

**EWPP-FPE PREOBLIGATION**

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

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

Total NRCS Agreement Amount: \_\_\_\_\_

**EASEMENT INTERNAL CONTROLS REVIEW CERTIFICATION CHECKLIST**  
 Emergency Watershed Protection Program – Floodplain Easement (EWPP-FPE)  
**PREOBLIGATION**

<b>NEST Number:</b>		<b>FY:</b>		<b>State:</b>	
<b>Decision Maker:</b>					
<b>Total NRCS Agreement Amount:</b>					
<b>Enrollment Type:</b>					
<b>Disaster/Event:</b>		<b>Are Residential Structures Present?</b>		<b>Yes</b>	<b>No</b>

**INSTRUCTIONS:**

Use this checklist for all applications of any amount.

1. Complete State first- and second-level reviews of each required document:
  - a. Document Checklist: mark each box after document review.
  - b. National Easements Staging Tool (NEST): First- and second-level reviewers certify and electronically sign in NEST.
  - c. Checklist: First and second level reviewers certify and electronically sign certifications page below.
2. If total obligation amount is equal to or greater than \$250,000 or State-specific threshold set by National Headquarters (NHQ) through a written determination, or is selected for review by the National Internal Controls (IC) Review Team, then a national-level review is required. Follow the national-level review protocol (NI 300-300, as amended) for instructions on how to submit package for national-level review.
  - a. Upload each required document on the “Documents Checklist” to NEST.
  - b. Submit NEST Maintenance Request (MR) to initiate request for review.
3. After national-level review approval, and prior to executing the obligating document, State Conservationist must certify and electronically sign the “Certifications” page below.

**REVIEWS**

**STATE FIRST-LEVEL REVIEWER**

	Action	Description
<b>STEP 1</b>	A. Complete “Documents Checklist”	Items in “Documents Checklist” are located in the official file as required and complete, accurate, and signed as necessary.
	B. Compare Documents to NEST	Review the documents in “Documents Checklist” and compare the information to NEST to ensure all data matches.
	C. Complete Appropriate Certification Box on Last Page	
	D. Enter Review Date in NEST	First-level reviewer must enter the date the review was completed and electronically sign in NEST.

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<b>STATE SECOND-LEVEL REVIEWER</b>					
<b>STEP 2</b>	YES	NO	N/A	Action	Description
				A. Landownership Verification	Landowners as listed on Schedule A of the title commitment or proof of ownership documents are accurate in: NEST FMMI Draft agreement to purchase
				B. Easement Value Verification	Easement value is correct on draft agreement. Funds have been reserved in FMMI Easement value matches on the agreement, in NEST, and in FMMI
				C. Signature Authority Verification	Landowner and NRCS signature authorities are documented (if applicable).
				D. Land Ownership Verification	Land eligibility is met per 514.2B and adequately documented in the file. There is sufficient access to the easement per program guidelines.
				E. DUNS/SAM	If the landowner is an entity that uses an EIN, confirm their DUNS number and that their SAM registration is "Active."
				F. Complete Certification Box on Last Page	Second-level reviewer must sign.
				G. Enter Review Date in NEST	Second-level reviewer must enter the date the review was completed and e-sign the "Application" page in NEST.

Yes No	<b>DOES THIS TRANSACTION MEET OR EXCEED THE \$250,000 THRESHOLD, OR STATE SPECIFIC THRESHOLD AS DETERMINED BY NHQ, FOR NATIONAL-LEVEL REVIEW?</b>
Yes No	<b>HAS THIS TRANSACTION BEEN SELECTED FOR REVIEW BY NHQ?</b>
<b>IF NO TO BOTH, SKIP TO STEP 6. IF YES TO EITHER, CONTINUE TO STEP 3.</b>	

<b>SUBMISSION FOR NATIONAL-LEVEL REVIEW</b>			
<b>STEP 3</b>		A. Load the Checklist Documents into NEST	State office loads all of the documents listed in the "Documents Checklist" into "Documents" section of NEST. Upload the preobligation checklist with State first and second-level signatures. Load documents separately as indicated by the drop down options in the "Documents" section of NEST to the MR status.
		B. Enter Maintenance Request	Enter maintenance request (MR) in NEST and select "Preobligation Approval Request" from the "Reason" drop-down list.

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<b>NATIONAL-LEVEL CURSORY REVIEW</b>		
<b>Action</b>	<b>Description</b>	
<b>STEP 4</b>	A. Verify Checklist	Items in “Documents Checklist” are present in NEST, complete, accurate, and signed as necessary. First- and second-level reviews are entered in NEST.
	B. National Review – Cursory Review of Uploaded Documents	<p><b>ASSIGNED:</b> If package is complete, MR status is changed to “Assigned” and a comment is added to the “Administrative Comments” section of the MR status indicating the cursory review found the package to be complete. The review is assigned to an in-depth national-level reviewer.</p> <p><b>FOLLOW-UP NEEDED:</b> If minimal missing documents are identified, the MR Status may be changed to “Follow-up needed,” and the checklist will be populated with identified issues. States will need to correct identified issues and upload corrected documents to the “Documents” page, if applicable. State uploaded missing/corrective documents: _____ Date cursory review resumed: _____</p> <p><b>REJECTED:</b> If several documents are missing or incomplete, the package is “Rejected.” The review checklist is loaded to the “Documents” page in NEST. States will need to enter a new MR and upload corrected documents to the “Documents” page in NEST.</p>

<b>NATIONAL INDEPTH REVIEW</b>	
<b>Action</b>	<b>Description</b>
<b>STEP 5</b>	<p>National Review – INDEPTH (Up to 30 DAYS)</p> <p>Once the national cursory review is approved, the national-level reviewer will initiate the in-depth review.</p> <p><b>APPROVED:</b> If preobligation package is approved, MR status is changed to “Completed.” The review checklist is added to the “Documents” page in NEST.</p> <p><b>FOLLOWUP NEEDED:</b> 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. States must correct identified issues and upload corrected document to the “Documents” page, if applicable. State uploaded missing/corrective documents: _____ Date in-depth review resumed: _____</p> <p><b>REJECTED:</b> If issues are identified in the submitted package, that are contrary to policy or are not rectifiable, the MR status is changed to “Rejected.” Comments are added to the MR Status identifying the issues and the checklist is loaded to the “Documents” page in NEST.</p>

<b>STEP 6</b>	<p><b>OBTAIN STATE CONSERVATIONIST CERTIFICATION ON THE LAST PAGE OF THIS CHECKLIST</b></p>
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<b>POST EXECUTION OF AGREEMENT</b>		
<b>STEP 8</b>	Load the “Documents” into NEST post obligation	Post obligation, State office loads the following documents into the “Documents” page in NEST for all conservation easement applications regardless of threshold: Executed LTP-80, “Agreement for Purchase of Conservation Easement” Supporting documentation Completed, signed checklist

<b>AGREEMENT DOCUMENTS CHECKLIST</b>			
State First Level	NHQ Cursory	N/A	
DOCUMENTS		DESCRIPTION	
<p><i>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 control reviews. However, reviewers may need to request additional documentation to clarify any matters which may arise during the review of the documents.</i></p>			
			1. AD-1153, “Application for Long Term Contract” (or other acceptable forms)
			Ensure form is completed, and signed
			2. Proof of Ownership
			<p>Proof of ownership documentation that covers all offered land AND 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).</p>
			3. Title Commitment
			<p>Preliminary title commitment (or equivalent). <i>NOTE: Title evaluation for eligibility is the State's responsibility in consultation with OGC. NHQ IC reviewers will not be confirming the title eligibility determination. However, if IC reviewers have questions about particular encumbrances they may follow up with state staff for clarification.</i></p>
			4. Proof of recordable access or existing access
			<p>Sufficient physical and legal access to entire easement area. Access map must identify: Location of the offered easement; Location and name of the public road from which access is obtained, and; If applicable, location of any access route between the public road and the easement showing all underlying ownership of lands crossed and documentation confirming access rights across any adjoining landowners (e.g. executed right of way or executed agreement for granting right of way after survey) <i>NOTE: IC review of access is an administrative review to ensure that documentation exists; state is responsible for ensuring access meets program policy; the project will <b>not close</b> without legal recordable access.</i></p>

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			<p><i>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 control reviews. However, reviewers may need to request additional documentation to clarify any matters which may arise during the review of the documents.</i></p>	
			<p>5. Landowner and Entity Documents</p>	<p>Certificate or proof of good standing for applicable entities (e.g., LLC, LLP, corporations, partnerships, etc.) Signature authority for landowner entities or individual landowners as necessary (e.g., articles of incorporation, bylaws, operating agreement, power of attorney, corporate resolution, etc.)</p>
			<p>6. Project Sponsor on Lands with Residences or Other Structures</p>	<p>Partnership agreement between project sponsor and NRCS per 514.33B(3).</p>
			<p>7. Land Eligibility Maps and Supporting Documentation</p>	<p>Land eligibility supporting documents must include:                      Aerial plan map                      Easement boundary                      Total acres                      Access route to easement                      Ingress/egress to all parcels                      Proof of damage from identified disaster                      All land eligibility components (e.g., damage maps, flood zone maps, adjacent land, other land uses within the easement, etc.)                      Preliminary certificate of inspection and possession                      "Hazardous Substance Examination" checklist</p> <p><i>NOTE: Technical determinations are the State's responsibility. NHQ IC reviewers will not be reassessing or confirming the land eligibility determination. However, if insufficient documentation is provided or if IC reviewers have questions about particular documents, they may follow up with State staff for clarification.</i></p>

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				<p><i>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 control reviews. However, reviewers may need to request additional documentation to clarify any matters which may arise during the review of the documents.</i></p>
			<p>8. Easement Compensation Determination and Supporting Documents</p>	<p>Select basis for final easement value and provide the appropriate documents:</p> <p><u>Nonagricultural Lands With Residences or Other Structures.</u> Easement compensation should be lowest of USPAP appraisal amount reduced by insurance and other disaster relief if to be demolished, or reduced by value of dwelling and structures if to be relocated or landowner offer. USPAP Appraisal. —If an appraisal is used to determine FMV, provide summary section of appraisal, map of offered boundaries from final approved appraisal, the approved technical appraisal review. Where structures are to be demolished documentation of reduction to appraised value for insurance claims or other disaster relief or documentation verifying that proceeds were used for intended purpose on property. Where structures are to be relocated documentation of reduction to appraised value for such structures. Written and signed landowner offer documentation.</p> <p><u>Agricultural Lands and Other Lands Without Residences or Other Structures.</u> Easement compensation should be the lowest of the fair market value (FMV) by (1) USPAP appraisal or areawide market analysis, (2) GARC, or (3) offer by the landowner: FMV USPAP Appraisal. —If an appraisal is used to determine FMV, <b>provide summary section of appraisal</b>, map of offered boundaries from final approved appraisal and the approved technical appraisal review. Areawide Market Analysis (AWMA). —If an AWMA is used to determine FMV, provide maps or documentation that indicates land use. GARC Documentation must show how the easement value is calculated from the FMV. Maps or documentation must demonstrate which GARC value is applied to which acres on the offered parcels. Landowner offer Written and signed landowner offer documentation.</p>
			9. Draft Obligating Document	Unsigned LTP-80 APCE with all fields completed
			10. Evidence of DUNS and current SAM registration.	If the landowner is an entity that uses an EIN, confirm the DUNS number and that SAM registration is “Active.”

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			<i>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 control reviews. However, reviewers may need to request additional documentation to clarify any matters which may arise during the review of the documents.</i>	
			11. Policy Waivers	
			12. Hazardous Materials Records Search	“All Appropriate Inquiry” records database search.
			13. FMMI Screen Print	Funds reservation screen print should have correct NEST number, landowner names, and amounts.
			14. Direct Deposit/1199A/vendor item	

<b>NOTES/FINDINGS:</b>

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**CERTIFICATIONS**

*By signing the appropriate reviewer section below, you are certifying that you have completed a thorough review of the submitted documentation and have completed any and all of the recommended follow-up actions as noted.*

**State First-Level Review** (Required for all easement obligation packages)

Name:			Title:		
Phone Number:		Review Date:		Entered in NEST:	
Signature:					

**State Second-Level Review** (Required for all easement obligation packages)

Name:			Title:		
Phone Number:		Review Date:		Entered in NEST:	
Signature:					

**National-Level Cursory Review** (required when the easement obligation is over the threshold or selected at random)

Name:			Title:		
Phone Number:			Date Review Started:		
Date package marked:	<b>REJECTED</b>		<b>FOLLOW-UP NEEDED</b>		<b>COMPLETED</b>
NHQ IC Review Signature:					

**National-Level In-depth Review** (required when the easement obligation is over the threshold or selected at random)

Name:			Title:		
Phone Number:			Date Review Started:		
Date package marked:	<b>REJECTED</b>		<b>FOLLOW-UP NEEDED</b>		<b>COMPLETED</b>
NHQ IC Review Signature:					

**State Conservationist Certification** (Required for all easement obligation packages)

*NOTE: Do not sign prior to completion of first and second-level State reviews (or prior to national-level review signature, if applicable).*

Name:			Title:		
<b>I certify that all appropriate levels of review have been completed as required.</b>					
Signature:					