

# WRE Prepayment/Preclosing Checklist

NEST Number: \_\_\_\_\_

Decision Maker: \_\_\_\_\_

Total NRCS Payment Amount: \_\_\_\_\_

## EASEMENT INTERNAL CONTROLS REVIEW CERTIFICATION CHECKLIST Agricultural Conservation Easement Program (ACEP) – Wetland Reserve Easement (WRE) PREPAYMENT/PRECLOSING

<b>NEST Number:</b>		<b>FY:</b>		<b>STATE:</b>	
<b>Decision Maker:</b>					
<b>Total NRCS Payment Amount:</b>					
<b>Enrollment Type and Duration:</b>					
<b>Initiative (if applicable):</b>					
<b>Associated with an RCPP (if RCPP, attach IC Cover Sheet):</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>RCPP Project Number:</b>			
<b>RCPP Project Name:</b>					

### INSTRUCTIONS:

Use this checklist for all WRE easements and 30-year land use contracts and 30-year to permanent easement conversions of any amount.

- NRCS employees must complete first- and second-level reviews for each WRE easement and 30-year contract, including those easements converting from 30-year to permanent. The same NRCS employee cannot complete both the first- and second-level review.
  - Document Checklist: mark each box after document review.
  - National Easement Staging Tool (NEST): first- and second-level reviewers enter applicable data and certify and electronically sign in NEST.
  - Checklist: first- and second-level reviewers (must be NRCS employee) certify and electronically sign Certifications page of the Checklist.
- Upload each required document on the Documents Checklist to NEST regardless of obligation amount.
- If total obligation amount is equal to or greater than \$250,000 (or a state-specific threshold set by National Headquarters (NHQ) through a written determination) or is selected for review by the National Internal Controls (IC) Team, then a national-level review is required. Follow NI 300-300 for instructions on how to submit package for national level review. Submit NEST Maintenance Request (MR) to initiate request for National IC review.
- After national-level review is completed, if applicable, and prior to executing the easement deed, 30-year contract or payment documents, the State Conservationist (STC) must certify by signing the Certifications page of this checklist. A NRCS employee cannot sign as the STC if they have also signed as first- or second-level reviewer.
- Once all steps above are complete, State/ESS must submit payment package to the appropriate FPAC Business Center group.
- The final checklist and post-closing and payment documents (Step 7) must be uploaded to NEST and all applicable data elements must be completed.

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STATE/ESS FIRST AND SECOND LEVEL REVIEWERS (must be NRCS employees)			
STEP 1	1 <sup>st</sup> LEVEL REVIEW	2 <sup>nd</sup> LEVEL REVIEW	
	<p align="center"><b>Complete and/or confirm completion of all items below and check the corresponding box prior to signing the checklist</b></p>		
	<input type="checkbox"/>	<input type="checkbox"/>	All items on the <u>Documents Checklist</u> are in the official file and are complete, accurate and signed as necessary.
	<input type="checkbox"/>	<input type="checkbox"/>	All data in NEST matches the data/information shown on the documents listed on the <u>Documents Checklist</u> .
	<input type="checkbox"/>	<input type="checkbox"/>	<p>Upload all documents on <u>Documents Checklist</u> to NEST and check the corresponding box on the <u>Documents Checklist</u>. Load documents separately as indicated by drop-down option in the “Documents” section of NEST using the correct Document Type from the drop-down list and using a naming convention that makes it obvious what the document is and with what Agreement the document is associated.</p> <p>NOTES:</p> <ul style="list-style-type: none"> <li>Including the number of the document (as shown on the Documents Checklist) in the comment box on the Documents section of NEST is highly recommended. This will increase national review efficiency and reduce unnecessary follow up.</li> <li>Do not upload duplicate documents from preobligation review unless the document has been changed. If previously uploaded and reviewed document has changed, upload the revised document and do NOT replace original document.</li> </ul>
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Land Ownership:</b> Verify all landowners listed on Title Commitment (e.g., Schedule A of commitment or binder) or proof of ownership documents are accurate in NEST and draft Warranty Easement Deed (WED) or Contract for 30-year Land Use.
	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Landowner Eligibility</b> – All landowners* are:</p> <ol style="list-style-type: none"> <li>In an AGI compliant status for fiscal year of enrollment (e.g. “Compliant – Producer,” “Compliant – Less than 3 years,” “Mismatch Verified,” “Exempt,” etc.).</li> <li>AD-1026 is “Certified” for fiscal year of enrollment and payment</li> <li>Conservation Compliance-Farm/Tract is “In Compliance” for fiscal year of enrollment and payment.</li> </ol> <p><i>*If landowner is an entity, all members documented on the CCC-901, CCC-902 or FSA business file must have subsidiary print documenting their eligibility as required by the “ACEP Landowner Eligibility Matrix”.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Land Eligibility:</b></p> <ol style="list-style-type: none"> <li>Easement area is eligible based on 440 CPM 528.105 and 528.106.</li> <li>Uploaded documentation specifies the land eligibility category (528.105(C)-(I) for all acres being enrolled.</li> <li>Documentation used to make technical determination of land eligibility (soil maps, etc.) is uploaded to NEST and is labeled to indicate the land eligibility category it supports.</li> </ol>	

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		4. Any applicable land eligibility waivers are project specific and approved by the STC or acting STC.
<input type="checkbox"/>	<input type="checkbox"/>	<b>Access:</b> There is sufficient legal and physical access to the entire easement area. If access is not via a public roadway, documentation of the legal access (i.e. easement, etc.) is uploaded in NEST.
<input type="checkbox"/>	<input type="checkbox"/>	<b>Boundary Change:</b> If the footprint or acres of the proposed easement have changed since obligation, confirm: <ul style="list-style-type: none"> <li>the changes are within scope of the original project.</li> <li>that the Environmental Due Diligence (Hazardous Materials Landowner Interview, Environmental Records Search and Hazardous Materials Field Inspection Checklist) and Landowner Disclosure Worksheet has been updated to include the entire footprint and all acres of the proposed easement.</li> <li>a new survey has been received to cover the entire boundary, if applicable.</li> <li>a new appraisal has been received to cover the entire boundary, if applicable.</li> <li>the valuation calculation has been updated using the appropriate AWMA/GARC representing the easement acres, if applicable.</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Easement Valuation:</b> <ol style="list-style-type: none"> <li>Easement value was properly calculated based on the appropriate valuation method for year of obligation and number of estimated acres.</li> <li>Adjustments to the valuation to account for post obligation changes in acres have been made in accordance with policy.</li> <li>Easement value is accurately stated on draft Warranty Easement Deed.</li> <li>The appraisal has not expired per 527.47; the original appraisal and any supplement technical review is complete and National Appraiser review is complete (if applicable).</li> <li>The appraisal map matches the final easement boundary. <u>NOTE: If the final easement boundary is significantly different than the map in the appraisal (with respect to footprint and significant acre changes), State must obtain written approval from the National Appraiser confirming that the original appraisal can be used for valuation of the revised boundary.</u></li> </ol>
<input type="checkbox"/>	<input type="checkbox"/>	<b>APCE:</b> <ol style="list-style-type: none"> <li>Confirm that obligating document is valid and will not expire prior to closing</li> <li>Confirm that all landowners on the Warranty Easement Deed (WED) are parties to, and signed, the APCE.</li> </ol>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Preliminary Title Opinion:</b> The (i) landowner name (ii) acres and (iii) valuation, are the same on the PTO as they are on the draft Warranty Easement Deed
<input type="checkbox"/>	<input type="checkbox"/>	<b>Signature Authority:</b> Verify signature authority for NRCS and landowners (if applicable) are correctly documented
<input type="checkbox"/>	<input type="checkbox"/>	<b>Waivers:</b> All applicable waivers are approved and documented in the file (e.g., length of ownership, policy, AGI, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	Complete and electronically sign the applicable section on <u>Certifications</u> page.
<input type="checkbox"/>	<input type="checkbox"/>	Enter review date and electronically sign "Agreement" section of NEST.

<b>STEP 2</b>	<input type="checkbox"/> Yes	Is national-level review required – does transaction amount meet or exceed the \$250,000 or state specific threshold as determined by EPD, or was the transaction selected for national-level IC review by NHQ? If yes, continue to <b>STEP 3</b> – If no, skip to <b>STEP 5</b> . Payment amount:
	<input type="checkbox"/> No	

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SUBMISSION FOR NATIONAL-LEVEL REVIEW BY STATE/ESS		
STEP 3	<input type="checkbox"/>	Enter Maintenance Request (MR) in NEST and select <b>Prepayment/Preclosing Approval-Request</b> from the “Reason” drop-down list.

NATIONAL-LEVEL REVIEW		
	Action	Description
STEP 4	<b>Cursory Review</b>	<p>Confirm:</p> <ol style="list-style-type: none"> <li>1. Items on the <u>Documents Checklist</u> are present in NEST, complete, accurate, and signed as necessary</li> <li>2. Uploaded checklist includes all required signatures.</li> <li>3. First- and second-level review-related data are entered on the “Agreement” page of NEST.</li> </ol> <p><i>Note: If the initial review reveals that the package is not complete, the MR status will be set to <b>FOLLOW-UP NEEDED</b>. The checklist will be uploaded to the “Documents” section of NEST with a list of identified issues. The State/ESS must address all issues and add a new comment to the MR to change the status back to <b>REQUESTED</b>. If there are significant issues with the package, the MR status will be set to <b>REJECTED/INCOMPLETE</b> and the State/ESS must enter a new MR and upload a new checklist and address all identified issues to initiate a new review.</i></p>
	<b>Assignment</b>	<p><b>ASSIGNED:</b> If package is complete, MR status is changed to <b>ASSIGNED</b>. The signed checklist is uploaded to “Documents” section of NEST and the review is assigned to national-level in-depth reviewer.</p>
	<b>In-Depth National Level Review</b> <b>(up to 30 days)</b>	<p>National-level IC reviewer will review all documents on the Documents Checklist and change the MR status in NEST as follows:</p> <p><b>COMPLETED:</b> If package is confirmed complete, MR status is changed to <b>COMPLETED</b>. The signed checklist is uploaded to the “Documents” section of NEST. State/ESS will continue to <b>STEP 5</b>.</p> <p><b>FOLLOW-UP NEEDED:</b> If minor issues are identified that can be readily corrected, the MR status is changed to <b>FOLLOW-UP NEEDED</b>. The checklist will be populated with identified issues and uploaded to “Documents” section of NEST. State/ESS must correct the issues identified on the checklist, then add a new comment to the same MR to change the status back to <b>REQUESTED</b>.</p> <p><b>REJECTED/INCOMPLETE:</b> If issues are identified in the submitted package that are contrary to policy or not rectifiable, the MR status is changed to <b>REJECTED/INCOMPLETE</b> and national program managers will be notified. The checklist will be populated with identified issues and uploaded to “Documents” section of NEST.</p>

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		<i>Note: To subsequently begin a new review after REJECTED/INCOMPLETE review, State/ESS must enter a new MR, upload a new checklist, and upload any corrected and missing documents to the "Documents" section of NEST.</i>
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<b>STEP 6</b>	<b>OBTAIN STATE CONSERVATIONIST SIGNATURE ON CERTIFICATION PAGE.</b> (Signature Authority: State must ensure STC or properly delegated Acting STC signs checklist and WED or 30-year Contract following current program policy. Delegation must be uploaded to NEST documents page.)
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<b>STEP 7</b>	<b>SUBMIT PAYMENT REQUEST FOLLOWING APPLICABLE FPAC BUSINESS CENTER CUSTOMER GUIDE.</b>
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<b>POSTCLOSING AND PAYMENT BY STATE/ESS</b>		
<b>STEP 8</b>	<p>After easement closing/payment, upload the following documents to the "Documents" section of NEST for <b><u>ALL</u></b> conservation easement transactions <b><u>regardless of payment amount</u></b>:</p> <ul style="list-style-type: none"> <li>• Fully executed and recorded Warranty Easement Deed or 30-year contract with all exhibits</li> <li>• Final title insurance policy</li> <li>• Subsidiary print dated within 30 days prior to payment for all landowners</li> <li>• Signed closing instructions</li> <li>• Closing statement or HUD-1</li> <li>• Final title opinion from OGC</li> <li>• Fully executed IC checklist</li> </ul>	

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**Results of the IC review are documented below, in supplemental documents cited herein, or both. During IC review, IC may provide “Findings,” “Notes,” or both. “Findings” require State/ESS action prior to IC approval. “Notes” do not require State/ESS action prior to IC approval and commonly include reminders of non-IC based requirements, recommendations, best practices for State/ESS consideration, or some combination of these.**

NOTES/FINDINGS:

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## DOCUMENTS CHECKLIST

*This Documents Checklist is not a comprehensive listing of what should be documented in the physical file but, rather, lists what documents are normally required for Internal Controls reviews. National level reviewers may need to request additional documentation to clarify any matters which may arise during the review of the documents. State/ESS reviewers must ensure that the most current form versions are utilized, and all forms are completed, signed and dated correctly. States must also verify that all data is entered in NEST correctly.*

**DO NOT DUPLICATE DOCUMENTS ALREADY UPLOADED TO NEST FROM THE PRE-OBLIGATION REVIEW UNLESS CHANGES WERE MADE TO THE DOCUMENT. DO NOT REPLACE/OVERWRITE DOCUMENTS THAT WERE UPLOADED FOR PREOBLIGATION REVIEWS.**

1 <sup>st</sup> LEVEL REVIEW	2 <sup>nd</sup> LEVEL REVIEW	DOCUMENTS	DESCRIPTION
<input type="checkbox"/>	<input type="checkbox"/>	1. All documents listed in Step 8 of the WRE Preobligation Checklist	<ul style="list-style-type: none"> <li>Fully executed agreement (If executed by someone other than STC, also upload delegation of authority or designation as “acting”)</li> <li>Subsidiary print dated within 30 days prior to obligation request for all landowners</li> <li>FMMI funds obligation print</li> <li>Fully executed IC checklist</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	2. All documents listed on the documents lists from the ACEP WRE Preobligation checklist	<ul style="list-style-type: none"> <li>If not previously uploaded, upload all documents listed on the ACEP-WRE preobligation checklist.</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	3. Ownership Transfer Documentation	<p>If there have been any changes in land ownership since obligation– upload the following:</p> <ul style="list-style-type: none"> <li>Executed Transfer of Purchase Agreement for Easement Programs (TOPA)</li> <li>Proof of ownership sale or transfer (i.e. recorded deed, etc.)</li> <li>Approved 24 month ownership waiver</li> <li>Subsidiary print for new landowners (including embedded members of entities) for the fiscal year that the TOPA was executed showing AGI and FTE eligibility</li> <li>CCC 901/902 and FSA business file screen print if the new landowner is an entity</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	4. Ownership Correction Documentation	<p>If a correction was made to add a landowner to the APCE (i.e. not the result of a post obligation ownership transfer) – upload the following:</p> <ul style="list-style-type: none"> <li>Addendum to Add Newly Identified Landowner or Amendment to Correct Landowner Acknowledgements</li> <li>Proof of ownership for new landowner</li> <li>24 month ownership waiver, if applicable</li> <li>Subsidiary print for the FY year of the obligation for the newly discovered landowner which shows AGI and FTE eligibility</li> <li>CCC 901/902 and FSA business file for FY of enrollment and FY of payment if the new landowner is an entity</li> </ul>

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1 <sup>st</sup> LEVEL REVIEW	2 <sup>nd</sup> LEVEL REVIEW	DOCUMENTS	DESCRIPTION
<input type="checkbox"/>	<input type="checkbox"/>	5. Changes in Composition of a Landowner entity	<p>If there has been a change in the members of the landowner-entity upload the following:</p> <ul style="list-style-type: none"> <li>• Revised CCC-901/CCC-902 and FSA Business File members list</li> <li>• Subsidiary prints for the FY of enrollment for any new members.</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	6. Title Commitment	<p>Updated title commitment with the final surveyed legal description that matches the legal description on the draft WED <u>and</u> the surveyed ingress/egress route (if applicable). Ensure landowners match those on WED.</p>
<input type="checkbox"/>	<input type="checkbox"/>	7. Easement valuation adjustment documentation	<p>Documentation showing the calculation of the final easement compensation.</p> <p>If an appraisal was used for valuation at obligation –the following must be uploaded:</p> <ul style="list-style-type: none"> <li>• If the easement footprint significantly changed or the surveyed acres changed more than 10% from the original appraisal acres estimate <u>or</u> the administrative adjustment to easement compensation is &gt; \$50,000, upload a new appraisal, tech appraisal review and national appraiser review (if applicable) as required in 527.47(G).</li> <li>• If the acres have changed less than 10% and the administrative adjustment to compensation is less than 10% or the easement footprint changes have been determined insignificant by the national appraiser, upload a detailed summary of the calculation of the administrative adjustment to easement compensation as described in 527.47(G) and national appraiser insignificance determination on footprint changes</li> <li>• If the footprint of the easement area has changed (regardless of the change to the total acres or value) upload written concurrence from the National Appraiser that the appraisal can be used for the modified easement footprint</li> <li>• If the appraisal has expired, upload new appraisal, technical appraisal review and national appraiser review.</li> </ul> <p>If an AWMA/GARC was used for valuation at obligation –the following must be uploaded:</p> <ul style="list-style-type: none"> <li>• If acres have changed more than 10% from the original agreement acres estimate, upload (i) easement map with land use values, (ii) documentation to support the land use type determinations (iii) summary of calculation of easement compensation as required in 528.122(G)</li> <li>• If acres have changed less than 10% from the original agreement acres estimate, upload a summary of the calculation of the</li> </ul>



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			administrative adjustment which shows (i) weighted per acre value and (ii) final adjusted easement calculation.
<input type="checkbox"/>	<input type="checkbox"/>	8. Updated Environmental Due Diligence	If the preobligation Environmental Due Diligence documentation (NRCS-CPA-52, Hazardous Materials Landowner Interview, Environmental Records Search, Landowner Disclosure Worksheet and Hazardous Materials Field Inspection Checklist) does not cover the <u>entirety</u> of the final surveyed easement, upload updated versions of each of the above referenced documents such that they address the entire final easement area.
<input type="checkbox"/>	<input type="checkbox"/>	9. Land eligibility documentation	<p>Land eligibility documentation must show the following:</p> <ul style="list-style-type: none"> <li>• Final easement boundary</li> <li>• Total final easement acres</li> <li>• Land eligibility type for all acres using the categories listed in 440 CPM Section 528.105, including adjacent lands</li> <li>• Documentation used to make the state's technical determination as to each land eligibility category for the entire final easement area (such as, hydric soils maps, wetland maps, etc. and basis for inclusion of "Other Eligible Land")</li> <li>• If any portion of the land has been established to trees under a CRP contract (as referenced in 528.106(B)(2) – the state must provide either (i) written NRCS determination that the planting failed or (ii) a written determination from the STC that the criteria in 528.106(B)(2)(ii) have been met.</li> </ul> <p><i>NOTE: State is responsible for ensuring technical determinations meet policy. The documentation of that assessment and determination must be available for review. Additional documentation may be requested if the provided information is insufficient for review.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	10. Subsidiary Prints for current fiscal year	<p>Subsidiary prints for all landowners (<i>note: landowner eligibility is not required for a non-record spouse, e.g. listed on title commitment only to convey spousal rights</i>) which shows HEL/WC compliance* for the year of payment showing the AD-1026 – "Certified" and Conservation Compliance-Farm/Tract – "In Compliance".</p> <p>Confirm eligibility is correct in NEST.</p> <p><i>*If landowner is a general partnership, all members documented on the CCC-901, CCC-902 or FSA business file must have subsidiary print documenting their eligibility as required by eligibility matrix.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	11. Legal Boundary Survey	Final legal boundary survey of the easement, including final acres and with ingress/egress identified.

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1 <sup>st</sup> LEVEL REVIEW	2 <sup>nd</sup> LEVEL REVIEW	DOCUMENTS	DESCRIPTION
<input type="checkbox"/>	<input type="checkbox"/>	12. Waivers	All waivers approved by the State Conservationist, EPD or the Chief related to the easement enrollment or acquisition.
<input type="checkbox"/>	<input type="checkbox"/>	13. Amendments to APCE/AECLU	All amendments, modifications or extensions to the APCE/AECLU, fully executed.
<input type="checkbox"/>	<input type="checkbox"/>	14. NRCS-LTP-23 Certificate of Use and Consent	Complete, signed and dated NRCS-LTP-23, including a description of the exception, the recommendation for addressing the exception, and the basis for the recommendation.
<input type="checkbox"/>	<input type="checkbox"/>	15. NRCS-LTP-27 Preliminary Certificate of Inspection and Possession	NRCS-LTP-27 – completed and signed by an NRCS employee documenting site visit not more than 12 months prior to closing.
<input type="checkbox"/>	<input type="checkbox"/>	16. Preliminary Title Opinion (PTO)	PTO issued by OGC, including all attachments. The (i) landowner name (ii) acres and (iii) valuation, must be the same on the PTO as they are on the draft Warranty Easement Deed.  If evidence of liability insurance from the title company is being used in lieu of the ALTA closing protection letter, the PTO must confirm that the insurance provided is acceptable protection for the federal funds in escrow.
<input type="checkbox"/>	<input type="checkbox"/>	17. Approval to Proceed with 30-year contract	If this is a 30-year land use contract enrollment, provided written approval from EPD to proceed as required in 528.126.  <b><i>NOTE: Do not obtain landowner or NRCS signatures</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	18. Draft Easement Deed/30-Year Contract and All Exhibits	Landowner names, NEST number, and easement value are correct. All exhibits and documents are approved by OGC. (e.g. Exhibit A easement legal description, Exhibit B access, Exhibit C subsurface resource restrictions, Exhibit D water rights and uses, Exhibit E reserved grazing rights plan approved by NHQ).  <b><i>NOTE: Do not obtain landowner or NRCS signatures</i></b>
<input type="checkbox"/>	<input type="checkbox"/>	19. Draft Closing Instructions	Must include name of closing agent, compensation amount, landowner names, and OGC PTO requirements.
<input type="checkbox"/>	<input type="checkbox"/>	20. ALTA Closing protection letter or OGC approved equivalent	Ensure that the full easement amount is covered and that anything other than the ALTA closing protection letter has been approved by OGC as sufficient.

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## CERTIFICATIONS

**First-Level Review** (Required for all payment packages. Must be completed by NRCS employee.)

Name:			Title:		
Phone Number:		Review Date:		Entered in NEST:	
<i>By signing below, I am certifying that I have completed the required first-level review as instructed.</i>					
Signature:					

**Second-Level Review** (Required for all payment packages. Must be completed by NRCS employee.)

Name:			Title:		
Phone Number:		Review Date:		Entered in NEST:	
<i>By signing below, I am certifying that I have completed the required second-level review as instructed.</i>					
Signature:					

## REQUEST FOR EXPEDITED REVIEW

**State Conservationist:**

STC Signature:		Date of Request:	
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**Regional Conservationist:**

RC Signature:		APPROVED <input type="checkbox"/>	DENIED <input type="checkbox"/>
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**National-Level Cursory Review** (Required only when the payment meets or exceeds the threshold or is selected at random)

Name:			Title:		
Phone Number:			Date Review Started:		
INCOMPLETE		FOLLOWUP NEEDED		COMPLETED	
NHQ IC Review Signature:					

**National Level In-Depth Review** (Required only when the payment meets or exceeds the threshold or is selected at random)

Name:			Title:		
Phone Number:			Date Review Started:		
INCOMPLETE		FOLLOWUP NEEDED		COMPLETED	
NHQ IC Review Signature:					

**Note:** The State Conservationist must not sign prior to completion of first- and second-level reviews or prior to national-level review signatures, if applicable.

**State Conservationist Certification** (Required for all payment packages)

<i>By signing below, I am certifying that all appropriate levels of review have been completed as required and that the payment amount for this project is calculated correctly and adequately supported with documentation.</i>			
STC Signature:			Date: