

WRE Preobligation Checklist

NEST Number: _____

Decision Maker: _____

Total NRCS Agreement Amount: _____

EASEMENT INTERNAL CONTROLS REVIEW CERTIFICATION CHECKLIST
 Agricultural Conservation Easement Program (ACEP) – Wetland Reserve Easement (WRE)
PREOBLIGATION

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

INSTRUCTIONS:

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

1. 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.
 - 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 certify and electronically sign Certifications page of the Checklist.
2. Upload each required document on the Documents Checklist to NEST regardless of obligation amount.
3. 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, as amended 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 obligating document, 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.
5. Once all steps above are complete, state must submit obligation package to the appropriate FPAC Business Center group.
6. The final checklist and post-obligation documents (Step 8) 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 st LEVEL REVIEWER	2 nd LEVEL REVIEWER	<p style="text-align: center;">Complete and/or confirm completion of all items below and check the corresponding box prior to signing the checklist</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"/>		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 Application the document is associated. NOTE: 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.
	<input type="checkbox"/>	<input type="checkbox"/>		Land Ownership: Verify all landowners listed on preliminary title search (e.g., Schedule A of commitment or binder) and proof of ownership documents are accurate in NEST and draft obligating document (APCE or AECLU).
	<input type="checkbox"/>	<input type="checkbox"/>		Landowner Eligibility – All landowners* are: <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 3. Conservation Compliance-Farm/Tract is “In Compliance” for fiscal year of enrollment. <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"/>		Land Eligibility: <ol style="list-style-type: none"> 1. Easement area is eligible based on 440 CPM 528.105 and 528.106. 2. Uploaded documentation specifies the land eligibility category (528.105(C)-(I) for all acres being enrolled. 3. 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. 4. Any applicable land eligibility waivers are project specific and approved by the STC or acting STC.

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<input type="checkbox"/>	<input type="checkbox"/>	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 (i.e. easement, etc.) is uploaded in NEST.
<input type="checkbox"/>	<input type="checkbox"/>	Restoration Funds: “Supplement to APCE/AECLU for Preliminary Obligation of Restoration Funds” is complete but not executed by an Authorized NRCS Official. Verify landowner names, estimated restoration cost matches the preliminary WRPO and the duration matches that selected on the Agreement.
<input type="checkbox"/>	<input type="checkbox"/>	Easement Valuation: 1. Easement value was properly calculated based on the appropriate valuation method for year of obligation and number of estimated acres. 2. Easement value is accurately stated on draft obligating document.
<input type="checkbox"/>	<input type="checkbox"/>	Funds Reservation: Verify sufficient funds are reserved in FMMI for the enrollment cost and related Funds Reservation information is complete and accurate in NEST.
<input type="checkbox"/>	<input type="checkbox"/>	Signature Authority: Verify signature authority for NRCS and landowners (if applicable) are correctly documented.
<input type="checkbox"/>	<input type="checkbox"/>	Waivers: All applicable waivers are approved and documented in the file (e.g., length of ownership, policy, 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 “Application” section of NEST.

STEP 2	<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 STEP 3 – If No , skip to STEP 5 . Agreement amount:
	<input type="checkbox"/> No	

SUBMISSION FOR NATIONAL-LEVEL REVIEW BY STATE/ESS

STEP 3	<input type="checkbox"/>	Enter Maintenance Request (MR) in NEST and select Preobligation Approval-Request from the “Reason” drop-down list.
	<input type="checkbox"/>	

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NATIONAL-LEVEL REVIEW	
Action	Description
STEP 4	<p>Cursory Review</p> <p>Confirm:</p> <ol style="list-style-type: none"> 1. Items on the <u>Documents Checklist</u> are present in NEST and signed as necessary 2. Uploaded checklist includes all required signatures. 3. First- and second-level review-related data are entered on “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/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/ESS must enter a new MR, upload a new checklist and address all identified issues to initiate a new review.</i></p>
	<p>Assignment</p> <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>
	<p>In-Depth National Level Review (up to 30 days)</p> <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/ESS will continue to STEP 5.</p> <p>FOLLOW-UP NEEDED: If minor issues are identified that can be readily 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/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, 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></p>
STEP 5	STATE/ESS OBTAIN LANDOWNER SIGNATURES ON AGREEMENT

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STEP 6	<p style="text-align: center;">OBTAIN STATE CONSERVATIONIST SIGNATURE ON CERTIFICATION PAGE AND PROCEED WITH EXECUTING AGREEMENT.</p> <p style="text-align: center;"><i>(Signature Authority: State must ensure STC or properly delegated Acting STC signs checklist and agreement following current program policy. Delegation must be uploaded to NEST.)</i></p>
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STEP 7	<p style="text-align: center;">SUBMIT OBLIGATION REQUEST FOLLOWING APPLICABLE FPAC BUSINESS CENTER CUSTOMER GUIDE.</p>
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POSTEXECUTION OF AGREEMENT BY STATE/ESS	
STEP 8	<p>After APCE or 30-year contract agreement is properly executed and funds are obligated, upload the following documents to the “Documents” section of NEST for <u>ALL</u> conservation easement applications <u>regardless of agreement amount</u>:</p> <ul style="list-style-type: none">• Fully executed agreement and all supplements• Subsidiary print dated within 30 days prior to obligation request for all landowners• FMMI funds commitment screen print• Fully executed IC checklist

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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:

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. 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.

1 st LEVEL REVIEW	2 nd LEVEL REVIEW	DOCUMENTS	DESCRIPTION
<input type="checkbox"/>	<input type="checkbox"/>	1. NRCS-CPA-1200, "Conservation Program Application"	Current application form completed, signed and dated by current landowner.
<input type="checkbox"/>	<input type="checkbox"/>	2(a). Proof of Ownership	Current recorded property deed or current evidence of ownership that covers all offered land and demonstrates length of ownership, including breakdown of ownership shares, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	2(b). Proof of Ownership	Supporting documentation confirming the legal description in the proof of ownership matches the offered easement area (e.g., county tax maps plat book, or easement maps with township, range and sections, or other unique locators matching ownership documentation legal descriptions).
<input type="checkbox"/>	<input type="checkbox"/>	3. Preliminary Title Search	Preliminary title search (e.g., title commitment or binder).
<input type="checkbox"/>	<input type="checkbox"/>	4. Proof of Recordable Access or Existing Access	<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 (or if the title commitment includes an exception for lack of access), the following must be provided: <ul style="list-style-type: none"> ○ Map showing (i) access route between public road and easement area and (ii) ownership of lands underlying non-public access routes ○ Documentation confirming access rights along non-public access route (i.e. recorded easement or written agreement with adjacent landowner to provide such access rights prior to closing). • If access is across an existing NRCS easement, provide written confirmation that access is (i) physically feasible and (ii) will not negatively impact the purposes of the existing easement.

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1 st LEVEL REVIEW	2 nd LEVEL REVIEW	DOCUMENTS	DESCRIPTION
<input type="checkbox"/>	<input type="checkbox"/>	5. Subsidiary Prints for current fiscal year	<p>Subsidiary prints for all landowners listed on the proof of ownership document or preliminary title search (<i>note: landowner eligibility is not required for a non-record spouse, e.g. listed on title commitment only to convey spousal rights</i>).</p> <p>All landowners must have AGI and HEL/WC compliance* for the year of enrollment showing the following status:</p> <ul style="list-style-type: none"> • AGI Status – “Compliant - Producer,” “Compliant – Less than 3 years,” “Exempt,” or “Mismatch Verified” • Conservation Compliance-Farm/Tract – “In Compliance” • AD-1026 status “Certified” <p>Confirm eligibility is correct in NEST.</p> <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 eligibility matrix.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	6. Landowner Entity Documents	<p>Current CCC-901 or CCC-902.</p> <p>and</p> <p>FSA business file screen print.</p>
<input type="checkbox"/>	<input type="checkbox"/>	7. Signature Authority	<p><u>Individual Landowners</u>: Power of attorney, court orders of appointment or other legal documents (if applicable).</p> <p><u>Entity Landowners</u>: Document which states the name of the individual who has the authority to sign on behalf of the entity Ex: Articles of incorporation and bylaws, corporate charters, trust agreements, partnership agreement, probated last will and testament.</p> <p><u>NRCS</u> – NRCS documentation of acting STC if an acting STC signed documentation that can’t be delegated below the STC level or if an individual other than the STC will sign the APCE or 30-year contract.</p>
<input type="checkbox"/>	<input type="checkbox"/>	8. Environmental Records Database Search	Environmental Records Database search which covers the entire offered easement area.

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1 st LEVEL REVIEW	2 nd LEVEL REVIEW	DOCUMENTS	DESCRIPTION
<input type="checkbox"/>	<input type="checkbox"/>	9. Landowner Disclosure Worksheet	Landowner Disclosure Worksheet – completed on the most current version of the form - which covers the entire offered easement area and signed by the landowner and an NRCS employee.
<input type="checkbox"/>	<input type="checkbox"/>	10. Hazardous Materials Field Inspection Checklist and Landowner Interview	“Hazardous Materials Field Inspection Checklist” and “Hazardous Materials Landowner Interview” completed on the most current version of the forms - which covers the entire offered easement area and signed by an NRCS employee, and landowner(s), as applicable.
<input type="checkbox"/>	<input type="checkbox"/>	11. Land eligibility summary and map	<p>Land eligibility documentation must show the following:</p> <ul style="list-style-type: none"> • Proposed easement boundary • Total proposed easement acres • Land eligibility type for all acres using the categories listed in 440 CPM Section 528.105(C) – (I), including adjacent lands • Documentation used to make the state’s technical determination as to each land eligibility category for the entire offered easement area (such as, hydric soils maps, wetland maps, etc. and basis for inclusion of “Other Eligible Land”) • 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. <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"/>	12. Environmental Evaluation	National Environmental Policy Act documentation – Form NRCS-CPA-52 “Environmental Evaluation Worksheet” for all proposed easement acres, and executed by the responsible federal official, with documentation of designated RFO.
<input type="checkbox"/>	<input type="checkbox"/>	13. Ranking	Signed and dated ranking showing that the proposed enrollment ranked high enough for funding in the current fiscal year.

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<input type="checkbox"/>	<input type="checkbox"/>	14. Waivers	All waivers approved by the State Conservationist, EPD or the Chief related to the easement enrollment, including, but not limited to: AGI waivers, ownership waivers, 1:1 land eligibility waivers or general policy waivers.
<input type="checkbox"/>	<input type="checkbox"/>	15. WRE Compensation Packet	Complete ACEP-WRE Easement Compensation proposal packet, as referenced in NI 300-303, signed and approved by NHQ for the current fiscal year.
<input type="checkbox"/>	<input type="checkbox"/>	15. Appraisal or Easement Value Map and Supporting Documentation	<p>If easement is valued using an appraisal – upload the following:</p> <ul style="list-style-type: none"> • Full appraisal document • Approved technical appraisal review • National Appraiser review, if applicable <p>If easement is valued using an Areawide Market Analysis (AWMA) – upload the following:</p> <ul style="list-style-type: none"> • Easement map with land use types • Supporting documentation for land use values • Easement value calculation <p>If a landowner offer was made, it must be uploaded regardless of whether it is being used to determine easement compensation.</p> <p>NOTE: If you are using an AWMA/GARC for valuation and have used a “cropland” land type to value land currently or formerly under a CRP contract, you must include written confirmation from the National Appraiser that the cropland rate can be used unless your AWMA specifically classifies CRP as “cropland.”</p>
<input type="checkbox"/>	<input type="checkbox"/>	17. Draft Obligor Document	<p>Current draft agreement with all applicable exhibits.</p> <p>Verify the agreement includes the correct landowner names, acreage and purchase amount.</p>
<input type="checkbox"/>	<input type="checkbox"/>	18. Supplement to the APCE or 30-Year Contract for Preliminary Obligation of Restoration Funds	Complete but not yet executed by the Authorized NRCS Official.
<input type="checkbox"/>	<input type="checkbox"/>	19. Preliminary WRPO	Preliminary WRPO, with plan map, that supports the funds being obligated under the Supplement to the APCE.
<input type="checkbox"/>	<input type="checkbox"/>	20. Proof of presence of Toolkit/Conservation Desktop plan map	Screenshot or print out of work performed in Toolkit/Conservation Desktop.
<input type="checkbox"/>	<input type="checkbox"/>	21. FMMI Funds Reservation Report	<p>Report or screen print showing the following:</p> <ul style="list-style-type: none"> • Landowner names (showing ownership %)

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			<ul style="list-style-type: none"> • NEST number • Funds availability
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CERTIFICATIONS

First-Level Review (Required for all obligation 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 obligation 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:			

National-Level Cursory Review (Required only when the obligation 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 obligation 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 below prior to completion of first- and second-level reviews or prior to national-level review signatures, if applicable.

State Conservationist Certification (Required for all obligation packages)

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