA activities within a project.

NRCS is responsible for ensuring that RCPP conservation activities are implemented according to all Federal and agency statutes, regulations, and policies. Some of NRCS's responsibilities are non-delegable, meaning that they must be performed by NRCS. For these non-delegable responsibilities, NRCS uses TA funds outside of the project funding.

For AFA projects, either lead partners, other project partners, or third parties are expected to perform the TA activities that are necessary to implement a project's conservation activities. When TA activities are performed by partners or a third party, they must follow all applicable Federal requirements, including NRCS planning procedures, conservation practice standards, and negotiated technical requirements. Any partner TA activities must be performed at defensible rates that have been approved by the NRCS state conservationist, and rates must reflect actual costs to the partner in order to (1) minimize potential for improper payments associated with the use of RCPP funds for partner administrative expenses, and (2) prevent "wind falls" or "rent seeking" associated with incentive payments (which are not authorized in RCPP).

At the time of project selection, NRCS will make publicly available the amount of TA funds that it will provide to the project.

The following are eligible TA activities:

- supporting producer and parcel contracts for land management and rental contracts
- supporting producer and parcel contracts for public work projects
- project management
- outreach
- outcomes assessment

a. Administrative/Indirect Costs

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

b. Equipment

Equipment is defined as an item of property that has an acquisition cost of $5,000 or more (unless the organization has established lower levels) and an expected service life of more than 1 year (justify its need for accomplishing the goals of the project).

Equipment purchased with RCPP funds may only be used for eligible project purposes. RCPP project agreements also limit use of such equipment and stipulate terms of equipment disposition upon project expiration.

3. Partner Contributions

a. Expectations and Eligibility

Statute requires partner contributions to constitute a significant part of the scope for each project. Partner contributions may consist of any combination of cash and in-kind support. Contribution is not match, but some FA activity types do have specific minimum match requirements (see appendix A).

NRCS strongly recommends that partners propose value-added contributions that enhance the overall impact of an RCPP project. The magnitude and significance of partner contributions factors into the project evaluation criteria listed in section F. If NRCS reduces RCPP award with respect to an applicant's proposed funding request, a proportional reduction in partner contributions may also be allowed where NRCS determines proposed changes will not adversely affect potential for project success.

To count as partner contributions, partner expenditures must

- be expended during the life of the RCPP project,
- occur within the project's geographic boundary,
- support the project's conservation benefits, and
- be supported by valuation methodologies included in the partner contribution letters.

Funding from Federal agencies other than USDA may be counted as partner contributions, provided that such funding meets the criteria. Partners are responsible for ensuring that the funding received from other Federal agencies is used towards an RCPP project, as it may affect the determinations of non-Federal match for those agencies' purposes.

Expenditures for project development activities (such as producer outreach by RCPP project partners between the time of project selection and agreement execution) may be counted as partner contributions if the proposal budget identifies the expenditures and NRCS approves them when the project is selected.

The following are some potentially eligible partner contributions:

- FA provided to producers or landowners to address one or more project conservation benefit, including a CCA priority resource concern
- TA to producers or landowners for planning that is directly related to implementing or managing eligible conservation activities
- Time spent by partner staff to develop and enter into FA contracts or agreements to implement RCPP-eligible activities using non-NRCS funds
- Partner staff time or actual costs incurred that benefits the overall project such as:
    - outreach to producers,
    - project-related communications and coordination among partners, and
    - development and calculation of quantifiable project outcomes
- Inventories and data to support environmental evaluations of applications for producer contracts
- TA to support delivery of eligible FA or resource assessment services (e.g., securing and managing contracts for third-party services like engineering studies, surveys, appraisals to satisfy NRCS requirements for watershed projects)
- Due diligence activities for entity-held easements
- Administrative costs (see section D(3)(c) for limits on when and how much of a partner's administrative costs is counted as contribution)

If a proposal is selected, NRCS will further evaluate contribution eligibility and acceptable contribution valuation methods during PPA negotiations, or subsequent amendments. Contribution valuations must demonstrate actual costs incurred by partners during the project life. Where NRCS determines that proposed contributions, valuation methods, or quantities delivered do not satisfy negotiated requirements, the lead partner may be responsible for identifying replacement contributions acceptable to NRCS, including updates

to the partner contribution letters. If NRCS does not agree to the proposed replacements, it may reduce award amounts, require PPA amendments and additional oversight, or terminate the PPA.

b. Contributions, Match, and Producer Cost-Share

Cost-Share is defined as the difference between the amount paid to a producer or landowner and the actual cost to install a practice or implement a conservation activity. Cost-share that is "donated" by a producer or landowner for land management activities cannot be counted as partner contribution. Cost-share (landowner donation) provided by the landowner for entity-held easements is an eligible contribution.

Certain RCPP activities such as public works activities and entity-held easements have specific minimum match requirements (as detailed in appendix A). Match provided by a partner towards an RCPP funded activity is also a potentially eligible contribution.

c. Administrative (Indirect) Costs as Contribution

Although RCPP funding can never be used to support partner administrative (indirect cost) expenses, partners providing TA as a contribution may also count some of their associated indirect costs as partner contribution, with the following limitations:

- Organizations that have an active Negotiated Indirect Cost Rate Agreement (NICRA) with the Federal Government must use the rate identified in the NICRA to determine the indirect costs to be included in a negotiated PPA as contributions. Current NICRAs must be uploaded as part of the RCPP project proposal in the RCPP portal where applicable.
- Entities without a NICRA may use a de minimis rate of up to 10 percent of the indirect cost rate.
- To determine the amount of indirect costs that may be counted as partner contribution for RCPP, multiply the NICRA rate or the de minimis rate by the total estimated value of that partner's TA.
- Where indirect costs are to be included in partner contributions, they must be identified in the partner contribution letter, and may only be reported in proportion to associated TA delivered (through contribution or RCPP funding).

For example, if one partner does not have a NICRA and is providing $100,000 in TA as a partner contribution, that partner may also include $10,000 in indirect costs as part of their partner contribution.

E. RCPP PROPOSAL REQUIREMENTS

1. Format and Instructions

RCPP proposals must be submitted through the RCPP portal by the deadline in this notice. Late proposals will not be accepted unless accompanied by a ServiceNow ticket documenting a legitimate issue with the RCPP portal. Proposals will not be accepted because of a failure to obtain a Login.gov credential or creating an RCPP portal account well in advance of the deadline.

Before starting a proposal in the RCPP portal, and at least 4 weeks prior to the proposal deadline, entities interested in applying to RCPP must request a meeting with the appropriate NRCS state conservationist or RCPP coordinator. Communication with state conservationists and state RCPP coordinators is critical to ensure that partners:

- frame conservation benefits in terms of NRCS resource concerns,
- understand RCPP eligible activities and determine which activities are best suited to address NRCS resource concerns within the project area,
- develop their approach for projecting the conservation (and potentially economic and social) outcomes of RCPP projects,
- establish a mutual understanding of NRCS and partner capacities and rules for the program (note that the RCPP AFA funding model depends on initial coordination and collaboration between partners and NRCS to achieve project success), and
- identify issues in partner proposals that have the potential to complicate project implementation (e.g., the use of interim conservation activity standards or the inclusion of atypical deed terms in entity-held easement deeds).

The state conservationist, in collaboration with the state RCPP coordinator, will use a questionnaire to document discussions with the lead partner. Partners considering easements should also review the easement addendum to the questionnaire. A copy of the State Conservation Questionnaire can be found on the RCPP How to Apply web page. Proposals submitted without a completed state Conservation Questionnaire will have their overall proposal score and ranking reduced.

A list of state RCPP coordinators (as of the date of this announcement's posting) is also on the on the RCPP How to Apply web page.

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

2. Proposal Content

RCPP proposals must adhere to the guidance in this section, which is consistent with the proposal entry screens of the RCPP portal. Letters of support from individuals or organizations other than contributing partners will not be considered in the review process.

a. Basic Project and Contact Information. Lead partners must list both a primary and an 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) conservation benefit addressed by the project. For CCA projects, the conservation benefit must align with one or more of the priority resource concerns listed in section B of this notice.

- RCPP projects typically last 5 years. Applicants may request a PPA length that is longer or shorter than 5 years but must submit a justification for the proposed length.

b. List of Project Partners. In addition to the lead partner (applicant), the proposal must identify all nonlead partners expected to provide partner contributions. Briefly describe the role of each partner. In addition, in RCPP projects involving entity-held easements, if the lead partner does not hold all easements in the project, the proposal must identify at least one partner with authority to acquire, manage, and steward all easements. Proposals should also include other entities involved in acquisition such as coholders or third-party right holders.

c. Narrative Questions. In the RCPP portal, applicants must provide answers to questions related to the evaluation criteria found in section F of this notice. These questions require the applicant to describe partner roles and qualifications, the compelling conservation need for the project, the goals and objectives, the geographic focus, the estimated number of participating producers (landowners), and the project management capacity of the identified partners, among other items. The RCPP portal restricts answers to a maximum number of characters, including spaces. Longer responses submitted outside of the RCPP portal will not be considered during proposal evaluations.

A copy of the narrative questions can be found on the RCPP How to Apply web page in the Resources for Submitting a Proposal section.

d. Project Outcomes. Proposal must document partner commitment to reporting project outcomes. While details of outcomes may be refined during project negotiations, each lead partner is responsible for reporting on at least one conservation outcome. Economic and social outcomes are optional, but if they are included in the proposal, they must also be included in the PPA. A guidance document for outcomes reporting is posted on the RCPP How to Apply web page in the Resources for Submitting a Proposal section. All lead partners should carefully review the guidance document prior to drafting the proposal.

e. NRCS Funding Request Tables. In the RCPP portal, applicants will complete two NRCS funding request tables, one for NRCS FA and one for NRCS TA. Applicants will enter deliverables within these two tables, including the FA or TA activity type and the typical activities. 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 for selected projects will be negotiated during the PPA development phase.

f. Contribution Deliverables Table. The applicant must also enter deliverables in the partner contribution table. Applicants must enter deliverables for each FA or TA activity type as well as the lead for each contribution.

- 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.

- If a proposal is selected for an award, NRCS will use this contribution information to ensure that contributions are eligible and verifiable, and that partners have an auditable system for tracking contributions. NRCS analysis of contributions during PPA negotiations may result in changes to eligible contributions in the PPA and may require updates to the partner contribution letters.

g. Contribution Commitment Letters. A contribution letter is required from each partner providing project contributions, including the lead partner. Contribution letters detail the estimated value of the contributions. Dollar amounts entered in the RCPP Portal must match the amounts identified in the commitment letters. If discrepancies are noted, NRCS will use the lower of the two amounts. Letters offering general support for the project will not be considered and should not be submitted through the RCPP portal.

- For all projects, the lead partner (the only party with which NRCS will execute a PPA) assumes responsibility for ensuring that all contributions are delivered as indicated in the PPA.

h. Project Map. Lead partners must upload a file (jpg or pdf) that clearly delineates the geographic scope of the project. Partners are advised to carefully consider project area boundaries to optimize:

- the potential applications for project assistance (big enough area to ensure demand), and
- the probability that the project will deliver meaningful and measurable conservation outcomes during the term of the project (small enough to have an impact).

i. Unique Entity Identifier (UEI). All RCPP applicants must register or have an active account within the System for Award Management (SAM). To register for SAM, go to https://sam.gov. Once registration is complete, the applicant will be issued a UEI that should be included in your RCPP proposal. SAM registration must be renewed annually. Applicants should allow ample time to obtain or renew their SAM.gov account.

3. Submission Information

Applicants must submit proposals through the RCPP portal.

Applicants must have an eAuthentication (eAuth) level-2 credential or Login.gov credential to access the RCPP portal. Applicants must submit proposals through the RCPP portal. This is a Department requirement and is non-negotiable. The steps will vary depending on whether an applicant has an existing credential or needs to obtain or upgrade an existing credential. Detailed instructions are posted on the RCPP How to Apply to RCPP web page. **Develop the full proposal in the 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 RCPP portal and are strongly advised to allow sufficient time to obtain eAuth and RCPP portal access. Applicants are advised that steps b and c 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 are incomplete or do not meet the proposal requirements, are submitted after the deadline date listed in this notice or are submitted through registered or certified mail or by facsimile or 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.

4. Withdrawal of Proposals

Lead partners may withdraw their RCPP proposal at any time by pressing "withdraw" in the RCPP Portal proposal record. After the deadline has passed, please also send an email to the national RCPP inbox (rcpp@usda.gov) notifying NRCS of the withdrawal.

F. PROPOSAL REVIEW PROCESS

NRCS screens proposals for completeness and partner eligibility and determines whether the project addresses a CCA priority resource concern (if applicable). Proposals determined by NRCS to be substantially incomplete (or otherwise 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 initial screening are evaluated against the following technical review criteria. It is recommended that applicants use the following criteria to guide proposal development.

1. Technical Review Criteria

Please ensure proposal narratives and deliverables tables address the following criteria.

Impact (50 percent)

- Does the proposal describe a compelling conservation need?
- Does the proposal clearly describe the conservation benefits, and are those benefits likely to be achieved based on the proposed project methods and approaches?
- Is the project area adequately scaled for the resource concerns and proposed activities?
- Does the proposal describe measurable and achievable project outcomes (environmental, economic, and social)?

Partner Contributions (20 percent)

- Are partner contributions value-added and do they bring qualified expertise or resources to the project to enhance project outcomes?
- Do proposed contribution deliverables, contribution commitment letters, and valuation methods demonstrate a clear and compelling relationship to project deliverables and outcomes?
- Are contribution deliverables eligible and associated with clearly documented valuation methods?

Partnerships and Management (30 percent)

- Does the proposal clearly document the partner and the NRCS roles in the project and does it establish partner qualifications for each proposed partner role or responsibility?
- Is the size and composition of the partnership adequate to achieve the proposed conservation benefits?
- Is the project timeline realistic, reflecting the time, tasks, and expenses needed to plan, implement, and evaluate the project?
- Does the lead partner demonstrate experience in successfully managing similar conservation projects and executing deliverables?
- Do the partners have a history of collaborating and engaging 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 the participation of HU producers and landowners, including socially disadvantaged, beginning, limited resource, and veteran farmers and ranchers?
- Does the partnership include an organization that has a history of collaborating with or representing HU producers?

2. Proposal Evaluation Process

All RCPP technical evaluations are performed by NRCS state offices using the previously outlined criteria. Multistate and CCA proposal evaluations are coordinated by the relevant states. NRCS state conservationists consult with state technical committees throughout the RCPP review process.

NRCS leadership reviews the results of the state evaluations and makes recommendations for funding to the Chief. The Chief considers available funding, geographic diversity, applicant diversity, and other factors when making the final project selections.

3. Agency Priority Topics for FY 2024 Notice of Funding Opportunities

Proposals that address one or more agency priorities will be prioritized over similarly scored proposals within the same funding pool (state, multistate, and CCA). Proposals that address a climate-smart agriculture or inflation reduction act priority will receive consideration for both 2018 Farm Bill funding and Inflation Reduction Act funding. All other proposals may only be considered under 2018 Farm Bill funding.

a. Climate-Smart Agriculture and Forestry through the Inflation Reduction Act

NRCS intends to award a significant portion of the available funding to proposals that focus on Climate-Smart Agriculture and Forestry approaches, systems, and practices that provide climate change mitigation benefits (i.e., reduce greenhouse gas emissions and sequester carbon).

When awarding funds using the IRA, NRCS will provide first priority to proposals that best meet the statutory intent to assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding, or sequestering carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production. Examples include the implementation of soil health management systems, nutrient and manure management practices, and practices that increase the storage of carbon in forests or grasslands. For easements, NRCS will prioritize forest, wetland, and grassland easements that protect land and habitats that are or will be in permanent vegetative cover, are located on soils high in organic carbon, or will be managed to contribute to carbon sequestration.

NRCS will provide second priority to proposals that address other aspects of climate change through adaption and resiliency efforts, including climate-smart agriculture such as watershed activities designed to increase water supply or improve flood control and easements along riparian corridors that buffer impacts from floods or improve water quantity and accommodate sea level rise.

Where climate-smart practices, systems, and easements are a part of a proposal, applicants are encouraged to describe how each activity provides climate mitigation benefits (i.e., sequester carbon, reduce greenhouse gas emissions, etc.) or climate adaptation (i.e., increase resilience). Proposals must also include clear and measurable outcomes related to the climate mitigation benefits or climate adaption.

Proposals will be given a climate impact grade based on the prioritization considerations previously stated, specifically:

- (A) The proposal clearly documents how the project will lead to the reduction of greenhouse gas emissions or carbon sequestration, including clear and measurable outcomes related to the activities.
- (B) The proposal clearly documents how the project will support climate adaptation and resiliency efforts, including clear and measurable outcomes related to the activities.
- (C) The proposal does not clearly document the related statutory intent or other aspects of climate change mitigation and adaption efforts, but these benefits can be inferred based on the proposed activities.
- (D) The proposal does not include climate-smart agriculture or forestry activities.

b. Advancing Equity, Justice, and Equal Opportunity.

NRCS provides leadership and funding to ensure that all programs and services are made accessible to all customers, fairly and equitably, with emphasis on reaching historically underserved (HU) farmers and ranchers

and Native American tribal governments and organizations. NRCS is committed to the success of our nation's HU producers, landowners, businesses, and partners. HU producers and landowners play a vital role in securing a healthy agricultural economy for our country and are often leaders in protecting, enhancing, and sustaining our valuable natural resources.

RCPP is covered by the Justice40 initiative. The RCPP's authorizing language requires USDA and RCPP partners to conduct outreach to HU farmers and ranchers to encourage participation in RCPP projects. The four groups of farmers and ranchers defined by USDA as "historically underserved" include: beginning, limited resource, socially disadvantaged, and veteran farmers and ranchers. The definitions for these terms are available on the NRCS HU web page.

NRCS gives priority consideration to RCPP proposals that offer meaningful and measurable engagement with and benefit to HU producers and landowners and Indian tribes. This includes projects led by HU entities with an established relationship to their respective HU communities. NRCS may provide special consideration to lead partners with limited partner contributions if their projects substantively benefit HU producers or landowners or Indian tribes. In addition, HU producers and landowners may be eligible for special incentives (e.g., higher payment rates for conservation practices or entity-held easements) to encourage their participation in RCPP projects.

NRCS intends to award a significant amount of the available RCPP funding to projects that benefit HU producers and landowners and Indian tribes. Applicants that intend to address this priority must provide a narrative explanation of how their project will substantively engage and benefit HU producers and landowners and Indian tribes.

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

- The proposal documents HU or Indian tribe specific needs existing in the project area, includes partners that demonstrate a history of trusted relationships with HU producers, and dedicates a majority of project conservation funding to HU producers or Indian tribes.
- The proposal documents HU or Indian tribe specific needs existing in project area, includes partners with a history of trusted relationships with HU producers, and includes a clear plan for HU producer participation or Indian tribe participation.
- The proposal indicates a substantive plan for HU producer or Indian tribe outreach.

- The proposal does not include an explicit approach to seek HU producer or Indian tribe engagement.

c. Projects led by Indian Tribes.

NRCS is reserving $100 million for PPAs with Indian tribes. This set aside will be shared between this announcement and the FY 2024 Classic announcement. Any unused funds will return to the general funding pool.

d. Urban Agriculture

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

4. Notifications

All applicants will receive notification of the outcome of their application. Following notification of selection, the appropriate NRCS RCPP state coordinator will contact the lead partner to initiate negotiating and developing an RCPP PPA. Partners with projects not selected for funding will receive reviewer feedback on their proposals to enhance potential readiness for future NFOs.

NRCS anticipates making announcements of RCPP project awards in October 2024, with project start dates no sooner than March 1, 2025.

G. PROJECT INFORMATION AND ADMINISTRATION

1. 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 of and responsibilities included in the RCPP PPA. PPAs are required to be completed by NRCS staff, with input and concurrence from the lead partner. The award notification will include a deadline for executing the PPA, failure to meet this deadline may result in the withdrawal of an RCPP award.

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 with partners other than the lead partner, easement agreements, public works or watershed agreements, etc.). These RCPP awards are subject to negotiation and will be managed according to NRCS-developed terms and conditions necessary to ensure program and financial integrity.

At the time the PPA is executed, RCPP funds are committed and most or all funding is obligated for the duration of the project. RCPP funds that are not obligated through the PPA are committed for specific purposes based on the fund type (FA or TA) and the budgeted activity type (e.g., easements, public works or watershed structures without an approved design, etc.) and are subsequently obligated through supplemental agreements with eligible partners. Partners will not be reimbursed for work performed before the execution of the PPA or supplemental agreement that obligates funds to that specific partner.

RCPP partnership agreements are programmatic instruments, containing specific terms and conditions in agency developed templates. If NRCS awards a Federal financial assistance instrument under this NOFO, then Federal financial assistance regulations, such as 2 CFR part 200, apply. If, however, NRCS awards an instrument that is not a Federal financial assistance instrument under this NOFO, then Federal financial assistance regulations do not apply.

If NRCS awards a Federal financial assistance instrument under this NOFO for a public infrastructure project, then such infrastructure project instrument is subject to 2 CFR Part 184, "Buy America Preferences for Infrastructure Projects". Buy America Act (BABAA), within Pub. L. 117-58, requires all federal agencies, including USDA, to ensure that none of the funds provided under this program may be used for a project for infrastructure unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States. If NRCS awards an instrument under this NOFO that is not a Federal financial assistance instrument, then 2 CFR Part 184 does not apply. For more information on these requirements, see USDA Implementation of the BABA Act.

NRCS retains final authority for all RCPP payment eligibility determinations. According to statute, an RCPP PPA may be extended only once, and for no longer than 12 months from the original agreement expiration date.

RCPP applicants should anticipate a project start date of March 1, 2025.

2. Adjusted Gross Income Waivers

The 2018 Farm Bill requirements for AGI payment limitations do not apply to partners. AGI and payment limitation requirements do apply to producers and landowners participating in RCPP projects. During PPA negotiations following the announcement of a project award, the lead partner may request a waiver of the AGI provisions for the entire RCPP project. An AGI waiver eliminates the requirement for a producer or landowner to determine the individual AGI or to meet the AGI limitation requirements.

If the RCPP lead partner does not request or receive a project-level waiver of the AGI requirement, a participating producer or landowner must determine individual AGI. Those who exceed the AGI limitation may individually seek a waiver of the AGI limitation. A waiver of the AGI limitation on an individual basis will only be granted if NRCS determines that the waiver would result in the protection of environmentally sensitive land of special significance (see 7 CFR 1400).

3. Civil Rights and Non-Discrimination

AFA lead partners accept the responsibility to implement nearly all components of a RCPP project. As part of that responsibility, lead partners must comply with Federal Civil Rights and non-discrimination statutes, regulations, and policies. Lead partners must not discriminate on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, political beliefs, marital status, familial or parental status, or sexual orientation. Entities providing technical services to producers and landowners must comply with all Federal requirements as an equal opportunity employer. This includes administering policies and practices that are designed to prevent discrimination against any qualified employee or applicant on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, political beliefs, marital status, familial or parental status, sexual orientation, or because any part of an individual's income is derived from a public assistance program, or based on protected genetic information found in employment records or through any program or activity conducted or funded by the USDA. This policy of nondiscrimination applies to all employment practices, including hiring, compensation, benefits, promotion, training, and termination.

4. 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 to stay current with annual and final reporting requirements, project timelines, or contribution expenditures may result in additional NRCS project oversight, adjustments to enhancement or implementation TA, or ultimately termination of a project.

Any associated RCPP award that is executed through a supplemental agreement (such as TA agreements with partners other than the lead partner or entity-held easement parcel contracts) may 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 completed deliverables. As a

condition of the PPA and any supplemental agreements (and subject to NRCS approval), NRCS and a partner may negotiate technical requirements and valuation methods for supplemental agreement deliverables. For example, if the lead partner requests payment for an enhancement TA task such as producer outreach activities, before NRCS remits the payment, it will generally require the lead partner to submit the actual costs incurred to host any meetings, as well as the meeting agendas and lists of participants. This requirement stems from a statutory prohibition on the use of RCPP partner administrative expenses, which necessitates a high level of scrutiny of partner payments. Similarly, documents to establish payment eligibility for implementing TA or FA tasks must be included in negotiated supplemental agreements. NRCS and the awardee must agree to specific documentation requirements prior to execution of any award.

RCPP partners must document expenses paid by NRCS as well as partner contribution expenditures for 3 years beyond the expiration of a supplemental agreement. NRCS intends to audit a random sample of RCPP projects annually.

NRCS will provide the following reports to RCPP lead partners:

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

H. AGENCY CONTACTS

Partners with proposal related questions are encouraged to contact the appropriate NRCS state RCPP coordinator. The RCPP How to Apply web page maintains a list of NRCS state RCPP coordinators, which is updated for each funding opportunity.

Potential applicants may also contact national RCPP staff by email at rcpp@usda.gov with any general program or policy questions.

To report an issue with the RCPP portal please submit a help desk ticket by email, phone.

Email: usdafpacbc@midatl.service-now.com

NRCS Support Hotline: (970) 372-4200

APPENDIX A – RCPP AGREEMENTS, CONTRACTS AND CONSERVATION ACTIVITIES

A. RCPP Funding Overview

Once an RCPP proposal is selected for funding, the lead partner and NRCS negotiate the terms of an RCPP partnership agreement. The agreement documents expectations of each project and the relationship between NRCS and the lead partner.

B. Agreements and Third-Party Contracts

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

- Existing NRCS covered programs are used as a guide to identify eligible activities, but the regulations of the existing covered programs do not directly apply to RCPP. At the same time, foundational aspects of NRCS contracting processes (e.g., planning processes, conservation practice standards, and payment schedules) are maintained to ensure scientific rigor and financial integrity in RCPP agreements.
- In general, agreements providing TA funding to partners do not need to go through ranking, unless otherwise determined necessary by NRCS.
- For AFAs, four types of RCPP FA activities are proposed within the RCPP to address the wide range of eligible activities that are also available in covered programs and RCPP projects.

RCPP Activity Type	Associated Covered Program Authorities
Land management	EQIP, CSP, ACEP-WRE (restoration), HFRP (restoration), all Pub L. No. 566-like infrastructure and land treatment work for benefit of specific producers or absent an approved watershed plan.
Land rental	CRP
Easement (entity-held)	ACEP-ALE, expanded to include easements on land uses other than those traditionally eligible under the covered programs (e.g., wetlands, non-industrial private forest lands, floodplains, riparian areas).
Public works and watersheds	Pub. L. No. 83-566

During proposal development, the portal will automatically assign contract types to each deliverable that can be updated during agreement negotiation. Partners are advised to consider the following contract types and any limits on their use when developing proposal budgets:

RCPP Contract Type	Associated Activities
Programmatic Partnership Agreement and Supplemental Agreements	Agreements between NRCS and a partner to support delivery of FA or TA. Agreements are used to reimburse partners for the delivery of specific project deliverables.
Third-party Contracts	Contracts between NRCS and a third party (e.g., engineering firm, easement appraiser, etc.) to support implementation of project activities.

C. Land Management Activities

Land management (including land restoration and improvement) activities may be delivered by the lead partner on behalf of eligible producers or through contracts between the lead partner and an eligible producer. The lead partner may also issue subawards to other eligible partners or third-party contractors to perform work on behalf of eligible producers. The conservation activities included under this category also include restoration and land management practices authorized under ACEP-WRE, HFRP, and the land treatment component of Pub. L. No. 83-566.

D. Land Rental Activities

Land rental activities must address an RCPP project resource concern on eligible lands. NRCS and partners must ensure that any rental payments are not duplicative of other producer practice or activity payments. Proposals should define (1) specific rental scenarios, (2) project (partner) driven ranking pools, (3) the potential for partner innovation in proposed conservation through rental contracts, and (4) how partner contributions will achieve greater conservation benefits.

E. RCPP Entity-Held Conservation Easements

NRCS will enter into a cost-share agreement with eligible partners to assist those partners in their purchase of an RCPP easement from an eligible landowner (i.e., an entity-held easement). Projects funded through an AFA may only include entity-held easements. Easements held by the United States Government are not available under an AFA. RCPP funds may be used to purchase an easement for any of land uses that address the conservation benefits and resource concerns identified in the RCPP project.

Under NRCS covered easement programs, agreements to assist with the purchase of entity-held easements are only available for the protection of eligible agricultural lands, including grasslands (ACEP-ALE). In contrast, an RCPP easement may be acquired on any lands eligible for RCPP, including (1) preservation of high-quality cropland or grasslands; (2) restoration or protection of degraded or natural wetlands, floodplains, riparian areas on associated lands; or (3) protection of nonindustrial private forest lands. Application, ranking, easement acquisition processes, and

contracting for RCPP easements emulate applicable aspects of ACEP.

	Entity-Held Easements
Easement Holder	Acquired and held by an eligible entity that meets the requirements of 7 CFR § 1468.3.
Easement Deed Requirements	The RCPP minimum deed terms provided by NRCS must be attached to or incorporated into the eligible entity's own conservation easement deed terms. NRCS minimum deed terms that may be used for AFA entity-held easements: 1. RCPP minimum deed terms for protection of conservation values (highly restrictive) without U.S. Right of Enforcement, 2. RCPP minimum deed terms for conservation use with compatible agricultural uses (moderately restrictive) without U.S. Right of Enforcement, or 3. RCPP minimum deed terms for agricultural use (minimally restrictive) without U.S. Right of Enforcement. An additional set of minimum deed terms for AFA entity-held easements must also be attached or incorporated into the eligible entity's conservation easement deed terms. Note: The RCPP AFA minimum deed requirements for the minimum deed terms with no U.S. Right of Enforcement are posted on the RCPP Resources for Lead Partners of RCCP Partners web page.
Duration	Easements are perpetual or maximum duration allowed under state law
Potential Eligible Land Types	Private agricultural land, nonindustrial private forest land, or associated lands (e.g., riparian areas, floodplains, seasonal or flooded wetlands).
Basis for RCPP Compensation Cap	The RCPP cost share (Federal share) provided to eligible entities for their purchase of an entity-held easement is a percentage of the easement value (based on a before-and-after appraisal, or approved alternative valuation method*) • Up to 40 percent of the easement value • Up to 65 percent of the easement value for transactions that will result in the purchase of an easement on lands owned or being purchased by HU producers.
Valuation Methodology	Easement value is generally determined through appraisal. Alternative valuation methods* may be considered (and may delay PPA negotiation and implementation).
Partner Match	Partner match is not required; however, some non-federal match is required. This can include partner funding, landowner donation, or some combination of both.
Partner Contribution	Non-federal match as well as due diligence activities performed or procured by a partner.

	Entity-Held Easements
RCPP Award Type for Easement Purchase	Agreement entered into by NRCS with an eligible entity that will hold the easement on eligible land.
Allowed Uses of RCPP Financial Assistance	Cost of easement itself, costs for NRCS-procured technical appraisal review, and NRCS-procured environmental database search. RCPP financial assistance funds awarded for an entity-held easement may not be used for entity due diligence costs or any other purposes.

Entity-held easements acquired through an RCPP AFA project will not include a U.S. Right of Enforcement held by USDA and thus will not be included in NRCS's easement stewardship portfolio.

For RCPP AFA entity-held easements, NRCS may provide the Federal share of the purchase of the easement, which is 40 percent of the easement value (as determined by a before-and-after appraisal) for non-HU landowners or up to 65 percent of the easement value for HU landowners.

Eligible entities are responsible for ensuring that the conservation easement deed addresses the RCPP minimum deed requirements. Partners without U.S. Right of Enforcement have the option (but are not required) to use the appropriate version of the RCPP minimum deed terms available under RCPP Classic. NRCS will not execute an easement deed or an appraisal review before closing but may conduct such reviews before payment or as part of a post-closing quality assurance review.

Consistent with other NRCS entity-held easement programs, RCPP funds may not be used for partner (entity) due diligence or administrative expenses associated with entity-held easements or any other conservation activity type (e.g., landowner construction permit costs, etc.).

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

F. Agreement of Assistance for the Purchase of Entity-Held RCPP Conservation Easements

NRCS will offer RCPP awards for cost-share assistance to purchase entity-held easements and will require NRCS collaboration with the eligible entity and the eligible landowner. Only eligible entities that meet the requirements of 7 CFR §1468.3 may apply to be the holder of an RCPP entity-held easement.

NRCS will include in the AFA PPA or the relevant supplemental agreement a set of minimum deed requirements, and applicable appraisal, eligibility, and easement acquisition requirements. Eligible entities are responsible for ensuring that the conservation easement deed addresses the RCPP minimum deed requirements. Entities that do not have a U.S. Right of Enforcement have the option to use the version of the RCPP minimum deed terms available under RCPP Classic (which does not include the U.S. Right of Enforcement).

The RCPP financial assistance that may be provided for the easement itself is determined by the value of the easement according to before-and-after appraisals based on a methodology determined by NRCS. In order to determine the value of the easement, the appraisal must take into consideration the terms of the conservation easement, including the conservation values that the easement will protect and the level of restrictiveness of the easement. The more restrictive the easement, the greater the value difference between the before-and-after conditions, which will result in a higher easement value than a less restrictive easement would produce for the same piece of land.

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

G. Public Works and Watersheds

Through the public works and watershed projects component of RCPP, eligible partners may receive financial assistance awards to implement immediate or future structural works of improvement that address watershed issues for the benefit of eligible land, similar to many projects completed under Pub. L. No. 83-566. NRCS will only consider watershed activities that support design, design and construction, or construction only for projects developed in accord with NRCS Watershed Manual and National Engineering Manual. NRCS will prioritize construction only proposals. Second priority will be given to followed by projects that include design and construction. Proposals that will only result in a watershed design will be given lowest priority. Projects without an NRCS approved watershed plan will not be considered for watershed activity funding under this NFO. (Note: RCPP funding is <u>not</u> available to support the rehabilitation of any NRCS-assisted watershed structure, as that component under Pub. Law. No. 566 is expressly prohibited by RCPP statute.)

RCPP project proposals must detail proposed public works and watershed activities to the fullest extent possible to provide project reviewers the information needed to assess project viability. Proposals must include realistic timeframes if they include both design and construction of watershed projects.

NRCS is the approval authority for planning, designing, and overseeing the environmental responsibilities for RCPP public works activities (including adherence

to NEPA and the Principles, Requirements, and Guidelines for Federal Water Resource projects). NRCS will generally satisfy these responsibilities by following NRCS watershed and engineering policy, except when otherwise negotiated. (Note: infrastructure projects that meet NRCS requirements for the land management activity type are not necessarily subject to the same requirements as full water resource projects; please consult the RCPP coordinator in your state for additional information how to determine which activity type is the best fit for any given situation.)

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

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

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

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

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

Additional flexibilities associated with these awards include the potential for experienced partners with demonstrated design, contracting, and implementation skills to contract innovatively, and the potential for partner contributions to be better expended and have greater impact in conservation activities.

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

If NRCS awards a Federal financial assistance instrument under this NOFO for a public infrastructure project, then such infrastructure project instrument is subject to 2 CFR Part 184, "Buy America Preferences for Infrastructure Projects". Buy America Act (BABAA), within Pub. L. 117-58, requires all federal agencies, including USDA, to ensure that none of the funds provided under this program may be used for a project for infrastructure unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States. If NRCS awards an instrument under this NOFO that is not a Federal financial assistance instrument, then 2 CFR Part 184 does not apply. For more information on these requirements, see USDA Implementation of the BABA Act.