

Part 310 – Procedures for Funds Reservations and Obligations for Specific Easement or Water Bank Financial Transaction Types

310.0 Purpose

To provide States and the Easement Acquisitions Branch (EAB) guidance and instructions for obtaining a unique work breakdown structure (WBS) element and processing fund reservations and obligations, including the preliminary obligations of acquisition-related and restoration costs using the “Supplement to the Enrollment Agreement for the Preliminary Obligation of Acquisition-Related and Restoration Costs” (Enrollment Agreement Supplement).

310.1 Scope

- A. The guidance below applies to the following programs:
- (1) Agricultural Conservation Easement Program – Agricultural Land Easement (ACEP-ALE) for Cooperative or Grant Agreements managed through National Easements Staging Tool (NEST).
 - (2) Agricultural Conservation Easement Program – Wetland Reserve Easement (ACEP-WRE), including the conversion of 30-year easements to permanent easements.
 - (3) Emergency Watershed Protection Program – Floodplain Easement (EWPP-FPE).
 - (4) Healthy Forests Reserve Program (HFRP), including 10-year restoration agreements.
 - (5) Water Bank Program (WBP).
 - (6) Regional Conservation Partnership Program (RCPP) covered agreements for ACEP-ALE, ACEP-WRE, and HFRP funded through 2014 Farm Bill RCPP agreements.
- B. This guidance does not apply to easement enrollments under 2018 Farm Bill RCPP agreements.
- C. This guidance describes the process for States and EAB to:
- (1) Request unique WBS elements for ACEP-WRE, ACEP-ALE administered in NEST not ProTracts, and HFRP (excluding RCPP covered agreements, EWPP-FPE, and WBP).
 - (2) Administer data in NEST and communicate requests for enrollment funds reservations in Financial Management Modernization Initiative (FMMI) for applications tentatively selected for funding. This applies to ACEP-WRE, ACEP-ALE administered in NEST not ProTracts (if approved by the national program manager), HFRP, WBP, and RCPP covered agreements (RCPP-ACEP-ALE, RCPP-HFRP, RCPP-ACEP-WRE).
 - (3) Administer an adjustment or cancellation of an enrollment funds reservation for ACEP-WRE, ACEP-ALE administered in NEST not ProTracts (if approved by the national program manager), EWPP-FPE (if approved by the national program manager), HFRP, WBP, and RCPP covered agreements (RCPP-ACEP-ALE, RCPP-HFRP, RCPP-ACEP-WRE).
 - (4) Administer data in NEST and submit requests for enrollment funds obligations in FMMI for executed enrollment agreements that have an authorized commitment. This applies to ACEP-WRE, ACEP-ALE administered in NEST not ProTracts (if approved by national program manager), EWPP-FPE, HFRP, WBP, and RCPP covered agreements (RCPP-ACEP-ALE, RCPP-HFRP, RCPP-ACEP-WRE).

Title 300 – National Instruction

- (5) Create a preliminary obligation of easement acquisition-related and restoration costs with the Enrollment Agreement Supplement for ACEP-WRE, EWPP-FPE, HFRP, RCPP-HFRP, and RCPP-ACEP-WRE.
- (6) Release preliminary obligations from the Enrollment Agreement Supplement.

Note: For the purposes of this guidance, acquisition-related costs include appraisals, title commitments, environmental database records searches, appraisal technical reviews, surveys, closing, and other costs.

310.2 Background

A. With the exception of EWPP-FPE, States are required to set aside the estimated amount of the easement cost, 30-year acquisition cost, or water bank contract costs in a fund reservation in FMMI. The fund reservation is made prior to the execution of the enrollment agreement or contract and before the associated obligation of funds is recorded in FMMI. To create a fund reservation or record an obligation in FMMI for the programs and enrollment types identified in this bulletin, the information must be directly entered. NEST currently lacks an automated process to complete this task for the programs managed through the system. The process and workflow in this instruction addresses the communication and administration of data specific to NEST and FMMI systems.

B. NEST and FMMI are not integrated, thus all easement and WBP transactions administered via NEST require direct entry into FMMI. All direct entry FMMI transactions have been streamlined using the FMMI bulk upload functionality. The bulk upload process allows national staff to obtain a report from NEST and populate data for multiple applications into a single template which is bulk uploaded into FMMI by Farm Production and Conservation (FPAC) Business Center (BC) staff. This process creates multiple funds reservations or obligations at once. Due to the variety of methods used to complete financial transactions, a matrix of the transaction types and their method of completion is located in Exhibit B, “Program Matrix of Transaction Methods.”

Note: ACEP-ALE parcel contract transactions, managed through ProTracts, are not considered direct entry transactions.

C. The bulk upload funds reservation and obligation process relies solely on data populated by States and EAB in NEST. Consequently, NEST data must be accurate and entered in a timely manner. Errors or delays in NEST data entry may lead to incorrect or missed application processing. Timely data entry will ensure States’ successful reservation and obligation of funds during the fiscal year. There will be separate NEST reports pulled and bulk uploads created for funds reservations and fund obligations.

310.3 Request Unique WBS element

A. States and EAB are required to use a unique WBS element for the purpose of reconciling data and reporting on total costs for easement enrollments that are administered and tracked across different business tools. Unique WBS elements are critical to ensuring that NRCS can accurately “tie out” transactions on high-dollar agreements and contracts.

Note: EAB will create the unique WBS for EAB-serviced State’s acquisition-related costs for non-RCPP projects. EAB serviced States will provide EAB with the State obtained unique WBS as part of their full-service request through Program Activity Management Solution (PAMS).

Title 300 – National Instruction

B. States and EAB will use the table provided in annual program implementation guidance to create unique WBS elements, with the following program-specific considerations:

- (1) ACEP-ALE.—
 - (i) Parcel Contracts (not covered by a 2014 RCPP project): For due diligence funds associated with individual parcels, States and EAB must request a unique WBS element for each parcel using the last four digits of the ProTracts parcel contract application number as the unique identifier.
 - (ii) Cooperative or grant agreements: States must contact the national program manager for further guidance.
- (2) EWPP-FPE.—States and EAB administering EWPP-FPE do not request unique WBS elements since the creation of the unique WBS element automatically occurs during the EPD application review and approval process.

Note: Enrollments under the Great Lakes Restoration Initiative will not have a unique WBS element created.

- (3) WBP.—A unique WBS element is not required.
- (4) For ACEP-WRE and HFRP (non-RCPP).—States and EAB must request a unique WBS element to reserve and obligate funds for easement acquisition, acquisition-related costs, and restoration costs. The unique WBS element must be created prior to tentatively selecting an agreement for funding and submitting a funds reservation request in NEST. The last four digits of the NEST application number will serve as the unique identifier in the WBS element.

Note: Enrollments under the Great Lakes Restoration Initiative will not have a unique WBS element created.

- (5) RCPP covered enrollments.—States must use the unique WBS element associated with the RCPP project for funds that are obligated or reserved for acquisition, acquisition-related costs, and restoration costs. The State will enter the RCPP project number in NEST prior to requesting a funds reservation. After the reservation request is submitted, the EPD bulk upload team will obtain the WBS element based on the RCPP project number.

C. States or EAB must request the creation of a unique WBS element after the application is entered into NEST (all ACEP-WRE, HFRP) or ProTracts (all ACEP-ALE agreements due diligence) and before submitting any requests for funds reservation or obligation. This includes funds for enrollment costs (e.g., acquisition of the easement, 30-year contract, or WBP contract itself), acquisition-related costs or restoration costs. States or EAB must also request the creation of a unique WBS element for agreements enrolled in prior fiscal years where a unique WBS element has not yet been created.

D. To request a unique WBS element, the State Financial Resource Specialist (FRS), State easement staff, or EAB staff, as applicable, must complete the following steps:

- (1) Complete the “WBS_SHC Request Template” located on the Financial Management (FM) SharePoint located at:
https://usdagcc.sharepoint.com/sites/nrcs_deputychief/fmd/FMMI%20Help%20Desk/Forms/AllItems.aspx?viewpath=%2Fsites%2Fnrcs%5Fdeputychief%2Ffmd%2FFMMI%20Help%20Desk%2FForms%2FAllItems%2Easpx&id=%2Fsites%2Fnrcs%5Fdeputychief%2Ffmd%2FFMMI%20Help%20Desk%2FTemplates.

Note: States and EAB are encouraged to batch requests by putting multiple WBS requests on one template.

Title 300 – National Instruction

- (2) Save the completed document to a local file.
- (3) Navigate to [FPACNow \(servicenowservices.com\)](https://servicenowservices.com).
- (4) Select the “Budget” catalog icon. You will be directed to a Budget catalog page.
- (5) Select the “Budget” services request icon.
- (6) Complete the request details:
 - (i) Select “New FMMI WBS/Shorthand Codes.”
 - (ii) Complete the “Request Description” field.
- (7) Select paper clip icon (“Add attachments”) and follow instructions to attach the completed “WBS_SHC Request Template” file created saved in step 2.
- (8) Click "Submit." You will receive a confirmation e-mail and periodic status email updates until the request is complete.

310.4 Funds Reservations

A. A funds reservation should be completed when an application is tentatively selected for funding. Additionally, a funds reservation must be completed prior to an obligation request, where applicable. To create a fund reservation for ACEP-WRE, HFRP, RCPP-ACEP-ALE, RCPP-HFRP, and RCPP-ACEP-WRE, and WBP, States must:

- (1) Enter an application record into NEST and, at a minimum, populate the following data:
 - (i) Application information
 - (ii) Administrative Area – State and County
 - (iii) Program
 - (iv) National Initiative (as applicable)
 - (v) Duration
 - (vi) Decisionmaker
 - (vii) Amount of enrollment funds to request/certify/reserve (cost of the easement, 30-year contract, or WBP contract itself, excluding the restoration or acquisition-related costs)
- (2) Confirm that the unique WBS element has been created, that it is correct, and that sufficient funds are available to complete the reservation for enrollment costs in NEST.
- (3) Enter the “Estimated easement/contract cost for funds reservation” as soon as the application has been tentatively selected for funding by the State. The amount entered must be the easement or contract cost only; do not include any restoration or acquisition-related costs. By entering the estimated easement/contract cost and affixing the eSignature in NEST, the State is indicating that funds are available and ready to be reserved. Populating this information in NEST triggers a funds reservation request through the bulk upload process.
 - (i) States must be aware that the amount reserved in FMMI will come directly from the amount the State entered in the “Estimated easement/contract cost for funds reservation” field in NEST.
 - (ii) States must email (EPDbulkupload@usda.gov) if the following applies:
 - The amount entered by State staff in the “Estimated easement/contract cost for funds reservation” field is incorrect. Include a courtesy copy to NESTSupport@usda.gov to alert EPD staff of the error.
 - The budget period differs from the current fiscal year (e.g., 22XX23). The emailed communication must identify the NEST application number in the subject line and provide the fund breakdown for the enrollment.

Title 300 – National Instruction

This step is not required for RCPP covered programs (RCPP-ACEP-ALE, RCPP-HFRP, and RCPP-ACEP-WRE).

- States should try to use a single funding source for enrollments. If a split between multiple WBS elements is required, States must first obtain approval in writing from the national program manager, upload the approval in NEST, and send an email to EPDbulkupload@usda.gov with the fund accounting and a copy of the approval.

Note: Fund reservations in FMMI will not be completed for EWPP-FPE enrollments.

- B. The EPD bulk upload team obtains NEST data reports weekly and more frequently near the end of the fiscal year, e.g., daily. The reports capture applications that have the “Estimated easement/contract cost for funds reservation” and eSignature data populated.
- C. EPD submits the NEST report to the appropriate FPAC BC staff for bulk uploading into FMMI to create the fund reservation. When there are discrepancies in data, missing information, or a FMMI error upon loading the transactions, EPD staff will reach out to the State staff for clarification.
- D. After the enrollment funds reservation is complete in FMMI, FPAC BC staff will send confirmation information to the EPD bulk upload team with the fund reservation FMMI document number. EPD staff will enter the funds reservation FMMI document number and unique WBS element into NEST for each individual record.
- E. State and EAB staff will receive confirmation from PAMS alerting them to the completed reservation. The communication will include a link for States and EAB to access reservation information in PAMS. States and EAB may access obligation data through PAMS under the “Bulk Upload” tab and using appropriate filters.
- F. To reserve funds for full (or whole) conversion of a 30-year easement to permanent easements.—
- (1) States do not create a new NEST record.
 - (2) States must submit a request for NEST assistance through PAMS. To do this, the State creates a new “General Request” in PAMS with request type “NEST Assistance,” and leaves the “Request Sub-Type” field blank. The following information must be included in the “Request Specifics” field:
 - (i) Indicate that this a full conversion that is ready for funds reservation.
 - (ii) Provide the amount of funds to reserve, decision maker, and WBS element.
 - (3) NEST support will notify the EPD bulk upload team of the reservation request.
- G. To reserve funds for a partial conversion of a 30-year easement to permanent easement.—
- (1) States must create a new NEST record to document the portion of the easement that will be converted.
 - (2) In the new record, States must enter “Estimated easement/contract cost for funds reservation” and affix an eSignature.
 - (3) Immediately after this step, States must also submit a request for NEST assistance through PAMS. To do this, the State creates a new “General Request” in PAMS with request type “NEST Assistance,” and leaves the “Request Sub-Type” field blank. The following information must be included in the “Request Specifics” field:
 - (i) Indicate that this is a partial conversion that is ready for funds reservation.
 - (ii) Provide the amount of funds to reserve, decisionmaker, WBS element, the original acres, the conversion acres, the original NEST number associated

Title 300 – National Instruction

with the non-converted land, and the new NEST number associated with the converted land.

- (4) NEST support will notify the EPD bulk upload team that the reservation request is associated with a partial conversion.

H. Funds reservation rejected due to insufficient funds will result in a notification to the state from bulk upload. It is the sole responsibility of the state to address financial availability of funds for the reservation. The EPD bulk upload team will take no further action or follow-up concerning the reservation request until the State responds with an email communication to the EPDbulkupload@usda.gov that the funds are secured and available for the reservation.

I. Adjusting or cancelling a funds reservation (ACEP-WRE, HFRP, RCPP-ACEP-ALE, RCPP-HFRP, and RCPP-ACEP-WRE, and WBP). Under the bulk upload process, enrollment funds reservations will generally not be adjusted in FMMI or NEST. If an adjustment is unavoidable, follow this guidance:

- (1) If the revised enrollment amount is less than the funds reservation amount, the remainder will be automatically released and made available to the State at the time of fund obligation.
- (2) If the revised enrollment amount increases and exceeds the funds reservation, the condition is addressed at obligation. The State Conservationist (Allowance Holder) must verify that the additional funds are available prior to signing the enrollment agreement or contract. The Allowance Holder is responsible for verifying the and documenting availability of funds, including the WBS element, date, and amount prior to execution of the agreement.
- (3) If the revised enrollment requires changes specific to the WBS elements, please address the reservation in a timely manner by emailing EPDbulkupload@usda.gov to request the adjustment. The State must include the NEST number in the subject line and detail the WBS changes required. These circumstances are generally applicable if the State requires the funds released to be used for additional enrollments. The EPD bulk upload team will process the request and provide confirmation when the change is complete.
- (4) A cancellation of the existing funds reservation requires the cancellation date to be entered into NEST by the State or EAB. To release funds from the reservation, email EPDbulkupload@usda.gov to request the cancellation. The email must include the NEST number in the subject line. The EPD bulk upload team will process the request and provide confirmation when the change is complete.

310.5 Funds Obligations for Enrollments, Acquisition-Related Costs, and Restoration

A. To create a funds obligation (ACEP-WRE, EWPP-FPE, HFRP, RCPP-ACEP-ALE, RCPP-HFRP, RCPP-ACEP-WRE, and WBP), States or EAB must:

- (1) Ensure that adequate funds have been reserved or are available for obligation prior to executing the enrollment agreement or contract and before entering the “Enrollment Funds to Commit” in NEST. If the State does not have sufficient funds available, the State must not execute the enrollment agreement or contract. The State may request additional funds in accordance with all current guidance and policy regarding fiscal year allocations and funds requests.
 - (i) The State conservationist may only execute an enrollment agreement or contract for which there is documentation of sufficient funds availability and

Title 300 – National Instruction

only after all required easement IC reviews have been completed. Preobligation reviews must be conducted according to the most current easement IC guidance.

- (2) Upload the executed obligating documents (enrollment agreement or contract) and the required supporting documents to the NEST Documents page. States or EAB must upload these documents as one PDF and use the “FBC Obligation Package” document type. The package must include the items listed in Exhibit A – FBC Obligation Package Submission Checklist.
- (3) Populate the following data elements in NEST, after the FBC Obligation Package has been uploaded to NEST documents:
 - (i) State Conservationist signature date
 - (ii) Enrollment Funds to Commit (\$)
 - (iii) eSignature to “Submit for Commitment Approval”

B. By entering this data, the State or EAB is indicating that funds for the enrollment cost and, if applicable, the Enrollment Agreement Supplement cost, are ready to be recorded in FMFI. Populating this information in NEST triggers the funds obligation through the bulk upload process.

C. EPD bulk upload team obtains a report from NEST once a week, and more frequently towards the end of the fiscal year, e.g., daily. Reports contain the following information:

- (1) NEST application number
- (2) Administrative area
- (3) Program
- (4) National initiative (program code)
- (5) Duration
- (6) Decisionmaker
- (7) Amount (Enrollment funds to commit)
- (8) Internal Controls eSignature and date
- (9) State conservationist date of signature
- (10) Landowner(s) with ownership percentages
- (11) eSignature date for “Submit for Commitment Approval”

D. To obligate funds for full (or whole) conversion of a 30-year easement to permanent easement.—

- (1) States must upload the FBC Obligation Package to NEST as detailed in step 310.5(A)(2) above.
- (2) States must then submit a request for NEST assistance through PAMS. To do this, the State creates a new “General Request” in PAMS with request type “NEST Assistance,” and leaves the “Request Sub-Type” field blank. In the “Request Specifics” field:
 - (i) Indicate that this is a fund obligation request for a full conversion.
 - (ii) Provide the amount of enrollment funds to commit and the decisionmaker.
- (3) NEST support will notify the EPD bulk upload team of the obligation request for the conversion.

E. To obligate funds for partial conversion of 30-year easements to permanent easements.—

- (1) States must enter the NEST obligation information in the NEST record associated with the converted land. To do this, follow the steps described in 310.5(A) above.
- (2) Immediately after completing the NEST entry and uploading the FBC Obligation Package, States must also submit a request for NEST assistance through PAMS. To

Title 300 – National Instruction

do this, the State creates a new “General Request” in PAMS with request type “NEST Assistance,” and leaves the “Request Sub-Type” field blank. In the “Request Specifics” field:

- (i) Indicate that this is a partial conversion that is ready for funds obligation.
 - (ii) Provide the amount of enrollment funds to commit, the decisionmaker, the original acres, the conversion acres, the original NEST number associated with the non-converted land, and the NEST number associated with the converted land.
- (3) NEST support will notify the EPD bulk upload team that the reservation request is associated with a partial conversion.

F. The EPD bulk upload team uses the NEST reports to establish the review order for FBC Obligation Packages submitted in NEST. If the EPD bulk upload team identifies errors or discrepancies during their review, they will reach out to State easement program managers or EAB for clarification.

G. The EPD bulk upload uses the NEST report along with the information contained in the FBC Obligation Package to create a bulk upload template. The template communicates the obligation data to FPAC BC staff who administer the bulk upload of obligations into FMML. The template includes:

- (1) One obligation for:
 - (i) The enrollment costs (as identified in the enrollment agreement or contract).
 - (ii) The acquisition-related costs and restoration costs (as identified in the Enrollment Agreement Supplement).
 - (iii) If applicable, the landowner-procured boundary survey costs (as identified in the Supplement to the Enrollment Agreement for the Purchase of Conservation Easement for Landowner Procurement of Boundary Survey).
- (2) The obligation will have a line for each landowner showing their respective share, and a line for each activity (distinguished by a budget object classification code (BOC)). No vendor will be attached to the preliminary obligation for acquisition-related costs and restoration costs.

Note: The enrollment agreement or contract, the Enrollment Agreement Supplement, and the Supplement to the Enrollment Agreement for the Purchase of Conservation Easement for Landowner Procurement of Boundary Survey must be submitted in a single FBC Obligation Package.

H. Once the obligations have been recorded in FMML, EPD will enter the financial data in NEST. States and EAB will receive confirmation notice from PAMS indicating that funds have been recorded in FMML. This confirmation includes the link to the obligation information including the FMML document number, at which point States or EAB must create the agreement record in NEST. States and EAB may access obligation data through PAMS under the “Bulk Upload” tab and using appropriate filters.

I. If an obligation cannot be recorded in FMML due to insufficient funds, the EPD bulk upload team will notify the State. It is the sole responsibility of the State to address financial availability of funds for the obligation. The EPD bulk upload team will not be able to record the obligation in FMML until the State confirms that sufficient funds are available by sending an email to EPDbulkupload@usda.gov.

J. It is the State conservationist’s responsibility to ensure that FMML and NEST data are accurate. Please report any inconsistencies or discrepancies as soon as they are known to EPDbulkupload@usda.gov and NESTsupport@usda.gov. Throughout the fiscal year, States

must conduct regular quality assurance reviews of NEST data and increase the frequency of such reviews towards the end of the fiscal year.

K. It is the allowance holder's responsibility to ensure that accurate and complete documentation of the financial transaction is maintained in the official files.

L. If, in the future adjusting or cancelling an obligation is required (ACEP-WRE, EWPP-FPE, HFRP, RCPP-ACEP-ALE, RCPP-HFRP, RCPP-ACEP-WRE and WBP):

- (1) States must provide the FMMI document number of the obligation to adjust the obligation as necessary.
- (2) Adjustments to the amounts obligated to an executed easement or 30-year contract enrollment agreement, will be needed in most cases. States must continue to submit obligation adjustment or de-obligation packages to FPAC BC via Service Now requests in accordance with existing procedures. There is not currently a streamlined process for adjusting or cancelling an existing obligation.

310.6 Preliminary obligations of easement acquisition-related and restoration costs using the Enrollment Agreement Supplement

A. For ACEP-WRE enrollments, States must use the "Supplement to the Enrollment Agreement for the Preliminary Obligation of Acquisition-Related and Restoration Costs" (see Exhibit C) to obligate any acquisition-related and restoration costs that will not be otherwise obligated in the same fiscal year. For EWPP-FPE, HFRP easements, and RCPP covered program enrollments, use of the Enrollment Agreement Supplement is optional. WBP does not require the Enrollment Agreement Supplement.

B. The Conservation Schedule of Operations (NRCS-CPA-1155/AD-1155) generated from Conservation Desktop will serve as the basis for the enrollment agreement supplement obligation. Estimated costs for acquisition and restoration should be based on the State established cost lists. Sufficient documentation must be retained in the official easement case file and uploaded to NEST to support the calculations used to determine the cost estimates identified on the Enrollment Agreement Supplement.

C. The Enrollment Agreement Supplement must only be executed by the State conservationist or delegated in writing to the assistant State conservationist with easement program responsibility (NRCS Authorized Official), after funds availability has been verified and documented on the Enrollment Agreement Supplement by the authorized local financial staff and after the enrollment agreement document has been executed by State easement coordinator. For States serviced by EAB, there are specific instructions for completion within the Enrollment Agreement Supplement itself.

D. When completing the Enrollment Agreement Supplement, States or EAB must enter all acquisition-related costs that will be procured, including items that will be obligated under another contract or agreement. If an acquisition-related costs or restoration is already obligated or will be obligated by the end of the fiscal year under another contract/agreement enter "\$0" and the associated contract, purchase order, or agreement number in section I of the Enrollment Agreement Supplement.

- (1) If legal boundary survey costs will be obligated under a Supplement to the Enrollment Agreement for the Purchase of Conservation Easement for Landowner Procurement of Boundary Survey, States must—

Title 300 – National Instruction

- (i) Enter “\$0” in the “Total Estimated Cost to Obligate” column for the legal boundary survey practice in section I(a) of the Enrollment Agreement Supplement.
- (ii) Include the Supplement to the Enrollment Agreement for the Purchase of Conservation Easement for Landowner Procurement of Boundary Survey and supporting documentation in the FBC Obligation Package as described in Exhibit A to this instruction.

E. The “Other” field in section I(a) of the Enrollment Agreement Supplement must be completed for any acquisition-related costs that are not specifically listed such as baseline documentation reports. The corresponding BOC must be provided along with a description of the cost.

F. States should try to use a single funding source for the acquisition-related and restoration costs. If a split between funds is required, States must add all the WBS elements to the Enrollment Agreement Supplement in or near the Fund Availability signature block.

G. States will adjust the preliminary obligation as they are ready to obligate final amounts for acquisition related costs and restoration by releasing the funds from the Enrollment Agreement Supplement.

310.7 Release Preliminary Obligations from Enrollment Agreement Supplement

A. Release of preliminary obligations for easement acquisition and restoration when final contract mechanisms such as cooperative agreements, federal contracts, and landowner conservation program contracts are ready for obligation.

B. There are two methods of releasing funds for final obligations that were obligated preliminarily via the Enrollment Agreement Supplement: mass release of funds and case-by-case State or EAB requested release of funds.

- (1) Mass release of funds will be completed by national headquarters staff for all legal boundary surveys obligated through the Enrollment Agreement Supplement annually, no later than November 15. Once released State or EAB must requisition legal boundary surveys through the selected contract mechanism no later than January 15.
- (2) Case-by-case State or EAB requested release of preliminary obligations to final contracting mechanisms (landowner conservation program contracts, cooperative or contribution agreements; or federal contracts) will be completed using Exhibit D “Amendment for the Supplement to the Enrollment Agreement for the Preliminary Obligation of Acquisition-Related and Restoration Costs for ACEP-WRE, HFRP, and EWPP-FPE” (herein referred to as the Amendment).

C. Exhibit E “Scenarios for releasing preliminary obligation funds for final easement acquisition and restoration obligations” should be followed to determine the method of release and the steps that should be taken based on the contracting method selected.

D. All case-by-case release of preliminary obligation funds made via the Enrollment Agreement Supplement must be documented on the Amendment to the Enrollment Agreement Supplement routed through the FPAC-BC Payment Operations Section easement team via a ServiceNow request. Requests for the release of funds should be made only after the final contracting mechanisms have been drafted and the final costs are known. Since the preliminary obligation of funds made via the Enrollment Agreement Supplement is the basis of the fund availability for the final obligation, maintaining the Enrollment Agreement

Title 300 – National Instruction

Supplement and all amendments together for documentation purposes is critical. States must submit the following to the FPAC-BC Payment Operations Section easement team when requesting release of funds obligation via the Enrollment Agreement Supplement:

- (1) Fully executed Enrollment Agreement Supplement
- (2) Amendment to the Enrollment Agreement Supplement
- (3) Accounts Payable Service Branch Checklist

E. It may not always be the case that the final obligation is the exact same amount of funds as the Enrollment Agreement Supplement. If the final obligation requires less funds than what exists in the preliminary obligation, those funds will automatically be released when the final obligation is made. If the final obligation requires more funds than what were obligated via the Enrollment Agreement Supplement and those same funds (including budget period) do not exist in the State, States must contact the National Program Manager to request those funds. States may not use current year funds without National Program Manager Approval.

F. Excess funds released from the Enrollment Agreement Supplement for ACEP and HFRP will remain in the State until the end of the fiscal year; at that point, they will be swept unless the National Program Manager determines the funds are needed elsewhere. Excess funds that remain in the State can be used on other changes needed for the final obligations for easement acquisition and restoration costs.

G. Excess funds released from the Enrollment Agreement Supplement for EWPP-FPE will be managed differently since the distribution of funds is made to specific enrollments.

H. State must not execute a final contract mechanism until the preliminary obligation has been released, doing so would result in a double obligation of funds for the same activity. When funds are released for use on the final contract mechanisms, States or EAB will not create new WBS's, instead they will use the exact same unique WBS used for obligating the funds via the Enrollment Agreement Supplement for obligation of the final contract mechanisms regardless of when or how the final contract mechanisms are obligated.

I. States cannot use the amendment to add funds to the Enrollment Agreement Supplement.

310.8 Requests for payments

Requests for payments must be submitted to FPAC BC by States or EAB on an individual easement, 30-year contract, or WBP contract basis following applicable program and current FPAC BC guidance. There is not currently a streamlined process for payments.

310.9 Exhibits

- A. FBC Obligation Package Submission Checklist
- B. Easement and Water Bank Program Matrix of Transaction (Reservation and Obligation) Methods
- C. Supplement to the Enrollment Agreement for the Preliminary Obligation of Acquisition-Related and Restoration Costs (Enrollment Agreement Supplement)
- D. Amendment to the Supplement to the Enrollment Agreement for the Preliminary Obligation of Acquisition-Related and Restoration Costs (Enrollment Agreement Supplement)
- E. Scenarios for releasing preliminary obligation funds for final easement acquisition and restoration obligations