

Part 531 – Regional Conservation Partnership Program

Subpart J – Payments

531.90 General

A. This subpart provides guidance for payments and is used in conjunction with applicable regulations, and other agency directives, including the following:

- (1) For general information regarding the development of payment schedules, see Title 300, Land Treatment Programs Handbook, Part 600, “Payment Schedules.”
- (2) For land management and rental (LMR) producer contract payment guidance, see Title 440-Conservation Program Manual (CPM), Part 530, “Working Land Conservation Programs Manual,” (440-CPM-530), in the following subparts:
 - (i) Subpart B, section 530.13, “Program Payment Schedules,” for guidance on establishing payment rates;
 - (ii) Subpart F, “Payments,” for general payment requirements;
 - (iii) Subpart O, “Exhibits,” for guidance using letter templates and other exhibits that may be used for RCPP; and
 - (iv) Subpart S, “RCPP Land Management and Rental Producer Contracts,” and associated exhibits for program-specific guidance on contract payment and contract limitations, and rental activity payments.
- (3) For easements guidance, see 440-CPM, Part 528 “Agricultural Conservation Easement Program (ACEP),” (440-CPM-528), and 440-CPM, Part 527, “Easement Common Provisions,” (440-CPM-527), as applicable. For entity-held easements, additional payment guidance is in the terms of the RCPP program agreement and individual parcel contracts.

B. NRCS approves payments to participants and partners upon satisfactory implementation of conservation practices or activities under a contract or supplemental agreement (SA) that support the purposes and objectives of a programmatic partnership agreement.

Note: See subpart I, “Allocating and Managing Funds,” of this manual for guidance on monitoring program expenditures.

531.91 Payment Types

A. Program Contract Payments.—RCPP program contracts with producers and eligible participants have the following three payment types:

- (1) Practice/Enhancement Implementation Payments.—These payments follow approved agency processes used for other financial assistance programs.
- (2) Rental Activity Payments.—These payments are made under an approved RCPP practice and scenario. See 440-CPM-530, subpart S (440-CPM-530-S), section 530.507 for guidance on rental activity types RFRN (financial assistance (FA) rental payment based on NRCS-defined model) and RFRP (FA rental payment based on negotiated project-specific model).
- (3) Easement Purchase Payments.—These payments are associated with U.S.-held easements to secure the long-term protection of identified conservation benefits in perpetuity or the maximum extent allowed by law.

B. Negotiated SA Payments.—Type I, II and III SA payments are associated with specific project deliverables negotiated in an SA. See National Instruction (NI) 440-315, “Guidance for Regional Conservation Partnership Program (RCPP) Negotiated Supplemental Agreement (SA),” for additional guidance.

C. Type IV SA Payments.—Use RCPP parcel contracts obligated under an RCPP program agreement to pay Federal share of entity-held easement costs.

531.92 Contract and Supplemental Agreement Limits

A. Contract Limitation for LMR Producer Contracts.—See 440-CPM-530-S.

B. Supplemental Agreement Limits.—SA payments are limited by extent installed, negotiated unit cost, and total obligations at the contract item level. Each of these factors establish limits on partner work eligible for payment such that partners can only earn payment for items as described in the SA. Additional information on SA payment eligibility is included in each SA template and negotiated sections of the agreement.

Note: See NI 440-315 for additional guidance on developing SAs and form templates, which are populated in the NRCS Programs Portal.

C. Prohibited Payments

- (1) NRCS will not approve payments to a participant through a program contract for eligible activities if the participant receives payments or other benefits for the same or similar eligible activity on the same land under any other conservation program administered by USDA.
- (2) SA payments which are—
 - (i) Inconsistent with the terms of the SA, including notice of funding opportunity (NFO) requirements.
 - (ii) More than 100 percent of actual cost or percentages established in this manual or applicable NFO for specific SA activity payments.

Note: When LMR activities are contracted based on NRCS payment scenarios, these scenarios become the basis for SA payments rather than actual costs payment amounts and maximum unit costs.

531.93 Payment Eligibility

A. To be eligible to enter into a program contract and receive a payment, the participant must—

- (1) Provide a tax identification number;

Note: American Indians, Alaska Natives, and Pacific Islanders may use another unique identification number for each individual eligible for payment.

- (2) Indicate the percent interest shares in a payment that is consistent with the operation or ownership shares;
- (3) Comply with the highly erodible land and wetland conservation provisions at the time of application and throughout the contract or SA term;
- (4) Be eligible for payments in accordance with 7 CFR Part 1400 average adjusted gross income (AGI) limitation, including any waiver of these requirements, prior to program contract execution; and
- (5) Comply with all contract provisions, including terms and conditions associated with the type of activities contracted.

B. See 440-CPM-530 or 440-CPM-527, and 440-CPM-528 for additional payment eligibility guidance based on activity types selected.

C. To be eligible to receive a payment under an SA, the lead or nonlead partner must—

- (1) Meet all program requirements outlined in subpart C, section 531.22 of this manual.
- (2) Satisfy activity and agreement-specific requirements documented in the agreement and associated documents.

531.94 Processing Payment Applications for Producer Contract Participants

Once the participant notifies NRCS of the completion of a conservation practice or activity, or NRCS determines payment request is consistent with easement policy for U.S.-held easements, NRCS will take the following actions:

- (1) Complete the conservation practice or activity checkout and documentation, as required in Title 450, General Manual, Part 407, “Documentation, Certification, and Spot Checking.”
- (2) Certify and document the actual extent performed on Form NRCS-CPA-1245, “Practice Approval and Payment Application.”
- (3) Reduce payment amounts at the time of payments to enforce statutory and regulatory payment requirements such as AGI or contract limits, as applicable. Form NRCS-CPA-1245 must reflect any required reduced payments.
- (4) Comply with guidance in 440-CPM-530 for LMR producer contracts, and 440-CPM-527 for processing easement payments according to agency established processes, as applicable. States must also follow additional payment guidance issued by National Headquarters through other directives.

531.95 Processing Payment Applications for Supplemental Agreements

A. Negotiated SA Types I–III

- (1) SA payment requests are initiated in the NRCS Programs Portal. States must ensure that required information and supporting documentation is provided to avoid delays in processing payments to partners. See NI 440-315 for additional guidance.
- (2) The NRCS Programs Portal generates Form NRCS-CPA-1272, “NRCS Supplemental Agreement Payment Certification and Approval,” to request SA deliverable payments. The State Conservationist (STC) or delegated approving official signs the payment request form certifying that the partner complied with all requirements prior to approving the payment. See subpart A, section 531.5 of this manual for delegation of authority guidance.
- (3) The STC or delegated approving official must evaluate payment requests and certify payments if supported by activity-specific policies and SA terms. States must process payments according to guidance in NI 440-315.

Note: The NRCS Programs Portal does not interface with the Financial Management Modernization Initiative (FMMI). States will initiate the payment process using Form NRCS-CPA-1272 and the Accounts Payable Services Branch submission checklist in subpart U, exhibit 531.203D of this manual. States are responsible for confirming the FMMI payment status and updating the status in the NRCS Programs Portal.

B. Negotiated Type IV SA and Parcel Contracts - Reserved