

ACEP-ALE PREPAYMENT/CLOSING

NEST Agreement Number: _____

Federal Share of Parcel Purchase: _____

ALE Eligible Entity: _____

EASEMENT INTERNAL CONTROLS REVIEW CERTIFICATION CHECKLIST

Agricultural Conservation Easement Program (ACEP)

Agricultural Land Easements (ALE)

Agricultural Land Easements – Grasslands of Special Environmental Significance (ALE-GSS)

PREPAYMENT/PRECLOSING

NEST Agreement Number:		FY of Enrollment:	
NEST Parcel Number:	Attachment:	ACEP-ALE Type (<i>indicate one</i>): General ALE ALE-GSS ACEP-ALE Special Designations (<i>indicate all that apply</i>): Project of Special Significance Waiver Approved: Landscape Initiative Area: RCPP (attach RCPP IC coversheet Project Number:	
State:	Is this a Substitute Parcel:		
Total NRCS Contribution Amount for Parcel:			
NEST Eligible Entity:			
NEST Landowner:			

INSTRUCTIONS:

Use this checklist for all ALE easement transactions of any amount with noncertified entities only.

1. NRCS employees must complete first- and second-level reviews for each ALE easement closing (unless the entity/grantee is a certified entity and the parcel is on a grant agreement). The same NRCS employee may not complete both the first- and second-level review.
 - a. Document Checklist: mark each box after document review.
 - b. National Easement Staging Tool (NEST): first- and second-level reviewers enter applicable data and certify and electronically sign in NEST.
 - c. Checklist: first- and second-level reviewers (must be NRCS employee) certify and electronically sign Certifications page of the checklist.
2. Upload each required document on the Documents Checklist to NEST regardless of obligated amount.
3. If total obligated amount (NRCS contribution) 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.
4. 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 may not sign as the STC if they he or she also signed as first- or second-level reviewer.
5. Once all steps above are complete, State or ESS must submit payment package to the appropriate FPAC Business Center group.

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6. The final checklist and post-closing and payment documents (step 7) must be uploaded to NEST and all applicable data elements must be completed

STATE/ESS FIRST AND SECOND-LEVEL REVIEWERS (must be NRCS employees)			
STEP 1	1 st LEVEL REVIEW	2 nd LEVEL REVIEW	
			Complete and/or confirm completion of all items below and check the corresponding box prior to signing the checklist
			All items on the <u>Documents Checklist</u> are in the official file and are complete, accurate and signed as necessary.
			All data in NEST matches the data/information shown on the documents listed on the <u>Documents Checklist</u>
			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 the agreement with which the document is associated. NOTE: <ul style="list-style-type: none"> • 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. • 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
			Land Ownership: Verify all landowners listed on Title Commitment (e.g., schedule A of title commitment or binder) are accurate in NEST, on the NRCS-CPA-230 and on the approved ALE easement deed.
			Landowner Eligibility – All landowners* meet the following requirements: <ol style="list-style-type: none"> 1. In an AGI compliant status for fiscal year of enrollment (e.g. “Compliant – Producer,” “Compliant – Less than 3 years,” “Mismatch Verified,” “Exempt,” etc.). 2. AD-1026 is “Certified” for fiscal year of enrollment and payment 3. Conservation Compliance-Farm/Tract is “In Compliance” for fiscal year of enrollment and payment. <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>
			Land Eligibility: <ol style="list-style-type: none"> 1. The easement area is eligible based on 440-CPM-528-D-528.33 and 528.34; eligibility is documented in the file. 2. Any applicable waivers are approved and documented in the file (e.g. 50% prime soils, impervious surface, etc.) 3. Documentation used to make technical determination of land eligibility (soil

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		<p>maps, etc.) is uploaded to NEST and is labeled to indicate the land eligibility category it supports.</p> <p>4. Any applicable land eligibility waivers are project specific and approved by the STC or acting STC.</p>
		<p>Access: 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 (e.g., easement, etc.) is uploaded in NEST.</p> <p>NOTE: If alternative access is being used, all documentation required in section 528.62(B)(3)(iii) is uploaded to NEST.</p>
		<p>Boundary Change: If the footprint or acres of the proposed easement have changed since obligation, confirm and provide documentation that</p> <ul style="list-style-type: none"> • The changes are within scope of the original project • 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. • A new survey has been received to cover the entire boundary, if applicable • A new appraisal has been received to cover the entire boundary, if applicable
		<p>Easement Valuation:</p> <ol style="list-style-type: none"> 1. Verify easement value was correctly calculated and is supported by the calculation document, the appraisal, and the technical appraisal review. 2. Adjustments to the valuation to account for any applicable AGI reductions, or adjustments due to a survey completed after the appraisal have been made in accordance with policy. 3. The appraisal has not expired per section 527.47, the original appraisal and any supplement technical review is complete, and the national appraiser review is complete (if applicable). 4. The appraisal map matches the final easement boundary. NOTE: <u>If the final easement boundary is different than the map in the appraisal (with respect to acres or the footprint), a written approval from the national appraiser confirming that the original appraisal can be used for valuation of the revised boundary must be obtained.</u>
		<p>ALE-Agreement</p> <ol style="list-style-type: none"> 1. Obligating document is still valid and will not expire prior to closing/payment. 2. Agreement and attachment expiration dates are correct in NEST. 3. Closing will occur within closing deadline as established in agreement 4. Closing deadline is correct in NEST. 5. Any changes (extensions, landowner changes, contribution changes) have been documented with the appropriate mechanism. 6. All “holders” or “coholders” on the deed are parties to the ALE agreement.
		<p>Approvals</p> <ol style="list-style-type: none"> 1. Approved technical appraisal review. 2. National appraiser’s review if total easement amount is \$1 million or more. 3. Deed review as required by policy in 440-CPM-528-G-528.61 and as described in the <u>Documents Checklist</u>. 4. All applicable waivers are approved and documented in the file
		<p>DUNS/SAM: All eligible entities listed as grantees (holders and co-holders) on the</p>

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		<p>ement deed have a DUNS number and are “Active” in SAM.gov and will be “Active” at the time of payment</p>
		<p>Funds Commitment: Verify sufficient funds are committed in FMMI using the document chain report.</p>
		<p>NRCS Signature Authority: Ensure NRCS signatures on the executed obligating document are supported if someone other than STC signed.</p>
		<p>Complete and electronically sign the applicable section on <u>Certifications</u> page.</p>
		<p>Enter review date and electronically sign “Agreement” section of NEST.</p>

STEP 2	<p>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 STEP 3 – If no, skip to STEP 5. Payment Amount:</p>
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SUBMISSION FOR NATIONAL-LEVEL REVIEW BY STATE OFFICE/ESS	
STEP 3	<p><input type="checkbox"/> Enter Maintenance Request (MR) in NEST and select Prepayment/Preclosing Approval-Request from the “Reason” drop-down list.</p>

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

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		<p>corrected, the MR status is changed to “FOLLOW-UP NEEDED.” The checklist will be populated with identified issues and uploaded to “Documents” section of NEST. State or ESS must correct the issues identified on the checklist, then add a new comment to the same MR to change the status back to “REQUESTED.”</p> <p>REJECTED/INCOMPLETE: If issues are identified in the submitted package that are contrary to policy or not rectifiable, the MR status is changed to “REJECTED/INCOMPLETE” and national program managers will be notified. The checklist will be populated with identified issues and uploaded to “Documents” section of NEST.</p> <p><i>Note: To subsequently begin a new review after REJECTED/INCOMPLETE review, the State or ESS must enter a new MR, upload a new checklist, and upload any corrected and missing documents to the “Documents” section of NEST.</i></p>
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STEP 5	<p>OBTAIN STATE CONSERVATIONIST ELECTRONIC SIGNATURE ON CERTIFICATION PAGE.</p> <p><i>(Signature Authority: State must ensure STC or properly delegated acting STC signs checklist following current program policy. Delegation must be uploaded to NEST documents page.)</i></p>
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STEP 6	<p>SUBMIT PAYMENT REQUEST PER APPLICABLE FPAC BUSINESS CENTER CUSTOMER GUIDE</p>
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POSTCLOSING AND PAYMENT BY STATE/ESS	
STEP 7	<p>Load documents into NEST after easement closing</p> <p>After easement closing/payment, upload the following to the “Documents” section of NEST for ALL closed conservation easements <u>regardless of payment amount or if the eligible entity is Certified:</u></p> <ul style="list-style-type: none"> • Executed and recorded easement deed with all exhibits • Final title insurance policy • Subsidiary reports for all landowners and required members of landowner-entities, printed within 30 days prior to payment • Signed confirmation of matching funds • Signed Baseline Report • Signed ALE Plan • Closing statement or HUD-1 • Fully executed IC checklist

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

NOTES/FINDINGS:

Empty box for notes and 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. The national-level review is a limited review of a subset of the documents listed. Reviewers may need to request additional documentation to clarify any matters that arise during the review of the documents. State and ESS reviewers must ensure the content and correctness of all documents, that the most current form versions are utilized, and all forms are completed, signed and dated correctly. States and ESS must also verify that all data is entered in NEST correctly.

DO NOT DUPLICATE DOCUMENTS ALREADY UPLOADED TO NEST FROM THE PREOBLIGATION REVIEW UNLESS CHANGES WERE MADE TO THE DOCUMENT. DO NOT REPLACE OR OVERWRITE DOCUMENTS THAT WERE UPLOADED FOR PREOBLIGATION REVIEWS.

1 st LEVEL REVIEW	2 nd LEVEL REVIEW	DOCUMENTS	DESCRIPTION
		1. All documents listed in Step 7 of the ALE Agreement Preobligation Checklist	<ul style="list-style-type: none"> Fully executed ALE-agreement with all amendments, attachments and exhibits. Delegation of authority or template DOA letter Subsidiary prints dated within 30 days prior to obligation Updated SAM registration information for all holding and co-holding entities, as applicable FMMI Funds obligation screen print Fully executed IC checklist
		2. All documents listed on the documents lists from the IC Preobligation Agreement and Parcel Checklist	If not previously uploaded, upload to NEST all of the documents listed on the ACEP-ALE preobligation agreement and parcel checklists (and substitute parcel checklist, if applicable).
		3. Executed ALE-Agreement and Modifications/ Amendments	Executed ALE-agreement with attachment listing parcels, SOW and fully signed NRCS-ADS-093. Include any extensions, amendments, memorandum. Ensure agreements and extensions have not expired and dates are correct in NEST and all amendments are entered in the NEST Agreement Modification page.

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			<p>4. Documents for preacquisition change in landowners (if applicable):</p>	<p>If the landowners of the parcel have changed since obligation due to transfer or sale of parcel prior to closing or corrections to landowner identified on the ALE agreement – upload the following documents</p> <ul style="list-style-type: none"> • Memorandum to ALE agreement as required in section 528.51D(1) • New CPA-41A for the new landowner as referenced in section 528.51D(1)(ii) • New written pending offer to the new landowner
			<p>5. Landowner Entity Documents (applicable for all landowners that are not individuals)</p>	<ul style="list-style-type: none"> • Current CCC-901 or CCC-902 • FSA business file screen print <p>NOTE: If the members of the landowner entity have changed since obligation, upload a revised CCC-901/902 and FSA Business file screen print as required in section 528.51D.</p>
			<p>6. Subsidiary Prints for Required Fiscal Year and Fiscal Year of Payment</p>	<p>All landowners* listed on schedule A of the title commitment** are</p> <ol style="list-style-type: none"> 1. In an AGI compliant status (e.g. “Compliant – Producer,” “Compliant – Less than 3 years,” “Mismatch Verified,” “Exempt,” etc.) for fiscal year of enrollment/selection for funding (or the fiscal year of the memorandum to the ALE agreement if there is a correction made pursuant to section 528.51D) <p>NOTE: <i>If a spouse is listed on the ALE easement deed but is not listed on the proof of ownership document, landowner eligibility is not required.</i></p> <ol style="list-style-type: none"> 2. AD-1026 “Certified” 3. Conservation Compliance-Farm/Tract – “In Compliance” for fiscal year of enrollment/selection for funding or year of 528.51D memorandum <u>and</u> fiscal year of payment. <p>*If landowner is an entity, all members documented on the current CCC-901/902 or FSA Business file must have subsidiary print documenting their eligibility as required by Eligibility Matrix ** If proof of ownership is an executed purchase agreement then the landowner is the buyer named in the purchase agreement and the seller named in the purchase agreement may still be named as owner on schedule A of the title commitment.</p>
			<p>7. Title Commitment</p>	<p>Upload title commitment showing the following (<i>do not include records of encumbrances; they will be requested as needed</i>)</p> <ul style="list-style-type: none"> • Landowners on schedule A** match landowners in NEST, ALE agreement, and draft ALE deed • Encumbrances on schedule B* match those listed on the LTP-23 match schedule B of the title commitment • Description of land insured by title commitment must cover the final legal description • Insured access* (except for STC-approved alternative

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			<p>access)</p> <p>*Documentation required for curing any schedule B requirements or exceptions related to ownership or access must be uploaded to NEST.</p> <p>** If proof of ownership is an executed purchase agreement then the landowner is the buyer named in the purchase agreement and the seller named in the purchase agreement may still be named as owner on schedule A of the title commitment.</p>
		8. Legal Boundary Survey or Legal Property Description	If a boundary survey is being used, it must be uploaded to NEST. If no legal boundary survey was used, ensure that the final legal description of the easement is uploaded to NEST as an exhibit to the draft ALE deed.
		9. Approved Waivers	Any approved policy waivers associated with the parcel or agreement. (e.g., impervious surface, eligible entity cash contribution waiver, etc.)
		10. Environmental Records Database Search	Environmental Records Database search that covers the entire easement area conducted no later than 120 days after obligation or together with policy waiver allowing later search.
		<p>11. Updated land eligibility summary and map</p> <p><i>Upload if not included with uploaded preobligation IC documents or if there have been changes since obligation.</i></p>	<p>Land eligibility documentation must show the following:</p> <ul style="list-style-type: none"> • Final easement boundary • Total easement acres • Land eligibility type for all acres on a map as described in 440-CPM-528.42-E-528A(3)(iv) that shows the acres and location of prime soils, grazing lands, grasslands of special significance, etc. • Documentation used to make the State’s technical determination as to each land eligibility category for the entire offered easement area (such as, soils maps, narrative description of how the protection will further a State or local policy, etc.) • Documentation matches NRCS-CPA-41 and NEST land eligibility <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>
		<p>12. Proof of Recordable Access or Existing Access</p> <p><i>Upload if not included with uploaded preobligation IC documents or if there have been changes since obligation.</i></p>	<p>Proof of sufficient physical and legal access to entire easement area.</p> <ul style="list-style-type: none"> • If access is via a public road, the location and name of the road must be shown on a map of the easement area. • If access is not via a public road the following must be provided: <ul style="list-style-type: none"> ○ Map showing access route between public road and easement area and ownership of lands underlying non-public access routes ○ Documentation confirming access rights along non public access route (i.e. recorded easement or

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			<p>written agreement with adjacent landowner to provide such access rights prior to closing.</p> <ul style="list-style-type: none"> • If access is across an existing NRCS easement, provide written confirmation that access is physically feasible and will not negatively impact the purposes of the existing easement. <p>If access is across other Federal lands, provide map depicting access and documentation showing the State conservationist determination (including physical sufficiency) selecting one of the alternative legal access options (with a copy of all documentation) described in 440-CPM-528-G-528.62.</p>
		<p>13. Updated Environmental Due Diligence</p> <p><i>Upload if not included with uploaded preobligation IC documents or if there have been changes to the footprint since obligation.</i></p>	<ul style="list-style-type: none"> • Hazardous Materials Field Inspection Checklist completed on the most current version of the form - that covers the entire easement area and is signed by an NRCS employee • Hazardous Materials Landowner Interview completed on the most current version of the form that covers the entire easement area and is signed by the landowner and a NRCS employee • Landowner Disclosure Worksheet (completed on the most current version of the form) that covers the entire easement area and is signed by the landowner and an NRCS employee
		<p>14. Appraisal and Supporting Documentation</p>	<p>Upload the following:</p> <ul style="list-style-type: none"> • Full appraisal document • Approved technical appraisal review • National appraiser review, if applicable <p>If the appraisal map does not match the footprint or acres of the final easement boundary – upload the following additional documents:</p> <ul style="list-style-type: none"> • If the easement footprint significantly changed or surveyed acres changed more than 10% from the original appraisal acres estimate <u>or</u> the administrative adjustment to easement compensation is > \$50,000, upload a new appraisal, tech appraisal review and national appraiser review (if applicable) as required in section 527.47G • If the acres have changed less than 10% and the administrative adjustment to compensation is \$50,000 or less and any 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 section 527.47G and national appraiser insignificance determination on footprint changes • 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 may be used for the modified easement footprint <p>If the appraisal has expired, upload new appraisal, technical appraisal review and national appraiser review</p>

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		15. Confirmation of Matching Funds	Complete and fully signed NRCS-CPA-230 “Confirmation of Matching Funds” with values matching those shown on the NEST “Parcel Actual Cost” page, valuation documentation, and draft ALE deed (if stated).
		16. NRCS Signature Authority	If someone other than the STC has signed any agreements, extensions, or modifications, the State must upload the delegation of authority document (including acting STC designation if signed by an acting STC). <i>NOTE: The State must ensure that the STC or properly delegated ASTC signs deed following current program policy.</i>
		17. 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
		18. Preliminary Certificate of Inspection and Possession	NRCS-LTP-27 – completed and signed by an NRCS employee documenting site visit prior to closing.
		19. Approved Draft Easement Deed and All Exhibits (unexecuted)	Provide unsigned conservation easement deed and all exhibits as approved by State or national realty specialist as required by policy. <ol style="list-style-type: none"> 1. For State approved deeds: upload documentation of State review and approval that minimum deed terms have been attached. 2. For State or national approved template deeds: upload EPD director approval letter of the template, amendment adding template to ALE agreement unless attached at obligation, documentation of State review and approval that final ALE deed is the same as the EPD-approved template, and a copy of the approved template as provided by EPD. 3. For national approved deeds: upload DRT screen print of national-level realty specialist approval; if contingent approval, upload copy of the reviewed deed and contingent requirements as well as a copy of the final deed with all changes accepted.
		20. Baseline Documentation Report	Baseline documentation report as provided by the ALE partner entity.
		21. ALE Plan & Environmental Evaluation, if applicable.	Plan must include information specific to the type of land enrolled. If NRCS developed the ALE plan, upload to NEST the NRCS-CPA-52, signed by responsible Federal official, with documentation of designated RFO.
		22. Closing Agent Requirements (<i>only required if advance payment is being made</i>)	Completed closing agent requirements signed by closing agent, with eligible entity concurrence.
		23. Documentation of written communication of NRCS title instructions (<i>only required if advance payment is being made</i>)	Evidence that NRCS title instructions were conveyed in writing to the ALE partner entity.

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CERTIFICATIONS

By signing the appropriate reviewer section below, you are certifying that you have completed a thorough review of the documentation.

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

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

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

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

REQUEST FOR EXPEDITED REVIEW

Basis for request:

State Conservationist:

STC Signature:		Date of request:	
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Regional Conservationist:

RC Signature:		APPROVED	DENIED
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National-Level cursory Review (Required only when amount meets or exceeds the threshold or selected at random.)

Name:		Title:	
Phone Number:		Date Review Started:	
INCOMPLETE	FOLLOW UP NEEDED	COMPLETED	
Signature:			

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

Name:		Title:	
Phone Number:		Date Review Started:	
INCOMPLETE	FOLLOW UP 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 ALE prepayment/closing 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:	