

## Part 528 – Agricultural Conservation Easement Program (ACEP)

### Subpart E – ACEP-ALE Application, Ranking, and Selection

#### 528.40 ACEP-ALE Application, Ranking, and Selection Overview

A. Application, Ranking and Selection Steps Outline.—The following outlines the procedural steps for ACEP-ALE application, ranking, and selection; some steps may be taken concurrent with other steps, unless otherwise stated:

- (1) Step 1 – Prior to the beginning of each fiscal year, the State Conservationist, with advice from the State Technical Committee, will review and update as necessary the States ACEP-ALE ranking worksheet and submit a copy to EPD prior to posting.
- (2) Step 2 – By November 1 or at least 30 days prior to an announced application cutoff date, States will post the current fiscal year’s ACEP-ALE ranking worksheet to the State Web page.
- (3) Step 3 – NRCS accepts ACEP-ALE applications on a continuous basis. However, at the discretion of the State Conservationist and in coordination with any required national application cutoff dates, States may establish and advertise one or more application cutoff dates during the fiscal year. This announcement must be made at least 30 days in advance of the application cutoff date. Complete applications received prior to the cutoff date will be reviewed for eligibility and ranked. Eligible applications will be considered for funding. Applications received after the cutoff date may be considered in the next application period.
- (4) Step 4 – Landowners interested in participating in ACEP-ALE will submit applications to entities that have an existing agricultural lands protection program.
- (5) Step 5 – Entities will submit ACEP-ALE applications to the State Conservationist, including supporting documentation and any requests for waivers of the eligible entity cash contribution requirement.
- (6) Step 6 – NRCS State offices will review application information and supporting documentation provided by the entity and determine entity eligibility, land eligibility, and landowner eligibility.
- (7) Step 7 – NRCS will conduct onsite visits and rank eligible parcel applications using the current ACEP-ALE ranking worksheet. During this visit, States should complete the “Landowner Disclosure Worksheet,” the “Hazardous Materials Field Inspection” checklist, and the “Hazardous Materials Landowner Interview.” At this time, States will upload the application, eligibility, and ranking information for all eligible parcels into NEST.
- (8) Step 8 – After ranking all eligible parcels, the State Conservationists will select eligible parcels for funding in order of ranking priority using ACEP-ALE funds allocated for new enrollment for that fiscal year. The State Conservationist will complete determinations on eligible entity cash contribution waiver requests for tentatively selected parcels and notify entities of waiver request determinations.
- (9) Step 9 – The State Conservationist submits cooperative agreements with a Federal share exceeding \$100,000 to NHQ Grants and Agreements Team, for review and delegation of authority, with a copy to the EPD director. For additional information consult National Instruction 120-301.
- (10) Step 10 – Prior to obligating funds, States must complete the preobligation review pursuant to the most current easement internal controls policy and guidance.
- (11) Step 11 – After receiving delegation of authority and completing internal control reviews, the State Conservationist notifies eligible entities of tentative selection and provides a copy of the unsigned template cooperative agreement (for new agreements) or an amendment (for

- existing agreements), with all exhibits and attachments, including the listing of parcels selected for funding and any approved, unfunded substitute parcels.
- (12) Step 12 – After the eligible entity returns a properly signed cooperative agreement or amendment, the State Conservationist may execute the cooperative agreement or amendment on behalf of NRCS. Once the cooperative agreement or amendment is fully and properly executed by all parties, NRCS then immediately obligates the funds in FMMI, within 10 business days promotes the agreement and all associated parcels in NEST, and provides a copy of the fully executed cooperative agreement to the eligible entity.
  - (13) Step 13 – On or before September 1, the State Conservationist notifies the entities that unfunded applications will be cancelled in the NEST unless the entity notifies the State Conservationist by October 1 that the landowner and entity still have an interest in being considered for funding in the next fiscal year.

#### B. General Notice Provisions

When notifying entities, landowners, or the general public about the availability of ACEP-ALE, States should provide information that includes, but is not limited to—

- (i) ACEP-ALE purpose and goals.
- (ii) Application cutoff dates for funding consideration.
- (iii) Conditions under which cost-share assistance is available.
- (iv) Description of program benefits available.
- (v) How to submit a proposal and where to apply.
- (vi) Land, landowner, and entity eligibility requirements.
- (vii) The current ranking worksheet.
- (viii) Copy of or link to the most recently published ACEP-ALE cooperative agreement for non-certified eligible entities and ACEP-ALE grant agreement for certified entities.
- (ix) Copies of the current ACEP-ALE application forms (CPA-41 and CPA-41A) or information on where to locate these forms.

### **528.41 ACEP-ALE Ranking Process**

#### A. Purpose and Introduction

- (1) The ranking process enables the State Conservationist to prioritize applications by determining projects that most merit enrollment. The ranking process is how NRCS determines the conservation value of a parcel for the purposes of ACEP-ALE. This process does not guarantee or entitle the applicant to funding.
- (2) The State Conservationist will use ranking factors consisting of national and State criteria to score and rank each eligible application. The national criteria will comprise at least half of the total ranking score. When developing the State ranking factors, the State Conservationist must use factors that are consistent with the purpose and goals of ACEP-ALE.

#### B. Ranking Process Overview

- (1) The State Conservationist, with advice from the State Technical Committee, will establish and maintain a weighted ranking process to prioritize all eligible applications, using the national and State criteria and other the factors described in this subpart. Each fiscal year, the criteria and ranking factors must be evaluated and updated as needed to ensure that the parcels that best meet the purpose, goals, and objectives of ACEP-ALE are given the highest priority.
- (2) Representatives from eligible entities participating in or applying to participate in ACEP-ALE will not be involved in developing State ranking criteria or assigning weights to the factors.

- (3) The ranking process's point spread will be from zero to 400 points, with zero being the lowest possible score and least deserving of enrollment and 400 being the highest possible and most deserving of enrollment. At least 200 points must come from the national ranking criteria.
- (4) The State Conservationist will develop a single ACEP-ALE ranking worksheet that will be updated each fiscal year and made available to the public through the State's Web page a minimum of 30 days before any application cutoff dates or other application deadlines.
- (5) NRCS will conduct an onsite ranking of each eligible application. All eligible applications submitted within an individual application cutoff period will be ranked using the same ranking worksheet.
- (6) The ranking process must be followed and parcels funded in order of ranking priority unless inadequate funds are available to fund the next highest ranked parcel. If adequate funds are not available, the State may select the next-highest-ranked parcel for which funding is available.
- (7) State Conservationists should establish ranking thresholds below which parcels will not be funded.
- (8) State Conservationists should return funds to NHQ for reallocation to other States rather than fund low-ranking parcels that do not effectively meet ACEP-ALE purposes.
- (9) Prior to the end of each fiscal year, the State Conservationist must upload into NEST the information for each application received or considered for funding during that fiscal year, including ranking score, eligibility status, and funding status.

#### C. Ranking Criteria

- (1) At least 50 percent of the weight of the ranking factors must be based on the national criteria. The national criteria are as follows:
  - (i) Percent of prime, unique, and important farmland in the parcel to be protected.
  - (ii) Percent of cropland, pastureland, grassland, and rangeland in the parcel to be protected
  - (iii) Ratio of the total acres of land in the parcel to be protected to average farm size in the county according to the most recent USDA Census of Agriculture (<http://www.agcensus.usda.gov>).
  - (iv) Decrease in the percentage of acreage of farm and ranch land in the county in which the parcel is located between the last two USDA Censuses of Agriculture (<http://www.agcensus.usda.gov>).
  - (v) Percent population growth in the county as documented by the U.S. Census (<http://www.census.gov>).
  - (vi) Population density (population per square mile) as documented by the most recent U.S. Census (<http://www.census.gov>).
  - (vii) Existence of a farm or ranch succession plan or similar plan established to address farm viability for future generations.
  - (viii) Proximity of the parcel to other protected land, such as military installations; land owned in fee title by the United States or an Indian Tribe, State or local government, or by a nongovernmental organization whose purpose is to protect agricultural use and related conservation values; or land that is already subject to an easement or deed restriction that limits the conversion of the land to nonagricultural use.
  - (ix) Proximity of the parcel to other agricultural operations and agricultural infrastructure.
  - (x) Maximizing the protection of contiguous acres devoted to agricultural use.
  - (xi) Whether the land is currently enrolled in CRP in a contract that is set to expire within 1 year.
  - (xii) Whether the land is grassland that would benefit from protection under a long-term easement.

- (2) The remaining weight will be applied to NRCS State criteria approved by the State Conservationist. Such criteria may include only the following:
  - (i) The location of a parcel in an area zoned for agricultural use.
  - (ii) The eligible entity's performance in managing and enforcing easements. The measure of performance is the efficiency of easement transactions completion or percentage of parcels monitored annually and the percentage of monitoring results reported annually.
  - (iii) Multifunctional benefits of agricultural land protection including social, economic, historical and archaeological, environmental benefits, species protection, or climate change resiliency.
  - (iv) Geographic regions where the enrollment of particular lands may help achieve national, State, and regional conservation goals and objectives or enhance existing government or private conservation projects.
  - (v) Diversity of natural resources to be protected.
  - (vi) Score in the land evaluation and site assessment system or equivalent measure for grassland enrollments. This score serves as a measure of agricultural viability (access to markets and infrastructure).
- (3) The ranking system may assign negative points or place at the bottom of the ranking list any parcels submitted by an entity that—
  - (i) Is delinquent on conducting annual monitoring or whose annual monitoring reports are insufficient, late, or not provided to NRCS annually, or
  - (ii) Has an existing FRPP or ACEP-ALE agreement with funds remaining more than 2 years after the attachment execution date without any expenditures or actions towards closings of easements in the third year.

#### D. Resource Concerns

- (1) In addition to factors related to the threat of conversion, the NRCS State ranking factors should consider various environmental benefits and prioritize applications that will address multiple resources concerns, including but not limited to the following:
  - (i) Soil
    - Erosion reduction
    - Condition improvement
    - Deposition reduction
  - (ii) Water
    - Quantity improvement
    - Quality improvement
    - Air quality improvement
  - (iii) Plant
    - Suitability enhancement
    - Condition improvement
    - Productivity
    - Species composition
  - (iv) Animal
    - Habitat improvement
    - Habitat diversity
    - Habitat protection
  - (v) Other resource concerns, such as protection of historical and archaeological sites and access to agricultural infrastructure, operations, markets, and labor
- (2) These resource concerns should be addressed under State ranking criteria provided in (C)(2)(iii)-(v) above.

- (3) For applications selected for funding based on their ability to address specific or multiple resource concerns the eligible entity must ensure that those resource concerns are addressed in the agricultural land easement plan.

E. Ranking Historical and Archaeological Sites.—The State ranking factors may use any of the following criteria to evaluate the relative quality of historical and archaeological sites:

- (1) Diversity of resource types within each individual parcel (i.e., a parcel contains more than one type of historical or archaeological resource)
- (2) Acreage of resource site
- (3) Association with existing community identity
- (4) Nationally significant designation (i.e., the parcel contains a national designation versus a State designation)
- (5) Other criteria established by the State Conservationist, with advice from the State Technical Committee

F. Ranking Grasslands of Special Environmental Significance.—Ranking factors for grasslands of special environmental significance should be addressed under the national criteria provided at (C)(1)(xii) above and may also be addressed in the State criteria, and will emphasize all of the following:

- (1) The environmental benefits of enrolling the land
- (2) Cost effectiveness of enrolling the land so as to maximize the environmental benefits per dollar expended
- (3) Protection of grazing uses and related conservation values
- (4) Core grassland areas
- (5) Extent to which the grassland remains intact
- (6) The productivity of the land
- (7) Additional ranking factors that the State determines are appropriate for evaluating grasslands of special environmental significance.

G. Evaluating Applications Based on ACEP-ALE Investment

If the State Conservationist determines that two or more eligible parcels are comparable in achieving ACEP-ALE purpose and goals (i.e., have the same ranking factor), the State Conservationist may not assign a higher priority to any one of these solely on the basis of lesser cost to ACEP-ALE. Criteria other than the cost of the Federal ACEP-ALE contribution must be used to break the tie.

## **528.42 Applications for ACEP-ALE Cost-Share Assistance**

A. Application Requirements

- (1) Although applications may be submitted on a continuous basis, entities that want to be considered for ACEP-ALE cost-share assistance within an identified application period must submit a complete application to the appropriate State Conservationist on or before the announced application cutoff date. A complete ACEP-ALE application must contain all of the following:
  - (i) Form CPA-41, “Entity Application,” identifying every proposed easement holder
  - (ii) Form CPA-41A, “Parcel Sheet,” for each parcel
  - (iii) Standard Form (SF) 424, “Application for Federal Assistance”
  - (iv) SF-424A, “Budget Information for Non-Construction Programs”
  - (v) SF-424B, “Assurances Non-Construction Programs”
  - (vi) Entity information required in subsection (2) below

- (vii) Parcel information required in subsection (3) below
  - (viii) A written request for a waiver of the Eligible Entity Cash Contribution Requirement for projects of special significance, if applicable, and all information required in sub-section B below.
- (2) Entity information submitted with the entity application (CPA-41) must—
- (i) Document the entity’s commitment to long-term conservation of agricultural lands through the use of voluntary conservation easements that protect farm or ranch lands from conversion to nonagricultural uses.
  - (ii) Document the entity’s capability and record of acquiring, holding, managing, and enforcing conservation easements.
    - This must include a citation to the State conservation easement enabling statute that the entity will rely on to acquire the agricultural land easements.
    - If the entity is a State, local, or Tribal government, then this must include a citation to the entity’s statutory authority to acquire conservation easements consistent with the purposes of ACEP-ALE.
  - (iii) Document the entity capacity to monitor and enforce the agricultural land easements.
  - (iv) Document or certify that, at the time of application, the eligible entity has the required funds available for each parcel (see section 528.43 for cost-share assistance and match requirements).
  - (v) Provide evidence of current registration in DUNS and SAM for each holding and co-holding eligible entity.
  - (vi) Provide evidence of entry in SCIMS.
  - (vii) Include a copy of the written pending offer for each parcel that the entity is submitting for cost-share assistance.
- (3) Parcel information, submitted with each CPA-41A must describe the parcel to be protected using assistance from ACEP-ALE. Specifically, it must include the following for each parcel:
- (i) A map showing the location of the parcel.
  - (ii) Evidence and map of legal and physical access to the parcel.
  - (iii) A map or aerial image showing the proposed parcel boundaries and larger property boundaries if different than the parcel boundaries.
  - (iv) A map showing each of the following that are applicable:
    - The location and acres of the prime, unique, or statewide and locally important soil in each parcel
    - The location and acres of lands where grazing uses and related conservation values would be protected
    - The location and acres of grasslands of special environmental significance
    - The location, number, and acreage of historical or archaeological sites proposed to be protected
  - (v) If the presence of historical or archeological sites is the basis for land eligibility, a brief description of the site’s significance and documentation of the site’s formal listing on the National, Tribal, or State register or eligibility for listing in the National register must be included in the application. NRCS State office will review this documentation to determine the entity’s ability to manage and enforce the easement for historic preservation purposes.
  - (vi) A narrative description of how the protection of the parcel will further a State or local policy consistent with ACEP, if this is the basis for the parcel’s land eligibility.
  - (vii) A map showing the location of other protected land in relation to parcel, if applicable.
  - (viii) Estimated agricultural land easement value, costs, and contributions for each parcel as described in section 528.43.

- (ix) Narrative statement or map showing the parcel’s accessibility to agricultural markets.
- (x) Narrative statement or map showing the parcel’s access to existing agricultural infrastructure, on- and off-farm, and other support systems.
- (xi) Narrative statement or map showing the threat of conversion or fragmentation (either from non-agricultural development or cropland conversion of grassland) for each parcel.
- (xii) Ownership of subsurface mineral rights and any required water rights for each parcel.
- (xiii) Copies of any phase I environmental site assessments, if available.
- (xiv) Copies of appraisal reports or title reports for the parcel, if available.

**B. Submitting and Accepting Applications**

Entities may submit applications in paper copy or electronically. Applications received after the application cutoff and incomplete applications will not be ranked or considered for inclusion in the funding cycle covered by the application cutoff. Complete applications received after the application cutoff date may be considered in the next announced funding cycle.

**528.43 ACEP-ALE Cost-Share Assistance and Match Requirements**

**A. Overview of ACEP-ALE Federal Share, Match Requirements, and Waiver Process**

- (1) The ACEP-ALE cost-share assistance and match requirement must be explained to the entity applicants at the time of application.
- (2) ACEP-ALE cost-share assistance will not exceed 50 percent of the fair market value of the agricultural land easement as determined using an approved methodology described in section 528.52. The eligible entity must provide an amount that is at least equivalent to the Federal share. An eligible entity may include as part of its share a qualified conservation contribution from the landowner if the eligible entity contributes its own cash resources in an amount that is at least 50 percent of the Federal share.
- (3) A qualified conservation contribution from the landowner is either a charitable donation or qualified conservation contribution as defined by section 170(h) of the Internal Revenue Code of 1986. There is no requirement for landowner donations under ACEP-ALE.
- (4) The amount contributed by the entity that is not a qualified conservation contribution from the landowner must be cash and must come from sources other than the landowner. Under no circumstances may the eligible entity acquire its minimum cash contribution through additional cash contributions or payments made by the landowner, loans provided by the landowner, “monitoring or stewardship” fees, “acquisition” fees, or other such fees charged to the landowner. Furthermore, because the entity contribution must be cash, other examples of prohibited sources of the entity’s share include—
  - (i) Land from another parcel.
  - (ii) In-kind contributions, including administrative costs associated with agricultural land easement acquisition (e.g., surveys, appraisals, legal expenditures).
- (5) At the time of application, the eligible entity must provide an estimate of the following for each parcel:
  - (i) The estimated acres
  - (ii) The fair market value of the agricultural land easement;
  - (iii) The total estimated entity non-Federal contribution
  - (iv) The requested Federal share
  - (v) The estimated purchase price
  - (vi) The qualified contribution from the landowner
- (6) ACEP-ALE authorizes two exceptions under which a waiver may be granted by NRCS:
  - (i) The Federal cost-share amount may be adjusted for grasslands of special environmental significance (see subsection B below).

- (ii) The eligible entity cash contribution requirement may be adjusted for projects of special significance (see subsection C below).
  - (7) As a condition of entity eligibility, the entity must be able to document and certify that they have the required funds available at the time of application. Examples of acceptable cash contributions include, but are not limited to, funds held in an entity account that are not otherwise committed or restricted, funds awarded to the entity, but not necessarily held in an entity account, and loans obtained by the entity for the purpose of acquiring conservation easements.
  - (8) If the entity's ability to meet the match requirement at time of application is contingent upon the receipt of a waiver of the entity cash contribution requirement for a project of special significance, then the waiver request along with all associated documentation for each parcel on which the waiver is sought must be submitted at the time of application.
- B. Waiver to Increase the Federal Share for Grasslands of Special Environmental Significance (GSS)
- (1) NRCS may authorize a waiver to increase the Federal share of the cost of an agricultural land easement to an amount not to exceed 75 percent of the fair market value of the agricultural land easement if all of the following apply:
    - (i) The eligible entity has identified on the application that the offered parcel is applying for funding consideration as a GSS.
    - (ii) NRCS determines the lands to be enrolled are GSS as defined in Subpart T, "Definitions."
    - (iii) An eligible entity will share in the cost of purchasing an agricultural land easement in an amount that is no less than 33.33 percent of the Federal share. The eligible entity share may include a qualified landowner contribution if the eligible entity contributes its own cash resources in an amount that is at least 16.67 percent of the Federal share.
    - (iv) The eligible entity agrees to incorporate and enforce additional deed restrictions to manage and enforce the easement to ensure the GSS attributes are protected.
  - (2) The determination that the parcel meets the GSS land eligibility requirements must be made prior to selection for funding. A separate cooperative agreement must be used for GSS parcels; a single cooperative agreement will not include both regular ACEP-ALE parcels and GSS parcels. The GSS land eligibility determination and waiver to adjust the Federal share must be documented by NRCS and reflected in the GSS cooperative agreement.
- C. Waiver to Adjust the Eligible Entity Cash Contribution Requirement for Projects of Special Significance
- (1) The State Conservationist may waive a portion of the applicable eligible entity cash contribution requirement for parcels that NRCS determines are of projects of special significance. A waiver of the entity cash contribution requirement does not result in an increase in the applicable Federal share and may only be authorized if NRCS determines that—
    - (i) The transaction is subject to an increase in the private landowner donation that is equal to the amount of the waiver.
    - (ii) The increase in the landowner donation is voluntary.
    - (iii) The property is in active agricultural production which means that the land is in agricultural use as defined in Subpart T, "Definitions," and that agricultural or forest-related products or livestock are being produced or have been produced within 1 year of the date of application.
    - (iv) The accompanying agricultural land easement plan will address the protection of the attributes resulting in the parcel being a project of special significance.
    - (v) The eligible entity contributes its own cash resources in an amount that is—

- For projects of special significance that are not GSS, at least 25 percent of the amount of the Federal share, or at least 10 percent of the Federal share in States that offer a State tax credit for a qualified conservation contribution on agricultural land
  - For enrollment on lands that has also received a GSS waiver, at least 8.33 percent of the amount of the Federal share, or at least 3.33 percent of the Federal share in States that offer a State tax credit for a qualified conservation contribution on agricultural land.
- (vi) The application is a project of special significance and the parcel meets one or more of the following criteria.
- Listed on the National Register of Historic Places or is a traditional cultural property
  - Located within a micropolitan statistical area and 50 percent of the adjacent land is agricultural land
  - Located within a metropolitan statistical area
  - An education or demonstration farm or ranch focused on agricultural production and natural resource conservation
  - A farm or ranch operated for the purpose of increasing participation in agriculture and natural resource conservation by underserved communities, veterans, beginning farmers or ranchers, or disabled farmers or ranchers
  - The subject of a conservation buyer transaction where a member of underserved community, veteran, beginning farmer or rancher, or a disabled farmer or rancher has a valid purchase and sale agreement to acquire the property subject to an agricultural land easement
  - Officially designated as having been in the same family ownership for over 100 years
  - Meets the definition of grasslands of special environmental significance
- (2) The request for a waiver must be submitted on an individual parcel basis and the following documentation must be provided to the NRCS State Conservationist by the entity:
- (i) A written request for a waiver from the entity.
  - (ii) A signed letter from the landowner confirming that the increase in the landowner donation is voluntary.
  - (iii) Evidence that the land is in active agricultural production.
  - (iv) Evidence that the parcel meets the criteria for projects of special significance outlined in the “Eligible Entity Cash Contribution Requirement Waiver” worksheet (see Subpart U, “Exhibits”).
  - (v) For entities requesting a waiver to 10 percent of the Federal share, the entity must provide documentation of the State tax program that provides State tax credits for qualified conservation contributions on agricultural land.
- (3) Requests for a waiver of the eligible entity cash contribution requirement may be submitted at the time of application or once the cooperative agreement is in place.
- (i) As a condition of eligibility, the entity must be able to document that it has sufficient cash match available at the time of application. If an entity is relying on the approval of a waiver to meet its cash match requirement to be determined eligible, such waiver request must be submitted to NRCS by the entity at the time of application. All waiver requests and supporting documentation must be submitted, reviewed, and determinations made prior to obligating funds to the cooperative agreement for all applications tentatively selected as funded parcels. If waiver requests are incomplete, late, or denied on tentatively selected parcels at the time of fund obligation, the entity must have sufficient cash match to meet the standard entity cash contribution requirements to be eligible for enrollment.
  - (ii) An eligible entity may also request a waiver of the entity cash contribution requirement after a cooperative agreement has been entered into. Those waiver requests must be

submitted at least 90 days prior to the planned closing date. The waiver review and determinations must be made prior to the entity requesting payment. If waiver requests are late, incomplete, or denied, the entity must have sufficient cash match to acquire the easement.

- (4) When NRCS receives a complete request from an eligible entity to waive the cash contribution requirement prior to the required deadlines for a parcel that meets land and landowner eligibility requirements and ranks high enough to for potential funding, NRCS will review the request using the “Eligible Entity Cash Contribution Reduction Waiver Request” worksheet (see Subpart U, “Exhibits”). A first level reviewer designated by the State Conservationist will review the request and materials and complete the worksheet. The completed worksheet will be reviewed by a second-level reviewer before being provided to the State Conservationist for final review.
- (5) The authority to provide a waiver of the eligible entity cash contribution requirement is delegated to the State Conservationist and may not be further delegated. The State Conservationist must review the request, worksheet, and recommendations of the first and second level reviewers to ensure that the project is of special significance, that the requirements are met, the worksheet is complete, and that the waiver of the eligible entity cash contribution requirement is justified.
- (6) The State Conservationist must provide the eligible entity written notification of their decision, with appropriate appeal rights if the waiver is denied. A copy of any approved waiver requests must be retained in both the cooperative agreement and individual easement case file. A copy of the approved waiver must be attached to the confirmation of matching funds document submitted for each parcel at the time payment is requested. The waiver of the eligible entity cash contribution requirement is not transferrable and is only applicable to the parcel for which the waiver was approved.
- (7) State Conservationists are not required to review entity cash contribution waiver requests for applications that are ineligible or not selected for funding. Waiver requests are subject to the waiver requirements in place during the fiscal year the parcel is funded.
- (8) NHQ will conduct spot checks of the waiver decision packages by States. States will be required to submit completed waiver decision packages for parcels identified by NHQ.