

## Part 531 – Regional Conservation Partnership Program Manual

### Subpart A – General Information

#### 531.0 General

##### A. Purpose and Use of This Manual

- (1) This manual contains NRCS policy and administrative procedures to implement the Regional Conservation Partnership Program (RCPP) authorized under Subtitle I of the Food Security Act of 1985, as amended by the Agriculture Improvement Act of 2018 (the 2018 Farm Bill) and 7 CFR Part 1464, “Regional Conservation Partnership Program.” In the event guidance in this manual conflicts with statute or regulation, statute or regulation prevails.
- (2) The policy in this manual applies to agreements and contracts implemented under authorities in the 2018 Farm Bill RCPP. For guidance associated with the 2014 Farm Bill RCPP projects and covered program contracts or agreements, see Title 440, Conservation Programs Manual (440-CPM), Part 529, “Regional Conservation Partnership Program,” and applicable NRCS program manuals.
- (3) This part is effective for—
  - (i) Selection of projects under the 2018 Farm Bill RCPP during fiscal year (FY) 2022 and forward until superseded.
  - (ii) Administration of all selected projects and awards thereunder, including producer contracts and supplemental agreements (SAs) executed in support of FY 2019 or later projects unless otherwise noted in this manual.
- (4) The 2018 Farm Bill reauthorized and amended RCPP as a stand-alone program with authorized conservation activities similar to those offered by other NRCS programs, but with provisions unique to RCPP.
- (5) NRCS personnel assigned RCPP program responsibility must have working knowledge of this manual and all applicable regulations.

##### B. State Supplements to this Manual

State supplements to this manual must be submitted to the Deputy Chief for Programs (DCP) for review and approval. State supplements or other directives must not conflict with or be less restrictive than statutory, regulatory, or national policy provisions.

##### C. Coordination with Partners

- (1) RCPP promotes coordination of NRCS conservation activities with partners that offer value-added contributions that expand NRCS’s collective ability to address on-farm, watershed, and regional natural resource concerns. Through RCPP, NRCS seeks to co-invest with partners to implement projects that help producers, including eligible landowners, provide conservation benefits in selected projects. Roles of NRCS and partners are negotiated and documented for each RCPP project in the programmatic partnership agreement (PPA).
- (2) State conservationists must identify a State program coordinator who is responsible for providing assistance to eligible partners and eligible producers under the program.

#### 531.1 Authority

##### A. Legislative Authorities

- (1) RCPP is authorized by Subtitle I of Title XII of the Food Security Act of 1985, as amended by sections 2701 through 2707 of the Agriculture Improvement Act of 2018 (16 U.S.C. Section 3871 et seq.).
- (2) NRCS may use other agency-wide authorities, such as 16 U.S.C. Section 3842 and 31 U.S.C. Section 1535, to enter into agreements or contracts to assist NRCS with implementation of the program.

B. Regulatory Authority

The RCPP regulations are at 7 CFR Part 1464, “Regional Conservation Partnership Program.”

### 531.2 Program Purpose and Availability

A. The purposes of RCPP are as follows:

- (1) Carry out eligible activities to further the conservation, protection, restoration, and sustainable use of soil, water (including sources of drinking water and groundwater), wildlife, agricultural land, and related natural resources on eligible land on a regional or watershed scale;
- (2) Encourage eligible partners to cooperate with producers in—
  - (i) Meeting or avoiding the need for national, State, and local natural resource regulatory requirements related to production on eligible lands, including through alignment of partnership projects with other national, State, and local agencies and programs addressing similar natural resource or environmental concerns, and
  - (ii) Implementing projects that will result in the adoption, installation, and maintenance of eligible activities that affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multistate basis;
- (3) Encourage flexible and streamlined delivery of conservation assistance to producers through partnership agreements; and
- (4) Engage producers and eligible partners in conservation projects to achieve greater conservation outcomes and benefits for producers than would otherwise be achieved.

B. Availability

- (1) RCPP is available in any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.
- (2) RCPP assistance is made available consistent with a competitive process and therefore NRCS may not always select projects in all States.

### 531.3 Definitions

- A. See 7 CFR Part 1464 for definitions specific to RCPP included in this manual.
- B. See applicable notices of funding announcement (NFOs), SAs, and other program documents for additional terms and definitions.
- C. See subpart E, section 531.40C of this manual for descriptions of SAs Type I–Type IV included in this manual.
- D. See 440-CPM, Part 502, “Terms and Abbreviations Common to All Programs,” for the definition of terms related to conservation program contracts.

## 531.4 Responsibilities

A. The NRCS Chief has overall leadership for conservation programs that deliver financial and technical assistance to eligible partners and producers and is responsible for administering RCPP. NRCS is responsible for establishing policies, guidelines, and priorities for financial and technical assistance. As identified in this section, the NRCS Chief delegates responsibilities to National Headquarters (NHQ), State office, and field office officials and personnel.

### B. NHQ

- (1) The Chief and Associate Chief provide national leadership for—
  - (i) Program policy and regulatory decisions.
  - (ii) Ensuring NRCS employees implement and adhere to the policies and procedures within this manual.
  - (iii) Making project selection and fund allocation decisions.
  - (iv) Authorizing modifications or waivers of nonstatutory, nonregulatory, discretionary provisions of policy when determined that such waiver is consistent with statutory and regulatory requirements and is necessary to further the conservation purposes of RCPP.
  - (v) The Chief also retains certain decision-making responsibilities that may not be further delegated, including but not limited to termination of all or a portion of an RCPP U.S.-held easement as a result of an approved easement administrative action.
- (2) Regional conservationists (RCs) provide national leadership for—
  - (i) Implementing the policies and procedures within this manual.
  - (ii) Overseeing State conservationists' implementation of RCPP.
  - (iii) Managing State allocations and State spending limits.
  - (iv) Executing other responsibilities delegated by the Chief.
- (3) The DCP provides national leadership for—
  - (i) Developing and implementing policy and procedures for RCPP.
  - (ii) Overseeing rulemaking and policy guidance development for RCPP.
  - (iii) Making project selection and fund allocation recommendations.
  - (iv) Managing prior year funding to support in-scope changes to active projects.
  - (v) Authorizing national policy waivers or waivers under policy for defined circumstances as described in this subpart.
  - (vi) Supporting the development of business tools to facilitate program delivery.
  - (vii) Executing other responsibilities delegated by the Chief.
- (4) The Deputy Chiefs for Science and Technology and Soil Science and Resource Assessment provide national leadership for—
  - (i) Developing technical criteria for conservation practices, enhancements, and other activities to support implementation of RCPP.
  - (ii) Supporting program implementation as described within this manual.
  - (iii) Providing technical training.
  - (iv) Executing other responsibilities delegated by the Chief.
- (5) The Deputy Chief for Management and Strategy provides national leadership for—
  - (i) Managing the payment schedule development process.
  - (ii) Managing and tracking audit-related activities.
  - (iii) Reviewing policy.
- (6) The Directors of the Financial Assistance Program Division (FAPD) and Easement Programs Division (EPD), provide national leadership for—
  - (i) Providing management and operational activities to assist the DCP to implement RCPP.
  - (ii) Maintaining a working relationship with national Farm Service Agency (FSA) program leaders, other NRCS division directors, NRCS national technical support centers, and partner agencies.

- (iii) Developing guidance documents and templates for RCPP agreements.
- (iv) Developing evaluation processes to inform recommendations for selection of RCPP project proposals.
- (v) Coordinating evaluation of proposals.
- (vi) Reviewing State- and partner-developed draft agreements for consistency with program policy.
- (vii) Overseeing data collection reporting and preparation of statutorily required reports.
- (viii) Providing program training.
- (ix) Providing overall program evaluation and assessment, including program accountability.
- (x) Supporting the development and maintenance of business tools to facilitate program delivery.
- (xi) Support managing of prior year funding to support in-scope changes to active projects.
- (xii) Executing other responsibilities as assigned by the DCP.

C. State Office

- (1) State conservationists provide State program leadership for—
  - (i) Managing and implementing RCPP as described in this manual at the State level.
  - (ii) Providing outreach to partners regarding RCPP information outlined in the NFO.
  - (iii) Supporting evaluation of RCPP proposals consistent with policy.
  - (iv) Coordinating across State lines with other State conservationists on selected critical conservation areas (CCAs) and multistate projects.
  - (v) Maintaining fund integrity and accountability.
  - (vi) Delegating authority and assigning business tool roles for program implementation, application processing, and contract and agreement management, including approval, obligation, modification, and quality assurance, to the appropriate NRCS personnel.
  - (vii) Ensuring all necessary reviews, including second-level review, occur prior to all obligations and payments.
  - (viii) Establishing State program management policies and procedures, as applicable.
  - (ix) Participating in the appeal process, as appropriate.
  - (x) Establishing State policies, priority resource concerns, and other priorities using recommendations of the State Technical Committee and Tribal conservation advisory council according to provisions of 440-CPM, Part 501, “USDA Conservation Program Delivery” (440-CPM-501).
  - (xi) Establishing the locally led process and ensuring that conservation needs assessments are developed per 440-CPM, Part 500, “Locally Led Conservation,” and that local working group recommendations are considered by the State Technical Committee.
  - (xii) Granting waivers under policy for defined circumstances, as authorized and set forth in applicable regulatory and program policy. See section 531.6, “Policy Waivers” below.
  - (xiii) Reviewing and concurring with waivers that require national-level approval prior to submitting to NHQ.
  - (xiv) Developing applicable State conservation practice standards or supplements to activities.
  - (xv) Entering into agreements with Federal or State agencies, Indian Tribes, conservation districts, units of local government, public or private organizations, and other individuals that may assist NRCS with implementation of RCPP.
  - (xvi) Executing other responsibilities as indicated by policy and assigned by the Chief including section 1619 of the Food, Conservation, and Energy Act of 2008 to identify information that the Government may or must withhold from disclosure.
  - (xvii) Collecting and submitting annual and final project reports from lead partners in accordance with national guidance.

- (xviii) Reporting to project lead partner how all State technical assistance has been spent by project on an annual basis and the status of producer contract applications on a semiannual basis.
  - (xix) Negotiating PPAs and SAs, as authorized, within regulatory and program policy. Refer to subpart C, “Proposal and Programmatic Partnership Agreements” and subpart E, “Supplemental Agreements” of this manual.
  - (xx) Ensuring RCPP coordinator position is managed per 7 CFR Section 1464.2(e) and agency policy.
  - (xxi) Ensure RCPP obligations and expenditures are managed consistent with PPAs, SAs, producer contracts, and third-party contracts as applicable.
- (2) Assistant State conservationists and RCPP coordinators are responsible for—
- (i) Managing and implementing policies described within this manual as delegated by the State conservationist.
  - (ii) Overseeing and evaluating State program implementation.
  - (iii) Elevating requests for assistance to NHQ when an issue cannot be resolved at the State level.
  - (iv) Providing support and serving as a point of contact for business tools at the State level.
  - (v) Developing and providing program training.
  - (vi) Managing and implementing program activities described in this manual as delegated by the State conservationist.
  - (vii) Supporting management of funds and RCPP SAs, producer contracts, or third-party contracts, as applicable.
  - (viii) Collecting and submitting annual and final project reports from lead partner in the NRCS Programs Portal.
  - (ix) Coordinating with lead partners in developing the payment schedules and evaluation criteria for activities under the RCPP project.
  - (x) Executing other responsibilities as indicated by policy and delegated by the State conservationist.

#### D. Field Office

Designated conservationists (DCs) provide local program leadership for activities in their areas of authority as delegated by the State conservationist, including—

- (i) Managing and implementing program activities described in this manual as delegated by the State conservationist.
- (ii) Participating in appeal processes, as appropriate.
- (iii) Conducting quality assurance activities.
- (iv) Serving as a member of the local working group, as outlined in 440-CPM-501.
- (v) Fulfilling the responsibilities of the conservation district, as outlined in 440-CPM-501, where a conservation district is not present or chooses not to fulfill those responsibilities.
- (vi) Providing recommendations to the State conservationist, considering the advice of the local working group on program delivery as outlined in 440-CPM-501.
- (vii) Maintaining an effective working relationship with the servicing FSA county office.
- (viii) Preparing documentation to support waivers or other requests for assistance.
- (ix) Maintaining producer case files in accordance with Title 180, National Planning Procedures Handbook, Part 600, and State procedures.
- (x) Certifying and approving contract payments to participants when conservation practices or activities are completed and meet NRCS standards and specifications in accordance with Title 450, General Manual, Part 407, “Documentation, Certification, and Spot Checking.”
- (xi) Scheduling and evaluating criteria for activities under the RCPP project.

- (xii) Executing other responsibilities as indicated by policy and delegated by the State conservationist.

E. Responsibilities of Other Agencies

- (1) FSA establishes and maintains farm records and eligibility certifications including—
  - (i) Form AD-1026, “Highly Erodible Land Conservation and Wetland Conservation.”
  - (ii) Adjusted gross income certifications.
  - (iii) Member information of legal entities and joint operations.
- (2) Other Federal, State, and local agencies, Indian Tribes, and Tribal conservation advisory councils, including local and Tribal conservation districts and associations, may serve as a member of the State Technical Committee, local working group, or both.

F. Responsibilities of Partners

- (1) Eligible partners may provide input on the scope of an RCPP project and apply to assume lead partner responsibilities in a selected project. See subparts B through D of this manual for additional information related to PPAs.
- (2) Partner responsibilities are documented in the PPAs which are negotiated at the State level and approved at the national level.

### 531.5 Delegation of Authority

A. The Secretary of Agriculture has delegated the authority to administer RCPP to the Chief of NRCS. The Chief has delegated policy development for RCPP to the DCP.

B. NRCS officials may further delegate to other NRCS officials under their supervision responsibilities for which they have delegated responsibility, unless specifically prohibited by statute, regulation, this manual, or other agency directive.

C. Delegations of authority may be set forth in Title 130, General Manual (GM), Part 400, Subpart B, “Delegations of Authority” (130-GM-400-B) this manual, letters of delegation, DR-1010 packages, position descriptions, other national policy, or other written documentation. All delegations must have an appropriate basis.

D. State conservationists may delegate in writing the responsibilities for developing, approving, and administering contracts or agreements; obligating funds; making payments; and assigning appropriate roles in the business tools as set forth in agency policy in:

- (1) 130-GM-400-B, Section 400.13, “Responsibilities;”
- (2) 440-CPM, Part 530, Subpart O (440-CPM-530-O), Exhibit 530.143N, “Delegation of Authority;”
- (3) 440-CPM, Part 527, “Easement Common Provisions;” and
- (4) 440-CPM, Part 528, “Agricultural Conservation Easement Program (ACEP)” (440-CPM-528).

E. See subparts C and E and exhibit 531.203E, “RCPP PPA and SA Delegation of Authority Worksheet,” of this manual for guidance on delegations of authorities related to PPAs and SAs.

### 531.6 Policy Waivers

A. RCPP must be implemented in accordance with applicable statutes, regulations, policy, the terms and conditions of the applicable NFO, and the terms of the RCPP agreements and contracts. In limited circumstances, NRCS may waive a nonstatutory, nonregulatory, discretionary provision of policy, including applicable NFO, contract, or agreement terms, when NRCS determines such

national policy waiver is necessary to achieve RCPP program purposes and a comparable outcome cannot be achieved under the applicable provisions.

B. If a partner or producer requests to undertake an activity in a manner that conflicts with or is outside of applicable policy, NFO, contract, or agreement requirements, NRCS must first work with the partner to determine opportunities for resolution that conform with applicable requirements. National policy waiver requests must be administered in a way that ensures fair and equitable treatment of program applicants and participants.

C. National policy waivers are distinct from waiver under policy which are alternatives already built into program processes, such as AGI waivers, and waiver requests related to RCPP's FA/TA distribution which are incorporated into the lead partner's project proposal.

**Note:** Examples of national policy waivers may include requests to modify partner contribution requirements, contract limits, or planning and design requirements associated with the watershed activity type.

D. The Chief, Associate Chief, and DCP have delegated authority to approve or deny waiver requests and may further delegate such authority to the FAPD and EPD division directors. State conservationists have the authority to deny waiver requests or to approve certain types of waivers under policy for which the authority has been specifically delegated.

E. Waivers are considered on a case-by-case basis and therefore the issue, the alternatives, and the impacts of the alternatives must be evaluated and documented. Following the State-level evaluation, all requests for waivers that are supported by the State conservationist and require NHQ approval must be submitted in writing to NHQ along with the required supporting documentation. Waiver requests must be evaluated and processed in accordance with the appropriate procedures based on the waiver type as set forth in this section and subpart U, exhibit 531.204L, "Waiver Requirements and Procedures," of this manual.

### **531.7 Information, Outreach, and Training**

A. Information, outreach, and training activities ensure that NRCS customers and potential program participants are aware of, understand, and have access to conservation programs and services. These activities deliver facts, details, and news about the programs to broad audiences.

B. Project PPAs document partner information, outreach, training responsibilities, and deliverables. Where information, outreach, or training are provided with RCPP funding (by NRCS or a partner through a SA), procedures for program information and outreach must adhere to public information policy guidance in Title 260, General Manual, Part 400, "Public Information Policy," and Title 230, General Manual, Part 406, "National Outreach Policy."

C. The official USDA nondiscriminatory statement must appear on all RCPP NFOs, program information, agreement documents, and outreach provided to the public.

- (1) Information is delivered to a wide audience while outreach targets a specific audience. NRCS uses all available media to provide basic program information including signup and ranking period information, assessment and ranking criteria, eligible conservation practices or activities, payment rates, and program descriptions.
- (2) Outreach and special emphasis activities inform targeted partners and producers of RCPP opportunities and help increase program participation. Outreach activities completed at the Farm Production and Conservation Business Center and NRCS national, State, and local levels may include—

- (i) Ensuring that diverse partner entities, residents, landowners, and land operators in an area are represented in the locally led process to provide input into natural resource management.
  - (ii) Providing special accommodations to the extent possible, such as native language interpretation, sign language interpretation, or braille materials.
  - (iii) Posting information through appropriate media sources to reach the intended audience.
  - (iv) Direct mailings to historically underserved producers, including—
    - Limited resource farmers and ranchers.
    - Socially disadvantaged farmers and ranchers.
    - Veteran farmers and ranchers.
    - Beginning farmers and ranchers.
    - Tribal members, Alaska Natives, and Pacific Islanders.
    - Producers with disabilities.
    - Organic and transitioning-to-organic producers.
    - Any other producers with historically low participation rates in conservation programs.
  - (v) Ensuring outreach is provided so as not to limit participation because of size or type of operation, or based on production system, including specialty crop and organic production.
- (3) Training includes developing, producing, and delivering technical information, knowledge, and facts to individual producers and landowners to help them identify and understand their natural resource and environmental conditions, and to know how to develop, implement, and maintain a conservation practice or system.
  - (4) NRCS is committed to providing consultation, outreach, and services to Indian Tribes and is taking actions to expand outreach activities that will include—
    - (i) Working with Tribal partners to provide onsite outreach and training to American Indians and Alaska Native producers, farmers, land users, and their Tribal Governments.
    - (ii) Expanding consultation efforts to be more inclusive of USDA conservation programs and services to Indian Tribes. Consultation will—
      - Be open and candid so that all parties may evaluate for themselves the potential impact.
      - Be conducted among designated USDA officials and designated Tribal officials.
      - Operate within a Government-to-Government relationship with federally recognized Indian Tribes.
      - Consult, to the greatest extent practicable and permitted by law, with Indian Tribal Governments before taking actions that affect federally recognized Indian Tribes.
      - Remove procedural impediments to working directly with Tribal Governments on activities that affect trust property or governmental rights of the Tribes.
      - Work cooperatively with other agencies to accomplish these goals.

### **531.8 Access to Data**

Information and data submitted by a producer in order to participate in RCPP is protected by several confidentiality laws, including but not limited to section 1619 of the Food, Conservation and Energy Act of 2008 (7 U.S.C. Section 8791), section 1244 of the Food Security Act of 1985 (16 U.S.C. Section 3844), and the Privacy Act of 1974 (5 U.S.C. Section 552a). Given the responsibilities of RCPP lead partners to report on project outcomes, it is often necessary for NRCS to share information with lead partners regarding producer participants. NRCS must ensure that any data shared with an RCPP partner or others is consistent with these confidentiality laws.

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- (1) For program contract and Type IV SA data, refer to 440-CPM-530, subpart A, section 530.6, “Access to Data” (440-CPM-530-A-530.6) and 440-CPM-528, subpart A, section 528.2, “Public Access to Data,” for additional guidance.
- (2) PPAs and Type I–III SAs include negotiated, project-specific confidentiality agreements, which support and limit information sharing between lead or awardee partners, respectively. NRCS staff are responsible for ensuring that confidentiality agreements are current prior to disclosing (or receiving) any personally identifiable information.
- (3) Limitations on information sharing found in 440-CPM-530-A-530.6, also apply generally to PPAs and SAs.