FSA
HANDBOOK

Emergency Conservation Program

To access the transmittal page click on the short reference.

For State and County Offices

SHORT REFERENCE

1-ECP
(Revision 3)

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

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UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
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Emergency Conservation Program 1-ECP (Revision 3)	Amendment 3

Approved by: Acting Deputy Administrator, Farm Programs

Amendment Transmittal

A Reasons for Amendment

Paragraphs 1, 2, 4, 5, 34, 52, 91, 92, 95, 97, 98, 114, 154, 176, 181, 211, 215, 235-239, 295, 333, 402, 417, 418, 434, and Exhibits 9 and 16 have been amended to update references to persons and legal entities.

Paragraph 5 has been amended to reference 4-PL for direct attribution and payment limitation.

Paragraph 6 has been amended to:

- remove direct references to “Legislative Authority” and “Effect on Sites”, and instead reference 1-EQ for **all** environmental and cultural resource concerns
- clarify refunds of payments for practices performed under other programs
- incorporate wetlands from withdrawn paragraph 115.

Paragraph 7 has been updated to reference Loss Assessment Report instead of a Flash Report.

Paragraph 9 has been amended to clarify State supplementation.

Paragraph 10 has been amended to make completing CCC-770 ECP-1’s and CCC-770 ECP-2’s optional.

Paragraph 21 has been amended to clarify:

- required information about disasters
- authority to implement ECP.

Paragraph 34 has been amended to clarify COC delegated authorities for approving applications for C/S.

A Reasons for Amendment (Continued)

Paragraph 35 has been amended to:

- require a copy of a Loss Assessment Report instead of a Flash Report
- revise the statement on frequent damage
- allow for supporting documentation to be submitted by e-mail.

Paragraph 42 has been amended to clarify maximum C/S payment limitation.

Paragraphs 43 and 44 have been combined and percent of cost levels for C/S have been removed.

Paragraph 45 has been amended to:

- clarify that C/S levels with limitations may be established for practices and components
- include NIFA as a source for cost data.

Paragraph 46 and 48 have been combined and amended to allow solar- and wind-based power sources under specific circumstances and incorporate ineligible items from subparagraph 293 B.

Paragraph 49 has been removed because flat rates are no longer applicable to ECP.

Paragraph 51 has been amended to remove the requirement that eligible public land must be noncropland.

Paragraph 76 has been amended to:

- include new requirements for State MOA's on technical services
- provide a revised template for State MOA's.

Paragraph 77 has been amended to:

- require AD-672's for technical service
- provide required entries for AD-672's and an example AD-672.

Paragraph 91 has been amended to reference 4-PL for eligibility determinations.

Subparagraph 92 A has been amended to incorporate minor applicant eligibility from withdrawn paragraph 96.

Paragraph 93 has been amended to remove reference to "persons".

Subparagraph 95 B has been amended to replace reference to "sportsmen's clubs" with "sports clubs."

Subparagraphs 98 C and D have been reversed for clarity.

A Reasons for Amendment (Continued)

Subparagraph 98 G has been amended to reference paragraph 92 for determining eligible persons and legal entities.

Subparagraph 110 A has been amended to clarify that land physically located in a portion of a county approved for ECP may be eligible for C/S.

Subparagraph 110 B has been amended to clarify examples of eligible and ineligible land.

Paragraph 115 was withdrawn because the content was moved to subparagraph 6 H.

Paragraph 116 has been amended to clarify eligibility of land with the same or similar practices under EWP, EQIP, or other C/S programs.

Paragraph 171 has been amended to:

- require a photograph from onsite inspections
- document requirements for requests for waivers of onsite inspections
- clarify environmental compliance evaluation requirements.

Paragraph 172 has been amended to:

- separate COC determining eligibility and ineligible practices
- incorporate disapproved practices language from subparagraph 175 C into subparagraph B
- clarify that presence of debris may be a new conservation problem
- update reference to FSA-850.

Subparagraph 173 B has been amended to:

- clarify when prioritization factors should be used
- remove duplicate “safety factor” and revise safety factor example
- add “status as a limited resource producer” as a prioritization factor.

Paragraph 175 has been amended to:

- to make CCC-770 ECP-1’s optional
- clarify that CPA-052 (or NRCS State equivalent) may be completed instead of FSA-850
- remove disapproved practices that were moved to paragraph 172
- clarify in subparagraph D:
    - that all bullets in the subparagraph **must** apply to grant relief
    - the time period for which AD-245’s **must** be filed
    - that the disaster **must** be ECP designated.

A Reasons for Amendment (Continued)

Paragraph 176 has been amended to:

- move prioritization of limited resource producers to subparagraph 173 B
- clarify limits on limited resource producer C/S rates.

Paragraph 178 has been amended to:

- require reviewing pending AD-245's at minimum every 90 calendar days
- clarify requirements for modifying application amounts and county funding requests.

Paragraph 179 has been amended to:

- clarify C/S approval authority
- amend requirements for submitting requests to CEPD.

Subparagraph 180 A has been amended to be consistent with subparagraph 173 B.

Subparagraph 182 B has been amended to allow flexibility on practice extension lengths.

Subparagraph 184 B has been amended to require that cancellation of AD-245's may only be suspended for 60 calendar days after the practice expiration date.

Paragraph 212 has been amended to clarify filing in a timely manner and that funds shall be deobligated when AD-245 is canceled.

Subparagraph 215 D has been removed because flat rates are no longer applicable to ECP.

Subparagraph 236 has been withdrawn because the content was moved to subparagraph 235 C.

Subparagraphs 237 D and E have been combined and amended for clarity.

Paragraph 240 has been removed to disallow considering contributions from ineligible contributors in unusual circumstances because of direct attribution of payments.

Paragraph 272 has been amended to clarify that the producer agreement to maintain a practice is signed on AD-245.

Paragraph 292 has been amended to update language on ineligible contributions, producer maximum payments, and requirement to complete CCC-770 ECP-2's.

Subparagraph 293 B has been amended to reference subparagraph 46 B.

Subparagraphs 294 D and E have been amended to remove references to flat rate because flat rates are no longer applicable to ECP.

A Reasons for Amendment (Continued)

Subparagraph 296 A has been amended to update instructions on completing AD-245 to leave blanks in the blocks for “Setoff”, “Debt Assessment”, and “Net Payment” because they will be automated in a separate system.

Paragraph 331 has been amended to clarify information on issuing program payments.

Paragraph 336 has been amended to incorporate offset and determining priorities from withdrawn paragraph 371.

Paragraph 351 has been amended to remove direct reference to checks or EFT’s because checks are no longer issued at the County Office level for ECP.

Part 4, Section 5 has been withdrawn because debt identification, assignment, and deductions are now automated.

Subparagraph 393 B has been amended to reduce the percentage of ECP applications that must be reviewed when ECP applications received in a County Office are equal to or greater than 1,000.

Paragraphs 401 through 407 have been rearranged and amended for clarity.

Exhibit 2 has been amended to revise the limited resource producer definition to be consistent with the provisions in paragraph 176.

Exhibit 5 has been amended to provide an updated example CCC-770 ECP-2.

Exhibit 8 has been amended to:

- remove all references to the percent of actual cost rate type because percent of actual cost rate types are no longer applicable to ECP
- include updated language on the requirement for FSA-850 for Practice EC1
- clarify policy for C/S of components used to repair or replace animal waste lagoons.

Exhibit 11 has been amended to provide an updated example CCC-770 ECP-1.

Exhibit 16, paragraph C has been amended to remove item 21 from entries reported by County Office on ACP-153A because checks are no longer issued at the County Office level for ECP.

Amendment Transmittal (Continued)

Page Control Chart		
TC	**Text**	**Exhibit**
1-8	1-1 through 1-50 1-55 through 1-94 1-133, 1-134 1-134.5 through 1-134.10 (add) 1-135, 1-136 1-157 through 1-194 1-201 through 1-204 3-5 through 3-120 3-123 through 3-140 3-161 through 3-184 3-221, 3-222 4-1 through 4-54 4-77 through 4-150 4-151 through 4-156 (remove) 4-157 (remove) 5-3, 5-4 5-21 through 5-30 6-1 through 6-4 6-31 through 6-50	1, pages 1, 2 2, pages 1, 2 5, page 1 8, pages 3, 4 pages 7-10 pages 13-16 pages 21-26 9, pages 1, 2 11, page 1 16, pages 1, 2 page 3 page 4 (remove)

Table of Contents

Page No.

Part 1 Basic Information

Section 1 General Provisions

1	Program Authorization	1-1
2	Related Handbooks	1-3
3	Relief Actions	1-4
4	AD-1026 Requirements	1-5
5	Payments	1-6
6	Special Concerns	1-7
7	Record of Natural Disasters	1-9
8	Program Year	1-9
9	Forms and Supplementation	1-10
10	CCC-770 ECP-1 and CCC-770 ECP-2	1-11
11-19	(Reserved)	

Section 2 STC and State Office Responsibilities

20	STC Responsibilities	1-33
21	SED Responsibilities	1-34
22-29	(Reserved)	

Section 3 COC and County Office Responsibilities

30	COC Policies and Actions	1-51
31	Documenting COC Determinations	1-52
32	County Office Employee Action	1-53
33	Functions To Be Performed by CED	1-54
34	Delegations of Authority	1-55
35	COC Action When Disaster Occurs	1-57
36-41	(Reserved)	

Table of Contents (Continued)

Page No.

Part 1 Basic Information (Continued)

Section 4 C/S Policies

42	Maximum C/S Limitation	1-81
43	C/S Levels	1-82
44	(Withdrawn--Amend. 3)	
45	C/S Levels With Limitations	1-84
46	Items Eligible and Ineligible for C/S	1-85
47	Eligible Costs	1-87
48, 49	(Withdrawn--Amend. 3)	
50	Arbitrary Holddowns	1-89
51	Fencing Policy	1-91
52	Easements, Permits, Rights-of-Way, and Water Rights	1-94
53	Bartering	1-95
54-63	(Reserved)	

Section 5 Program Funds Management

64	State and County Allocations	1-115
65	Reserves	1-116
66	Expenditure Limitations	1-116
67	Requesting and Releasing Funds	1-117
68-75	(Reserved)	

Section 6 Transfer for Technical Services

76	MOA	1-133
77	Payment for Technical Services	1-134.8
78	Reimbursable Technical Services	1-136
79	Providing Technical Services	1-137
80	Outside Assistance	1-138
81	Technical Services Not Chargeable to Producers	1-139
82	Assigned Technical Agency Responsibilities and COC Action	1-139
83-90	(Reserved)	

Table of Contents (Continued)

Page No.

Part 1 Basic Information (Continued)

Section 7 Person, Legal Entity, and Land Eligibility

91 Eligible and Ineligible Persons and Legal Entities 1-157
92 Determining Eligible and Ineligible Persons and Legal Entities 1-159
93 Eligibility of Native Americans 1-161
94 Cooperative Grazing Associations and Districts 1-162
95 Clubs and Organizations 1-163
96 (Withdrawn--Amend. 3)
97 Government Entities 1-165
98 Organized Districts 1-166
99-109 (Reserved)

Section 8 Land Eligibility

110 Eligible Land 1-191
111 Ineligible Land 1-195
112 Land Located in Nondesignated ECP Counties 1-199
113 Native American Land 1-199
114 Government-Owned Land 1-201
115 (Withdrawn--Amend. 3)
116 Land Under Other C/S Programs 1-203
117-129 (Reserved)

Part 2 Practice Provisions

130 COC-Approved Practices 2-1
131 Practices Requiring ECP-PM Approval 2-1
132 Practice Lifespans and Maintenance 2-3
133 Size of Structures 2-4
134 Cost Sharing for Minerals and Seeds 2-5
135 Qualifying Minimum Cost of Restoration 2-6
136-150 (Reserved)

Table of Contents (Continued)

Page No.

Part 3 ECP Requests

Section 1 Accepting Requests

151 Program Availability 3-1
152 Signup 3-2
153 Accepting Requests 3-3
154 Filing AD-245's 3-5
155 Obtaining Needed Information 3-6
156-170 (Reserved)

Section 2 Reviewing Cost-Share Requests

171 Onsite Inspection 3-51
172 Determining Eligibility 3-54
173 Using Priorities 3-55
174 (Withdrawn--Amend. 2)
175 Approvals and Disapprovals 3-57
176 Limited Resource Provisions 3-59
177 Disapprovals and Deferred Action 3-60
178 Pending Requests 3-61
179 Requests Requiring Special Approval 3-62
180 Determining Approval Amount 3-64
181 Documenting COC Decisions 3-65
182 Setting Expirations Dates 3-67
183 Expiration Notice 3-68
184 Canceling Approvals 3-69
185 Reinstating Canceled Approvals 3-70
186-210 (Reserved)

Section 3 Performance Report Requirements

211 Filing Performance Reports 3-119
212 Reporting Dates 3-120
213 Reporting Practice Extent 3-121
214 Reporting Practice Location 3-122
215 Supporting Data 3-123
216 Maintenance and C/S Refund Responsibility 3-126
217-224 (Reserved)

Page No.

Part 3 ECP Requests (Continued)

Section 4 Certifying Performance

225 Certification on AD-862 for Practices Assigned to FSA 3-141
226 Certification on AD-862 When Technical Practices Assigned to Another Agency 3-143
227 Technical Practices Performed Without Technical Agency Assistance 3-144
228-234 (Reserved)

Section 5 Reporting Contributions

235 Multiple Persons or Legal Entities Who Share Cost of Practice 3-161
236 (Withdrawn--Amend. 3)
237 Dividing C/S Based on Contributions 3-163
238 Cost Data When Ineligible Participants Contributed 3-164
239 Computing C/S if Ineligible Persons or Legal Entities Contributed 3-165
240 (Withdrawn--Amend. 3)
241-250 (Reserved)

Section 6 Change in Extent Performed

251 Changing Extent Performed as Reported by Participant 3-185
252 Adjustment for Practices Exceeding Requirements 3-186
253 Adjusting Extent or C/S Before Practice Performance 3-188
254 Adjusting Extent or C/S After Practice Performance and Before Payment 3-189
255 Increasing Extent or C/S After Practice Performance and After Payment 3-190
256 Increases Not Authorized 3-191
257-271 (Reserved)

Section 7 Miscellaneous Situations

272 Performance Not Meeting Specifications or Requirements 3-221
273 Requirements Met but Practice Failed 3-222
274 Materials Not Applied at Specified Rate 3-223
275 Practice Performed With Material Not on AD-245 3-224
276 Practice Completed by Successor 3-225
277-291 (Reserved)

Table of Contents (Continued)

Page No.

Part 4 Payments

Section 1 Computing C/S Earned

292 Payments 4-1
293 Eligible and Ineligible Items for Computing C/S 4-2
294 Computing C/S Through AD-245, Page 2, Column H 4-3
295 Computing Limited Resource Payments 4-6
296 Completing AD-245, Page 2 4-8
297-320 (Reserved)

Section 2 Partial Payments

321 When Partial Payments May Be Made 4-55
322 Recovering C/S if Remaining Work Is Not Completed 4-56
323-330 (Reserved)

Section 3 Issuing Payments

331 Issuing Program Payments..... 4-77
332 COC Payment Responsibilities 4-78
333 Agreements Between Landlords and Tenants 4-79
334 When to Prepare Payment 4-81
335 Preparing and Issuing Payment for Technical Services 4-82
336 Refunds, Priority of Offsets, Withholdings, and Assignments..... 4-82
337-350 (Reserved)

Section 4 Adjustment Applications

351 When Adjustment Application Is Required 4-115
352 Destroyed, Lost, or Stolen Checks 4-116
353 Payments Due Deceased, Missing, or Incompetent Persons 4-116
354-370 (Reserved)

Section 5 (Withdrawn--Amend. 3)

371-375 (Withdrawn--Amend. 3)
376-390 (Reserved)

Table of Contents (Continued)

Page No.

Part 5 Compliance

Section 1 Spot Checks

391 Lifespan and Maintenance Policy 5-1
392 Spot-Check Policy 5-2
393 Extent of Spot Checks 5-3
394 Scope of Spot Checks 5-4
395 Followup Action on Discrepancies 5-5
396-400 (Reserved)

Section 2 Violations

401 Failure to Maintain and Use Practices 5-21
402 Actions That Defeat the ECP Purpose 5-24
403 COC, STC, and Employee Cases 5-26
404 Withholdings 5-27
405 Late Payment and Refund Interest 5-27
406 COC and STC Responsibility 5-27
407 Handling Program Infractions 5-28
408-416 (Reserved)

Part 6 P-A's

Section 1 P-A Provisions

417 Developing P-A's 6-1
418 Practice Provisions 6-3
419 Designating P-A Agents 6-5
420 P-A's Across State and County Lines 6-6
421 Location of P-A 6-7
422-430 (Reserved)

Section 2 P-A Approvals

431 Factors to Consider When Approving P-A's 6-29
432 Preparing ACP-153 and ACP-153A 6-30
433 Revisions to P-A's 6-31
434 Preparing ACP-245 for Approval 6-32
435-445 (Reserved)

Section 3 P-A Payments

446 Computing C/S for P-A's 6-51
447 Issuing Payments for P-A's 6-52

Exhibits

1 Reports, Forms, Abbreviations, and Redelegations of Authority
2 Definitions of Terms Used in This Handbook
3 (Reserved)
4 Policy for Small Payments
5 CCC-770 ECP-2, Before Payment Is Made
6, 7 (Reserved)
8 National Practices
9 Sample Formats for Providing Disaster Information to News Media
10 (Reserved)
11 CCC-770 ECP-1, Before Approval Is Made
11.1-11.4 (Reserved)
11.5 FSA-850, Environmental Checklist for Categorical Exclusions
12 Example of FSA-23
13 (Reserved)
14 Completing FSA-18
15 Completing FSA-276
16 Completing ACP-153A
17 Completing ACP-308 for P-A's

Part 1 Basic Information

Section 1 General Provisions

1 Program Authorization

A Program Purpose

ECP is established to:

- rehabilitate farmlands and conservation facilities damaged by:
  - wind and water erosion
  - floods
  - hurricanes
  - other natural disasters
- provide C/S assistance to eligible agricultural producers during periods of severe drought to:
  - supply emergency water for existing irrigation systems serving orchards and vineyards
  - ***--**supply emergency water for livestock, including confined livestock and poultry.**--***

Irrigations systems are:

- buried mainlines
- ditches
- other permanently installed systems.

Note: Center pivot, hand move, and wheel move systems are not considered permanently installed systems for purposes of ECP.

B Sources of Authority

The Agricultural Credit Act of l978 (92 Stat. 420-434), as amended by the Disaster Assistance Act of l989, Section 502, is the statutory authority for ECP.

1 Program Authorization (Continued)

C ECP Objectives

The objective of ECP is to provide C/S assistance to agricultural producers who have suffered severe damage to their farmland because of a natural disaster.

- The damage must be of such magnitude that it would be too costly for the producer to rehabilitate without Federal assistance.

  Note: ECP is **not:**

  - an "entitlement" program
  - intended that everyone who suffers a loss is entitled to a payment.

- COC shall ensure that the extent of the damage is severe enough to necessitate Federal assistance. See Exhibit 4.

D Handbook Purpose

This handbook provides policies and procedures for STC's, COC's, and State and County Offices administering ECP.

These procedures cover the following areas:

- reviewing State and county programs
- managing ECP funds allocated to State and County Offices
- providing technical services needed for designated practices
- ***--**eligibility of persons, legal entities, land, and practices**--***
- administrative responsibilities of STC's and COC's
- ECP practices and guidelines.

2 Related Handbooks

A Handbooks and Forms

Follow provisions in 1-CONSV, except as instructed in this handbook.

B Other Related Handbooks

Handbooks that relate to ECP are listed in the following table.

IF the material concerns...	THEN see...
audits and investigations	9-AO.
State and County organization and administration	16-AO.
appeals	1-APP.
directives management	1-AS.
clearing forms	3-AS.
records management	25-AS.
common management provisions	1-CM.
farm reconstitutions	2-CM.
conservation automation	1-CONSV.
quality control	1-COR.
compliance	2-CP.
AD-1026 requirements	6-CP.
failure to fully comply	7-CP.
environmental compliance	1-EQ.
making payments or assignment of payments	1-FI.
handling receipts and deposits	3-FI.
establishing claims	58-FI.
withholding nonresident alien income tax	62-FI.
assignments and joint payments	63-FI.
*--determining eligible persons, legal entities, and payment limitation	4-PL.--*
* * *	* * *
CRES procedures	DM 9500-1.
--Loss Assessment Reports--	EOH.
USDA Potential Natural Disaster Damage Assessment Reports	EOH.

3 Relief Actions

A Waiver Authority

Any procedural provision in this handbook may be waived by ECP-PM:

- unless prohibited by statute or regulation
- upon justification and recommendation by STC.

*--B Additional Waiver Authority

Waiver authority in this paragraph is in addition to, and is **not** a substitution for, either of**--*** the following:

- appeals provisions in 1-APP
- waiver provisions in 7-CP.

4 AD-1026 Requirements

A AD-1026 Certification

--AD-1026 certification is required for persons and legal entities who request benefits under-- a program covered by HELC and WC provisions and for their affiliates with farming interests.

*--B Additional Information About AD-1026 Certifications

For additional information about AD-1026 certifications, see 6-CP.--*

5 Payments

A Maximum Payment Limitation

***--**The maximum payment per person or legal entity, per disaster, including payments from pooling agreements, is $200,000. Direct attribution will be applied according to 4-PL, Part 5.

B Program Payment Information

See 4-PL for information about payment limitations.**--***

C Assigning Program Payments

Payments earned may be assigned according to 1-CM or 63-FI.

6 Special Concerns

*** * ***

A COC Action

COC shall not approve C/S on land that will have an adverse impact on endangered species ***--**or historic properties according to 7 CFR Part 799 and 1-EQ.**--***

B Refund of ECP Payment

Producers are **not** eligible to receive compensation under ECP and *** * *** WRP or Emergency WRP on the same acreage.

ECP payments received on acreage offered for WRP or Emergency WRP must be refunded if the ECP practice is still within its lifespan before WRP or Emergency WRP payments will be disbursed.

Process refunds according to 3-FI.

6 Special Concerns (Continued)

F Land Under Other C/S Programs

Producers are not eligible to receive compensation under ECP and any other Federal or State C/S program for the same component on the same land.

Producers receiving a CRP C/S payment are not eligible to receive an ECP payment on the same land.

G Land Under Practice Maintenance From Other C/S Program

A producer is not eligible to receive compensation to rehabilitate any land on which the producer is required to maintain the practice or the land under any other Federal or State C/S program.

*--H Wetlands

Cost sharing shall not be approved for practices that would drain or negatively impact the quality of any wetlands as defined in the NRCS Field Office Technical Guide.**--***

7 Record of Natural Disasters

A Maintaining County History

County Offices shall maintain a permanent file on natural disasters that have severely damaged agricultural lands in the county, regardless of whether disasters were approved for ECP. This information may be used as a basis for future program requests and designations.

--B Minimum Permanent File Requirements--

The permanent file may include news articles, but shall include as a minimum:

- dates
- type of natural disaster
- a record of the areas affected
- total program funds earned, if applicable
- map with areas identified
- *--Loss Assessment Report.--*

File with other ECP documents according to 25-AS.

8 Program Year

A FY

The ECP program year is FY.

*--B Determining Program Year for AD-245's

To determine the program year for a specific AD-245, see FY at the time ECP application was filed on AD-245.--*

9 Forms and Supplementation

A National Forms

STC's, COC's, and State and County Offices shall use nationally prescribed forms.

Note: Forms are available on the FFAS Employee Forms Online Intranet site at **http://intranet.fsa.usda.gov**.

B State Forms

Forms developed by STC's must:

- meet requirements in 3-AS
- be approved by the following:
  - CEPD
  - MSD.

*--C Adding, Modifying, or Withdrawing Provisions

State Office issued handbook instructions shall **not** be less or more restrictive than the provisions of this handbook; however, State-specific amendments may be made that are consistent with ECP provisions. For permanent directives, the following guidelines **must** be followed:

- issue a permanent State Office directive **only** as a supplement to this handbook.

  Note: Do **not** create a separate State handbook.

- do **not** modify national wording when adding supplemental information

- State Offices may supplement this handbook's instructions according to 1-AS.

Note: Periodically, the national ECP program manager may select State Office amendments for review.**--***

*--10 CCC-770 ECP-1 and CCC-770 ECP-2

A Using CCC-770 ECP-1 and CCC-770 ECP-2

CCC-770 ECP-1 and CCC-770 ECP-2 shall be considered management tools to help address deficiencies identified by a review or spot check of whether polices or procedures are being followed before issuing ECP approvals and/or payments.**--***

B CCC-770 ECP-1 and CCC-770 ECP-2 Information

It is not the intent of CCC-770 ECP-1 or CCC-770 ECP-2 to supersede or replace procedure. County Offices should:

- use CCC-770 ECP-1 and CCC-770 ECP-2 as reminders of the most frequently "erred" determinations and certifications

- recognize that the questions asked on CCC-770 ECP-1 and CCC-770 ECP-2 are very general in nature.

Note: It would not be practical for CCC-770 ECP-1 or CCC-770 ECP-2 to address every conceivable situation as it pertains to eligibility.

*--C Completing CCC-770 ECP-1 and CCC-770 ECP-2

SED, STC or designees, DD, or CED shall determine:

- when County Offices are to complete CCC-770 ECP-1 and CCC-770 ECP-2, if apparent internal control deficiencies are found during CED, STC representative, or DD reviews

- whether the applicable CCC-770 ECP-1 and CCC-770 ECP-2 is necessary to avoid findings indicated by COR reviews

- when additional internal controls are necessary to reduce improper payments.

Note: CCC-770 ECP-1 and CCC-770 ECP-2 developed by the National Office are the**--*** **only** authorized checklists for ECP. County Offices shall **not** use State or locally generated checklists for ECP.

*** * ***

11-19 (Reserved)

Section 2 STC and State Office Responsibilities

20 STC Responsibilities

A Program Administration

STC is responsible for administering ECP within the State according to national policy.

B STC Action

Within the authorities and limitations in the national program, STC's shall:

- direct the development and administration of ECP
- document STC actions in minutes or other written record according to 16-AO.

STC may delegate the authority to sign documents showing action taken by STC.

21 SED Responsibilities

A Program Oversight

SED shall:

- implement ECP as directed by STC and within national policy
- supervise and monitor operations to ensure that:
  - ECP policies are followed
  - operations are uniform among County Offices
- provide training as necessary for COC's, CED's, program technicians, and others so County Offices have a clear understanding of ECP policies and responsibilities

•***--**ensure information submitted supports requests for funds

- establish a State plan to monitor ECP that shall provide:
  - for the STC representative to review a sampling of AD-245's filed in each County Office as required in subparagraph 175 A**--***
  - the sampling and monitoring needed for ECP implementation and assistance

    Note: Establishing the State plan shall not delay implementation and assistance.
- in case of drought, monitor designated counties to determine whether drought conditions still exist and if the program is still needed to solve drought-related problems.

  Note: If it is determined that ECP is no longer needed, provide COC guidelines to:

  - discontinue issuing approvals
  - determine which outstanding approvals remain eligible.

21 SED Responsibilities (Continued)

*--B Contacting ECP-PM Before Implementation

For all natural disasters except droughts, SED or designee shall consult ECP-PM by telephone or e-mail before concurring with the County Office's request to implement or--* expand ECP.

SED shall:

- not delay a County Office's request for several days in anticipation of receiving other County Offices' requests
- notify County Offices of concurrence or nonconcurrence by telephone and follow up in writing.

*--C Required Information

An SED's consultation should include all pertinent information about the disaster including an estimate of the amount of funds needed to begin implementing the program. SED shall FAX to CEPD or e-mail to ECP-PM:

- the date and type of disaster
- names of the counties or parts of counties involved
- map of affected area, including county names and boundaries--*
- a request for an allocation of funds, if needed

  Notes: The amount shall be based on COC's assessment of **eligible** damage considering the practices to be used.

  Do **not** commingle ECP funds from other ongoing or previous ECP-designated disasters.

- the practices required to solve the problems
- a statement affirming that the disaster caused severe damage to farmland that is not subject to frequent damage (subparagraph 111 B).

21 SED Responsibilities (Continued)

*--D SED and STC Exception

SED or STC may implement the program, except for droughts, if conditions require--* immediate action and contact with ECP-PM is impossible. Document actions taken.

E ECP-PM Approval Required

ECP-PM's approval is required for all drought-disaster designations.

For severe droughts, SED shall provide the following information to ECP-PM in addition to the information required by subparagraph 35 E:

- all available data COC has assembled on the severity of drought conditions
- STC recommendation.

F Allocation of Funds

SED shall allocate funds to County Offices.

22-29 (Reserved)

Section 3 COC and County Office Responsibilities

30 COC Policies and Actions

A COC Responsibilities

COC is responsible for administering ECP consistent with national and State policy.

Note: CED is responsible for implementing COC's policies.

B COC Action

COC determinations must be made by the full COC or a quorum. Refer to 16-AO.

Note: COC may delegate authority to an individual COC member according to paragraph 34.

31 Documenting COC Determinations

A Written Documentation Required

Written documentation is required of COC determinations. Many routine COC determinations may be documented by an individual signing a form on behalf of COC.

B Acceptable Documentation

Either of the following is acceptable to document other types of COC determinations:

- annotation on the document of the COC determination, signed and dated by a COC member on the document
- a statement signed and dated by a COC member and attached to the document.

  Note: Document shall be cross-referenced to COC minutes.

COC minutes shall also reflect COC action.

C Required COC Minute Documentation

Each COC determination shall be documented in COC minutes and include the following:

- producer's name
- farm number
- sufficient information specific to **each** COC determination to create a justifiable record to support COC's actions.

32 County Office Employee Action

A Documenting Action

In addition to COC minutes, County Office employees shall create a written record to record the facts on either:

- the document involved
- a statement attached to the document.

Note: The person that takes the action and records the facts shall sign or initial and date the documentation.

33 Functions To Be Performed by CED

A CED Responsibilities

CED is responsible for the day-to-day administration of the county ECP as directed by COC according to national and State policy and procedure.

CED shall perform the following functions:

- issue AD-245 to producers
- send referrals to technical agencies
- compute C/S to payee
- approve payments to producers
- prepare forms for division of payment between contributors
- spot checks.

Note: CED may designate Program Technician to perform these and other functions without formal delegation.

34 Delegations of Authority

A COC Delegated Authorities

COC authorities may be delegated to CED or an individual COC member.

Authorities that may be delegated include determining the following:

- the amount COC is willing to approve
- the sufficiency of signatures and authority of persons signing in a representative capacity
- the value of:
  - ineligible contributions
  - *****--contributions of each person or legal entity who contributed to performing a--***** practice
- whether completing a component is a reasonable attainment toward completing the practice and prescribing the time for practice completion
- whether a practice not meeting all of the specifications adequately solves the problem
- whether an attempt was made to meet the specifications
- whether the performance justifies cost sharing on the extent performed
- approval of:
  - *****--applications for C/S--*****
  - changes in approved extent and C/S
  - increases in the approved extent, C/S, or both, if supported by AD-862 from the technical agency showing the need
  - extensions of time to complete and report performance of a practice
  - whether ECP should be requested.

34 Delegations of Authority (Continued)

B Limitations on Delegations

COC shall establish and specify determinations described in subparagraph A, if any, that will be delegated to CED, recorded in COC minutes, and filed according to 25-AS.

- Do not delegate authority to CED to act on matters involving the farms of STC or COC members or CED's own farm.

- CED shall carry out responsibilities according to COC delegations.

- COC shall review delegated authorities annually to ensure that they are being followed.

C Authorities Not to Delegate

The following COC authorities shall not be delegated:

- approving P-A's
- approving limited resource designations
- hearing appeals for reconsideration and making decisions on appeals
- determining whether there is a violation of ECP provisions
- determining priorities for ECP requests.

D Voting Limitation

A COC member shall abstain from voting on any determination about a farm in which that member or an immediate family member has a personal interest.

35 COC Action When Disaster Occurs

A Immediate Assessment of Damages

For all disasters except severe drought, immediately after a disaster occurs, COC shall make an overall assessment of the damage to ensure that the damage meets the minimum requirements. COC or CED shall consult with STC or SED to obtain concurrence before approving the disaster damage for C/S assistance (see paragraph 111 and Exhibit 4).

Concurrence may be by telephone and shall be based on the following:

- description of the disaster
- an estimate of funds needed
- a review of the policy about small payments in Exhibit 4
- areas of county affected
- practices needed
- policy about frequent damage in paragraph 111.

Note: COC or designee must follow telephone concurrence with written documentation to the State Office. The State Office shall review and forward documentation to ***--**ECP-PM. The documentation shall include, at the minimum, the following:

- a copy of the Loss Assessment Report (see EOH)**--***

- a description of the disaster as it affects agricultural land in the county

- the practices requested

  Note: Practice EC7, Other Emergency Conservation Measures, must have ECP-PM approval before implementation. Requests to implement EC7 must include justification and a proposed practice writeup.

- the number of farms expected to receive C/S assistance

- the amount of funds requested from the national reserve to administer the program

- that ECP has been documented as 1 of the types of USDA assistance required

35 COC Action When Disaster Occurs (Continued)

A Immediate Assessment of Damages (Continued)

- a copy of the County Emergency Board's Damage Assessment Report, if applicable

- the following frequent damage statement that is applicable to land suffering damage in the county for which ECP C/S is being requested:

  *--"The damaged land on which cost shares will be approved is not subject to frequent damage from natural disaster and has not been damaged by the same type of natural disaster 3 or more times in the last 10 years, including the current disaster."

- any other pertinent information supporting request for funds, including documentation of any information supplied earlier by telephone or e-mail.--*

B Requirements for Damaged Farmland

If new conservation problems have been created because of a disaster, the resulting damage to farmland shall:

- be unusual in character and, except for wind erosion, must not be the type of damage that would recur frequently in the same area

- materially affect the productive capability of the land or water resource

- impair or endanger the land if not treated

- be so costly to rehabilitate that Federal assistance is required to return the land to productive agricultural use.

35 COC Action When Disaster Occurs (Continued)

C Primary Consideration

The type and extent of individual farm damage shall be the primary consideration for ECP eligibility. The number of farms affected is not the primary criterion for offering assistance. The program may be implemented on a single farm if COC determines it is justified and STC concurs.

D Definition of Severe Drought

A severe drought condition exists when available livestock water and irrigation water for orchards and vineyards have been reduced below normal and survival is unlikely without additional water.

E COC Report of Drought Conditions

For a severe drought, COC shall provide STC with a complete written report of current conditions.

STC shall determine whether conditions are severe enough to warrant a recommendation for program implementation to ECP-PM.

The report forwarded to ECP-PM for each county shall include the following:

- actual rainfall history for each of the 3 years preceding the current year

- amount of precipitation by month for the last 12 consecutive months including last full month

  Notes: Obtain these statistics from National Oceanic and Atmospheric Administration, National Weather Service records, the U. S. Drought Monitor, or from the best available source within each respective county and document the source.

  Unless described otherwise, precipitation is assumed countywide, evenly distributed, and not damaging.

35 COC Action When Disaster Occurs (Continued)

E COC Report of Drought Conditions (Continued)

- percent of normal water for current underground and surface water supply, if applicable
- copy of County Emergency Board's Damage Assessment Report, if applicable (see EOH)
- ***--**copy of Loss Assessment Report (see EOH)**--***
- any other pertinent information available supporting the request for program designation.

F Other Available Funds

Before requesting ECP funds, COC shall use, to the extent possible, other available program funds instead of ECP.

For example, EQIP funds are used instead of ECP funds, these funds must be used only to make repairs or install practices that are eligible under EQIP.

G Exceptions

Except for a severe drought, COC may implement ECP after receiving STC's concurrence.

H Severe Drought Designation

For severe drought, ECP-PM will determine the emergency ECP designation in each county.

I Coordinating ECP With Other Agencies

Coordinate ECP activities with disaster assistance activity of other agencies, including FEMA, if applicable.

36-41 (Reserved)

42 Maximum C/S Limitation

*--A Maximum C/S Payment Limitation

In no case shall the payment exceed 75 percent of the producer's out-of-pocket cost to perform the practice, unless the producer is a limited resource producer.--*

B Limitation Based on Land Value

C/S assistance to rehabilitate damaged farmland shall not be more than 50 percent of the agricultural market value of the affected land as determined by COC unless waived by ECP-PM.

Note: In computing the value of the farmland, COC may use the countywide dryland cropland value submitted annually or the land value survey questionnaire for the previous 3 years.

C Establishment of C/S Levels

--STC or COC shall establish C/S levels for each practice or component. C/S levels shall-- not exceed 75 percent of the eligible cost of restoring the loss.

Note: See subparagraph 5 A for maximum payment limitation.

D Example of C/S Computation

If total eligible costs of all practices caused by the disaster are $210,000, then 75 percent times $210,000 equals $157,500 in C/S.

43 C/S Levels

A National Policy on C/S Levels

C/S levels up to 75 percent of the cost are authorized for ECP practices.

B National Policy on Limited Resource C/S Levels

C/S levels up to 90 percent of the cost of ECP practices for limited resource producers are authorized if approved by COC.

Note: See Exhibit 2 for the definition of a limited resource producer.

C Setting County C/S Levels

The C/S level for any practice may be set at any level within national and State policies. C/S levels shall be set based on the minimum incentive needed to encourage producer participation and solve the problem.

*** * ***

44 (Withdrawn--Amend. 3)

45 C/S Levels With Limitations

A Documenting C/S Levels With Limitations

--C/S levels may be established for practices or components with a maximum limitation.-- The limitation is based on the average cost of performing the unit of measure. C/S levels and maximum limitations shall be set based on the minimum incentive needed to encourage producer participation and solve the conservation problem.

Document C/S levels with a limitation as follows.

"_____ percent of the actual cost, not to exceed $_____ per unit (acre, pounds, feet, etc.)"

Example: 75 percent of the actual cost, not to exceed $60.00 per acre.

B Supporting Data for C/S Levels with Limitations

The maximum limitation shall be based on documented average costs.

COC shall base maximum limitation on current cost data, such as, data from:

- NASS
- applications of payment
- quotations
- dealers
- contractors
- *--NIFA--*
- NRCS.

Data used to determine maximum limitation shall be maintained with the county eligibility status list.

*--46 Items Eligible and Ineligible for C/S

A Items Eligible for C/S --*

Items eligible for C/S assistance include the cost of any direct and significant factors necessary to perform the practice, such as:

- new or used materials
- services
- labor
- sales tax.

Note: If used materials are approved by COC, it must be documented in COC minutes.

--B Items Ineligible for C/S--

The costs of the following items are ineligible for C/S:

- mowing pastures
- measures to control insects or rodents
- measures to treat plant diseases or nematodes
- engineering charges * * * or permit fees
- *--consultant's fees, unless specifically permitted in the practice writeup--*
- chopping or shredding residues from crops for insect control
- providing land
- *--right to use land or water--*
- power sources

***--Note:** Solar- and wind-based power sources may be eligible if they are determined to be the least costly alternative in providing electric fence or water for livestock.--*

--46 Items Eligible and Ineligible for C/S (Continued)--

B Items Ineligible for C/S (Continued)

- meeting supplemental requirements, such as abstaining from harvesting
- producer's own transportation costs
- weed control measures
- loss of or reduction in revenue because of the disaster
- rent or other costs of using land
- cost of pumps and pumping accessories, except for permanently installed submersible pumps in wells during drought emergencies
- dry wells
- donated material.

47 Eligible Costs

A Safety Requirement

Cost sharing shall be limited to restoring structures and other installations to the immediate predisaster condition, except if:

- restoring a structure to the immediate predisaster conditions would make the structure a safety hazard to human habitation downstream as certified by technical service provider

  Note: In this case, the structure shall be restored to meet NRCS standards and cost sharing may be approved for the entire project.

- the cost would not be greater to restore a structure or installation to current NRCS standards rather than to the immediate predisaster condition.

B Restoring to Predisaster Conditions

Structures that are restored to the immediate predisaster conditions but do not meet current NRCS technical standards and specifications may be eligible for C/S. However, COC's are strongly encouraged to require conservation structures be restored to current NRCS technical standards and specifications.

ECP participants must pay the additional cost incurred to improve land and structures beyond the immediate predisaster condition.

47 Eligible Costs (Continued)

C Limitations on Eligible Expenses

If a producer is eligible for ECP assistance, cost sharing may be granted for all reasonable expenses incurred.

- Reimbursement for expenses for eligible personal equipment and personal labor shall be less than that charged by contractors who are entitled to make a profit for their efforts.

- Eligible expenses for personal labor shall be limited to personal labor not normally required in the operation of the farm or ranch, as determined by COC.

- Eligible expenses for personal equipment shall be limited to costs incurred beyond the normal operation of the farm or ranch.

D Assignments

Payments earned may be assigned according to 63-FI.

48, 49 (Withdrawn--Amend. 3)

50 Arbitrary Holddowns

*--A STC Responsibilities

STC shall ensure that arbitrary holddowns are **not** used when:

- establishing C/S rates and limitations
- approving practices.

B COC Responsibilities

COC shall ensure that arbitrary holddowns are **not** used when:

- establishing C/S rates and limitations
- approving practices.--*

51 Fencing Policy

A Disasters Involving Fencing

COC shall establish a maximum C/S rate per foot for restoring fences.

B C/S Payments Shall Not Exceed Established Rates

Regardless of the kind of fence installed, C/S shall not be based on costs exceeding fence materials provided in subparagraphs C and D.

C Fencing Materials

For barbed wire, high tensile wire, woven wire, and heavy-duty fences:

- posts shall be placed no closer than l2 feet apart and made of:
    - metal
    - treated wood
    - other material meeting NRCS technical standards and specifications
- labor rate shall be the prevailing rate in the county
- wire fences must consist of no more than 5 strands of wire that is no heavier than 11 gauge.

Woven wire fences shall be:

- not more than 4 feet in height
- no heavier than l0 gauge
- not to exceed 2 strands at the top and 1 strand at the bottom.

D Boundary Fences

In a Presidential designated disaster, FEMA has overall responsibility; therefore, boundary fences may be restored. If the approved disaster is not under FEMA jurisdiction, STC may prohibit cost sharing for boundary fences.

51 Fencing Policy (Continued)

E Fencing Limitations

Cost sharing shall be limited to restoring or repairing fences damaged by natural disaster.

Fences must be used for agricultural purposes. Ornamental fences are not eligible for assistance.

Note: COC shall consider the following before making approvals:

- age of fence at time of disaster
- if fence was used for purpose of excluding or enclosing livestock
- type of fence existing before disaster
- extent of damage of fence.

F Fencing of Public Land

Fencing of public land is eligible only if:

*** * ***

- it will directly benefit privately owned land
- costs will be borne by the eligible participant
- participant has written evidence of right to use the land and maintain the fencing.

51 Fencing Policy (Continued)

G Adjusting for Age of Fencing

COC's shall adjust cost sharing for fencing based on the age of the fence.

IF the age of the fence at time of disaster is...	THEN the allowable cost share percentage is...
0 to 5 years	100 percent.
6 to 10 years	75 percent.
11 to 30 years	60 percent.
over 30 years	0 percent if all components are over 30 years old.

If some of a fence's components have been replaced since the fence was erected and the average of the components is less than 30 years, then the allowable cost share percentage determined by COC is not to exceed 60 percent.

Examples: Fence was 6 years old at time of disaster. The total eligible cost of restoration *--is $50,000. C/S computation is 50,000 x .75 x .75 = $28,125 cost shares.--*

Fence has been in place over 30 years, but the average age of all of fence components is 25 years. Total eligible cost is $50,000. C/S computation is 50,000 x .75 x .60 = $22,500 cost shares.

52 Easements, Permits, Rights-of-Way, and Water Rights

*--A Persons and/or Legal Entities Responsible for Obtaining Easements and Permits

Persons and/or legal entities wanting to perform practices on land they do not own or to--* install practices that require State or Federal permits are responsible for obtaining the easements, permits, rights-of-way, water rights, or other permission necessary to perform and maintain practices for the practice lifespan.

B Approving Cost Sharing

COC shall:

- not pay cost sharing if necessary easements, permits, or other necessary permission has not been obtained by the participant
- indicate on AD-245, “Remarks” section whether necessary permission has been obtained
- confer with responsible technical agency to ensure that necessary easements, permits, or other necessary permission has been obtained by the participant.

C Verifying Permission Has Been Obtained

The permission from the authority must be in writing, and a copy must be provided to the County Office before paying cost shares for the practice.

Note: NRCS policy may be more restrictive in some States.

D Producer’s Responsibility for Losses

--The person or legal entity receiving C/S assistance is responsible to FSA for any losses sustained by the Federal Government if the person or legal entity:--

- infringes on the rights of others
- does not comply with applicable laws or regulations.

53 Bartering

A Definition

Bartering is the direct exchange of goods or services without using money, according to the established rates of exchange or by bargaining between the parties.

B Applicability

Bartering shall be allowed as an eligible cost for ECP C/S purposes when COC, on a case-by-case basis and with STC approval, determines that **all** of the following apply:

- bartering directly relates to the ECP practice
- value of the bartered goods and services is commensurate with the services rendered or goods received
- ECP C/S payment will not be made until bartered goods have been received or the bartered service has actually been rendered.

Note: Bartering shall not be used as a device to circumvent any ECP policies or procedures or as a method to evade any payment limitations.

C Record of Barter

The ECP participant shall present a signed document that provides the details of the barter agreement before cost shares are computed. Documentation shall provide sufficient information for COC to determine when bartered goods or services are exchanged.

If bartered goods or services are not actually received or rendered, the producer shall refund any cost shares paid for the bartered services or goods.

D Legality

USDA has no involvement in bartered goods or services. Bartered services are strictly between the producer and the supplier of the bartered goods or services.

E Spot Checks

COC shall ensure that all C/S payments involving bartered goods or services are included in an ECP spot check.

54-63 (Reserved)

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Section 5 Program Funds Management

64 State and County Allocations

A State Control of Funds

ECP funds are held in reserve at the national level. Funds are allocated after a determination has been made authorizing ECP designation.

Funds are allocated to States based on the estimate of funds needed to begin implementing ECP.

B Allocation for County

SED shall make county allocations.

65 Reserves

A State Reserve

Each State Office shall establish a reserve of up to 10 percent of the State allocation to reimburse NRCS for technical services. State Offices shall decrease technical service reserve for allocations returned to the National Office.

Note: See paragraph 77.

B Additional Reserve

In addition to the NRCS reserve, the State Office may maintain a reserve sufficient to cover needed adjustments.

ECP funds may be transferred from the program's State reserve for a disaster to a nondesignated ECP county to pay C/S for eligible restoration work where the producer's farm is administratively headquartered.

Unused ECP funds shall be returned to CEPD according to paragraph 67.

Note: ECP allocations shall continue to be based on State Office requests for counties authorized to implement ECP as a result of a natural disaster. No additional funds will be made available from the national reserve for this purpose.

66 Expenditure Limitations

A Authority

States do not have overobligation authority.

States may transfer funds among County Offices for the same disaster designations.

67 Requesting and Releasing Funds

A State Request for Additional Funds

With proper justification, SED may request additional funds from ECP-PM.

B Releasing Unused Funds

SED shall return ECP funds to CEPD as soon as it is determined that the funds will not be needed for the disaster for which they were originally allocated. STC reserves are not authorized except as provided for in paragraph 65.

- COC shall notify STC in writing of the amount to be released.
- The State Office shall notify CEPD, Attention: Program Analysis Banch, in writing of the amount to be released.

Note: State Offices shall not adjust State ECP ledgers without a signed FSA-357.

68-75 (Reserved)

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Section 6 Transfer for Technical Services

*--76 MOA

A Development

SED and NRCS State Conservationists shall develop MOA that includes the terms and conditions for the reimbursement to NRCS for technical services under ECP. MOA shall include the terms and conditions shown in subparagraph C.

Notes: Review and update MOA as needed if modifications comply with national policy and procedure.

Any other MOA requires the prior approval of ECP-PM, FSA National Environmental Compliance Manager and FSA Federal Preservation Officer.

B Additional Terms and Conditions

Additional terms and conditions may be included that are mutually agreed upon if these terms and conditions comply with national policy and procedure. Modifications that include the following terms and conditions may be implemented without National Office approval:

- ECP practices for which NRCS will provide technical services
- in addition to NRCS's Financial Management, FNM-15, the format of any other billing information for which NRCS will provide statement of actual costs incurred in providing technical services
- IV(A)(1) may be modified to ready, "as requested by..." rather than "as provided by...".

Any other terms or conditions must be approved by ECP-PM, FSA National Environmental Compliance Manager, and FSA Federal Preservation Officer.**--***

***--76 MOA (Continued)**

C MOA Between SED and NRCS State Conservationists

The following is an example of an MOA between SED and NRCS State Conservationists.

Memorandum of Agreement (MOA)

Between

Natural Resources Conservation Service (NRCS), _____ State Office

And

Farm Service Agency (FSA), _____ State Office

For Provision of the Technical Assistance for the Emergency Conservation Program (ECP)

Through September 30, XXXX

I. Purpose

The purpose of this MOA is to provide for the implementation, cooperation, expectations, and responsibilities between NRCS and FSA in carrying out technical assistance for the ECP.

II. General Provisions

Technical assistance is needed for the implementation of ECP. FSA has determined that NRCS has personnel with expertise who can provide technical assistance needed for the implementation of the ECP.

III. Authority

The authorities for FSA and NRCS to enter into this agreement and NRCS to provide technical assistance for ECP are the Economy Act (31 U.S.C. § 1535), sections 401-405 of the Agricultural Credit Act of 1978 (16 U.S.C. § 2201-2205), the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a-590g), and the regulations at 7 CFR parts 610 and 701. Other authorities may also apply.

--*

*--76 MOA (Continued)

C MOA Between SED and NRCS State Conservationists (Continued)

IV. Responsibilities

NRCS and FSA agree, subject to the availability of funds, that:

A. NRCS will:

1. As directed by FSA, provide technical assistance both directly or through NRCS-approved Technical Service Providers (TSP) and assure all technical work done will meet NRCS technical requirements, including the National Planning Procedures Handbook for conservation planning and the Field Office Technical Guide (FOTG) requirements for conservation practices and systems.

2. Submit to the appropriate FSA State Office a statement of actual costs incurred in providing the technical services during the fiscal year, using NRCS-FNM-15. List AD-672 agreement number on NRCS-FNM-15.

3. Adhere to FSA environmental and cultural resource policy in FSA's Environmental Quality Programs Handbook 1-EQ regarding compliance with the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), Clean Water Act, and all other applicable Federal, State, Tribal, and local environmental laws, regulations, and Executive Orders. NRCS will be responsible for completing, NRCS form CPA-052, or State modified version of the CPA-052, to document the potential environmental impacts associated with the proposed ECP contract and associated conservation practices and for recommending further action by FSA to complete their regulatory responsibilities.

4. Supply FSA with available information supporting the recommendations and findings on the NRCS CPA-052, Environmental Evaluation Worksheet or State modified version. FSA will complete required consultation before signing the NRCS CPA-052 form or State modified form and carry out such consultation with the SHPO and Tribal governments or their THPOs. This will ensure FSA will make an informed decision regarding the effects if its proposed action and any alternatives considered. NRCS field staff will provide information extracted from existing and available cultural resources review forms that are in NRCS files, relevant endangered species and/or critical habitat lists, and all other best available information that is necessary for FSA to make an informed decision. NRCS shall provide FSA either copies of the cultural resources data forms

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***--76 MOA (Continued)**

C MOA Between SED and NRCS State Conservationists (Continued)

from NRCS files or a list of documentary records, files, and other information resources accessed and checked for FSA. If necessary, NRCS will recommend additional records or resources that FSA may want to check prior to entering into SHPO or Tribal consultation or making final NHPA Section 106 decisions. These data shall be provided on the CPA-052 or State modified version.

B. FSA has overall program authority and responsibility and will:

1. Administer all ECP contracts, including compliance determinations.

2. Hold in FSA State Office reserve, from ECP funds allocation to the State, an amount adequate but not greater than 10 percent of the funds allocated to the State, to reimburse NRCS for technical assistance.

3. Serve as the lead agency for purposes of complying with the provisions of the NEPA, NHPA, ESA, and other applicable laws, Executive Orders, and regulations as provided for in FSA's Environmental Quality Programs Handbook 1-EQ and 7 CFR part 799.

4. Complete all consultations with the State Historic Preservation Officer, Tribal Historic Preservation Officer, Tribal governments, as required of the lead agency, and all findings of historic property National Register of Historic Places eligibility and effects to these properties, as required by the Advisory Council on Historic Preservation (ACHP) regulations at 36 CFR Part 800. FSA will make the final determination of finding of effects in regards to the potential impacts to the environment, determinations of eligibility and effect and decisions on appropriate treatments regarding cultural resources related to the proposed ECP contract and associated conservation practices according to regulations at 36 CFR part 800.2(a)(2).

5. Complete all consultations with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, as required by the lead agency, including the development of Biological Assessments or other documentation as deemed appropriate in order to make and support the determination of finding of effects in regards to the potential impacts to the environment, and effect and decisions on appropriate treatments regarding at-risk species and other natural resource concerns related to the proposed ECP contract and associated conservation practices.

--*

*--76 MOA (Continued)

C MOA Between SED and NRCS State Conservationists (Continued)

C. NRCS and FSA agree:

1. To fully comply with the information gathering provisions of section 1619 of the Food, Conservation, and Energy Act of 2008, 7 U.S.C. 8791(b), section 1244(b) of the Food Security Act of 1985, 16 U.S.C. 3844(b), the Privacy Act, the Freedom of Information Act, and related acts concerning privacy and the dissemination of records.

2. To enter into a state-level reimbursable agreement (Form AD-672) at the beginning of each fiscal year based on the life of this MOA and any amendments hereto, for ECP technical assistance.

3. To amend Form AD-672, as deemed necessary by FSA, based upon current funds held in reserve for technical assistance by the FSA State Office.

4. To cooperate at all levels to ensure consistent implementation of ECP policies and procedures. When differences occur, the parties will provide information and recommendations to the next level (i.e. county offices would forward information and recommendations to the State offices, State offices would forward information and recommendations to NHQ). The Chief, NRCS, and Administrator, FSA, have final authority for ensuring consistent implementation of ECP policies and procedures.

5. That this MOA may be terminated at any time by one party providing 30 days written notice. Should this MOA be terminated, billing will be submitted for services rendered.

6. This MOA will run for a period of 5 years from date of execution.

7. This MOA may only be modified by amendment duly executed by the _____ State Executive Director of FSA and the _____ State Conservationist of NRCS.

8. All funding commitments in this MOA are subject to the availability of funds. In the event that adequate funding is not made available, FSA and NRCS may terminate their responsibilities under this agreement as agreed to under the termination clause of this agreement.

NATURAL RESOURCES CONSERVATION SERVICE	FARM SERVICE AGENCY
_____	_____
[Name of State Conservationist] Date	[Name of State Executive Director] Date
_____ State Conservationist, NRCS	_____ State Executive Director, FSA

--*

77 Payment for Technical Services

A Actual Costs

The NRCS State Office shall bill the FSA State Office for the actual cost of ECP services performed. These billings may not exceed 10 percent of the amount of funds allocated to counties.

Note: See 1-FI, Exhibit 5, for payment code to be used for technical service payment.

B Rounding Payments

FSA State Offices shall issue payment for technical services in whole dollars only. Standard rounding principles apply.

*--C AD-672's Between SED and NRCS State Conservationist

SED's and NRCS State Conservationists for each State shall develop and sign AD-672 at the beginning of each FY, if ECP funds are currently allocated to the State and ECP technical services are needed from NRCS. If AD-672 is not developed and signed at the beginning of FY, AD-672 shall be developed immediately upon receiving ECP allocations needing NRCS technical services. AD-672 shall include:

- entries required in subparagraph D
- "Attachment A", summary of funds available and billing instructions
- "Attachment B", copy of MOA (paragraph 76).

An example AD-672 is provided in subparagraph E.**--***

77 Payment for Technical Services (Continued)

*--D AD-672 Required Entries

The following table provides entries for AD-672 between FSA and NRCS for ECP technical assistance.

Item	Entry
1	Enter the "Agreement Number", users can enter up to 25 alpha/numeric characters; the first 13 positions **must** be: • 1, 2: Agency Code "**FA**" • 3, 4: Fund Code "**30**" • 5, 6: 2-digit fiscal year • 7 through 13: ECP appropriations symbol "**12x3316**".
2	Enter the 4-digit fiscal year.
3	Estimated amount for reimbursement, not to exceed 10 percent of ECP allocations.
4	Enter "**1**" for the "Agency Billing Indicator".
5	Enter "**5**" for the "Transaction Code".
6	Enter "**1**" for the "Action Code".
7	Enter FSA State Office name and address.
8	Enter NRCS State Office name and address.
9	Enter "**See attachment A for summary of funds available and billing instructions and attachment B for MOA on technical assistance**."
10	Enter "**See attachment B for state MOA and authorities**."
11	The effective date (from) should be the first day of the current fiscal year or the current date and the agreement should continue through the last day of the current fiscal year or before.
12	Enter "**2**" for the Reimbursement Billing Frequency. Leave "Advance of Funds Type of Account" blank.
13	Enter "**12x3316 Emergency Conservation Program**" as the Appropriation Symbol and Title. Leave "Project", "Allotment", and "Workplan" numbers blank.
14	Entries in item 14 are **not** required.
15	Enter the amount from item 3 as the amount in item 15.
16-18	Leave blank.
19	Enter signature, signature date, and title of FSA SED and contact name and number.
20	Enter signature, signature date and title of NRCS State Conservationist and contact name and number.

--*

77 Payment for Technical Services

*--E Example of AD-672's

The following is an example of AD-672 between SED and State Conservationist for ECP technical assistance.

REIMBURSEMENT OR ADVANCE OF FUNDS AGREEMENT

1 AGREEMENT NUMBER (25)	2 FISCAL YEAR (4)	3 ESTIMATED AMOUNT (11)	4 AGY. BILL IND. (1)	5 TRANS. CODE (1)	6 ACTION CODE (1)
FA-30-09-12x3316	2009	1000000 00	1	2	1

7 AGENCY REQUESTING SERVICE			8 AGENCY PERFORMING SERVICE		
NAME (32) State Name FSA State Office			NAME (32) State Name NRCS State Office		
1ST LINE ADDRESS (32) 123 ABC Lane			1ST LINE ADDRESS (32) 123 ABC Lane		
2ND LINE ADDRESS (32) Suite 200			2ND LINE ADDRESS (32) Suite 201		
CITY (21) Nowhere	STATE (2) AA	ZIP CODE (9) 12345	CITY (21) Nowhere	STATE (2) AA	ZIP CODE (9) 12345

9 SERVICES TO BE PERFORMED *(Give brief explanation and basis for determining cost of services. Attach additional sheet if needed.)*
See attachment A for summary of funds available and billing instructions and Attachment B for MOA on technical assistance.

10 LIST REFERENCES TO CORRESPONDENCE RELATIVE TO THIS WORK *(Requesting agency only.)* (50)
See attachment B for state MOA and authorities.

11 DURATION OF AGREEMENT		12 METHOD OF PAYMENT	
EFFECTIVE DATE *(From)* 10-01-2008	CONTINUING THROUGH 09-30-2009	REIMBURSEMENT 2 BILLING FREQUENCY	ADVANCE OF FUNDS TYPE OF ACCOUNT

13 FINANCING *(REQUESTING AGENCY - WHEN NOT SERVICED BY NFC)*	
APPROPRIATION SYMBOL AND TITLE 12x3316 Emergency Conservation Program	PROJECT, ALLOTMENT, OR WORKPLAN NO. *(As applicable)*

14 FINANCING *(REQUESTING AGENCY - WHEN SERVICED BY NFC)*

AGENCY CODE	FUND CODE	ACCT. STATION	ACCOUNTING CLASSIFICATION A	B	C	D	E				OBJECT CLASS	AMOUNT	
2	2	4	5	10	5	3	4	1	4	1	2	4	9	2

15 FINANCING *(PERFORMING AGENCY)*

AGENCY CODE	FUND CODE	ACCT. STATION	ACCOUNTING CLASSIFICATION A	B	C	D	E				OBJECT CLASS	AMOUNT	
2	2	4	5	10	5	3	4	1	4	1	2	4	9	2
													1000000	00

16 LEAVE FACTOR (3) (2)	17 FICA FACTOR (3) (2)	18 OVERHEAD FACTOR (3) (2)

19 REQUESTING AGENCY APPROVAL				20 PERFORMING AGENCY APPROVAL			
SIGNATURE		DATE		SIGNATURE		DATE	
TITLE				TITLE			
PERSON TO CONTACT	PHONE *(Area Code and No.)* ( ) –	FTS	COMM	PERSON TO CONTACT	PHONE *(Area Code and No.)* ( ) –	FTS	COMM

This form was designed using Microsoft Word 2000 (USDA-FSA) FORM AD - 672 (Revised 9/86)

☐ NFC ☐ REQUESTING AGENCY ☐ PERFORMING AGENCY

--*

78 Reimbursable Technical Services

A Phases of Reimbursable Technical Services

Technical assistance to be provided in servicing assigned practices may involve all of the following phases of implementing a practice:

- determining whether the practice is needed and feasible
- selecting a site

  Note: Determine measures needed and any required layout and design of the practice when selecting a site.

- supervising installation of a practice, if needed, to ensure that practice conforms with specifications
- inspecting practices to determine whether specifications have been met and the extent performed.

79 Providing Technical Services

A Technical Services

The assigned technical agency shall ensure that needed technical assistance is provided to producers for approved practices to the extent that resources permit.

B Assigned Responsibility for Technical Services

Each assigned technical agency is responsible for carrying out its assigned responsibilities.

The assigned agencies shall use technical information provided by the experiment station, CES, and other agencies to help producers apply practices correctly.

C Technical Responsibility

Technical responsibility for practices include:

- developing standards and specifications for the practice
- providing technical assistance on the phases in paragraph 78.

80 Outside Assistance

A Agencies Using Outside Assistance

Assigned technical agencies may use assistance from private, State, or Federal sources when the assistance accomplishes the following:

- makes the most effective use of available personnel and facilities with savings to the Federal Government
- maintains the standards and effectiveness of ECP.

Note: Assigned technical agencies are responsible for work completed by other sources and shall certify that C/S practices were performed according to specifications.

B Producers Using Outside Assistance

A producer is not required to use the technical services available through ECP.

Producers using outside assistance for practices will qualify for cost sharing if the assigned technical agency:

- determines that the practice was needed
- certifies that the practice was performed according to the specifications.

Note: A producer that uses outside assistance shall be urged to keep sufficient records to permit the technician to make the necessary determinations.

81 Technical Services Not Chargeable to Producers

A No Cost to Producers

A producer who uses technical assistance provided by NRCS and FSA is not required to pay for these services.

82 Assigned Technical Agency Responsibilities and COC Action

A Reporting on AD-862

The assigned technical agency shall report on AD-862 if the practice is needed and feasible.

AD-862 shall include:

- an accurate estimate of needed units and cost upon which COC can base its commitment of funds
- the needed extent and any other pertinent information.

B Required Action for Favorable Determinations

If the assigned technical agency indicates a favorable determination, the technical agency shall take the following action.

Step	Assigned Technical Agency Action
1	Indicate the extent needed.
2	Complete the needs statement on AD-862.
3	Enter estimated cost of the practice.
4	Sign and date AD-862.
5	Return AD-862 to COC for review.

--

82 Assigned Technical Agency Responsibilities and COC Action (Continued)

C Required Action for Unfavorable or Questionable Determinations

The following action is required when an unfavorable or questionable determination is received by COC.

IF the assigned technical agency indicates...	THEN...

an unfavorable determination	• there shall be a statement to that effect, including the reasons, on AD-862
	• the assigned technical agency should explain the basis for the unfavorable determination to the producer
	• COC shall:
	  • promptly notify the producer, in writing, that the practice was not approved and the basis for the decision
	  • advise the producer of the right to appeal the determination.

a practice may not be eligible	• the assigned technical agency shall provide written description of the eligibility question on AD-862 • COC shall consider this statement when reviewing the request for approval.

82 Assigned Technical Agency Responsibilities and COC Action (Continued)

D Change in Estimated Cost Before Performance

The assigned technical agency shall provide the following information if the estimated cost changes before performance.

If the assigned technical agency determines the C/S estimate is too low or too high before the practice is performed:

- the assigned technical agency shall submit a revised estimate to COC
- COC may choose to increase the approval accordingly.

Note: COC shall decrease estimates that are too high.

83-90 (Reserved)

*--Section 7 Person, Legal Entity, and Land Eligibility

91 Eligible and Ineligible Persons and Legal Entities

A Person and Legal Entity Eligibility

See 4-PL for eligibility determinations for persons and legal entities.**--***

B Individual Eligibility Determinations

Determine eligibility for ECP assistance on an individual basis considering the type and extent of damage. See Exhibit 4.

COC shall determine:

- which cases are truly emergency situations
- whether the damage is of sufficient magnitude that it would be too costly for the producer to rehabilitate without Federal assistance.

C Assistance Not Needed

Do not provide assistance if the applicant clearly has adequate financial resources and COC determines that the applicant can repair the damage without assistance and without causing a financial hardship. See Exhibit 4.

D Re-Evaluation

If drought conditions change, re-evaluate the applicant's eligibility.

E Organizations With Taxing or Assessment Authority

Irrigation, drainage, and other district organizations with taxing or assessment authority for conservation purposes are not eligible to receive cost sharing.

--91 Eligible and Ineligible Persons and Legal Entities (Continued)--

F Assistance in Organized Districts

Assistance may be provided to participants individually or in pooling agreements in organized districts, such as irrigation districts, unless the restoration of the damage is the responsibility of the irrigation district.

- Under a pooling agreement, participation must be voluntary and costs must be paid by the participant; COC shall:
  - review the conditions under which the pooling agreement is made to ensure that participation is voluntary
  - submit pooling agreement and its recommendation to STC for approval.
- STC shall act on COC's recommendation for pooling agreements located within an irrigation district with taxing and assessment authority.

--92 Determining Eligible and Ineligible Persons and Legal Entities--

A Determining Eligibility

By law, ECP eligibility is limited to agricultural producers. Determine ECP eligibility according to the following.

IF an applicant is a...	AND...	THEN...
farmer or rancher who has an interest in the farm and is either: • an individual • a partnership member • an association • a corporation • an estate • a trust • a business enterprise • a legal entity **Note:** Foreign nationals are eligible.	is an agricultural producer who contributes part of the practice cost	the applicant is eligible for ECP benefits.
• Federal agency • State • a political subdivision of a State • State agency • district with taxing authority		it is ineligible for ECP benefits.
*--minor		the applicant is only eligible if he or she is legally responsible and independently participating in the operation of a farm as an eligible person or legal entity (see 1-CM and 4-PL).--*

--92 Determining Eligible and Ineligible Persons and Legal Entities (Continued) --

B Agricultural Producer

COC shall use the following to determine whether the farmer or rancher is an agricultural producer.

IF the producer is...	AND...	THEN the producer is...
an owner, landlord, tenant, or sharecropper of a farm or ranch	the farm or ranch is used to produce the following commercially: • grains • row crops • seed crops • vegetables • hay • pasture • orchards • vineyards • flowers • bulbs • trees • field-grown ornaments • livestock • naval stores • other agricultural commodities	an agricultural producer.

93 Eligibility of Native Americans

A Native American Tribes

A Native American tribe that owns eligible land is eligible for cost sharing.

B Individual Native Americans on Tribal Lands

Individual Native Americans are eligible *** * *** if they qualify as tenants or sharecroppers on the land.

C Individual Native Americans on Nontribal Lands

Individual Native Americans on nontribal lands must meet the requirements in paragraph 92 to be eligible for C/S assistance.

D Individuals With Grazing Rights on Tribal Land

An individual holding written permission to graze Native American tribal land is eligible as a tenant to perform practices on the land if the lease or permit is issued by an appropriate official.

94 Cooperative Grazing Associations and Districts

A Eligibility for C/S Assistance

Cooperative grazing associations and districts that meet the requirements in paragraph 92 are eligible for C/S assistance.

Note: If the association or district is only a permittee or licensee with respect to the land, it is ineligible.

B Individual Members

Individual members of grazing associations or districts who have the legal right to graze land owned or leased by the association or district are considered tenants.

- They are eligible for cost sharing.
- C/S approvals shall not be issued to both the association or district and the individual members for practices to be performed on this land.

95 Clubs and Organizations

A Eligibility

Clubs and organizations such as 4-H clubs, Future Farmers of America, and scout troops, are eligible for C/S assistance if:

- ***--**they qualify as an eligible person or legal entity according to paragraph 92

- the necessary ECP forms are signed by an adult who officially represents the organization.

B Sports Clubs

A sports club is eligible for C/S if it qualifies as an eligible person or legal entity**--***according to paragraph 92.

96 (Withdrawn--Amend. 3)

97 Government Entities

A State Government and Agencies

***--**A State government or any of its agencies is not an eligible person or legal entity for cost sharing.

Note: State-supported colleges or universities are ineligible as a person or legal entity under ECP.

B Local Government Units

County, city, or other local government units are ineligible for ECP purposes.

C School Districts

An independent school district is not an eligible person or legal entity for ECP purposes.**--***

98 Organized Districts

A Policy

--Producers or groups that are eligible person or legal entity and are either members of-- districts or have land in a district may voluntarily carry out eligible practices with their own funds and be eligible for C/S in districts or on facilities owned by districts.

C/S may **not** be approved where both:

- the district has the **legal obligation** to carry out the conservation improvement measures
- the district has the authority to levy taxes or assessments on its member's land, water rights, or other property, which if are not paid may become a lien.

B Definition of District

District, for the purposes of this handbook, means organized districts, mutual water companies, and associations. For the purposes of this policy, districts shall include those formal and informal organizations that have all of the following characteristics:

- are formed under State law either:
  - to solve a mutual problem, such as, flood control
  - carry out a mutual purpose, such as, distribution of irrigation water
- have the authority to tax or assess individual members to carry out the proposed conservation measures
- can encumber the member's land, water rights, or other property through unpaid liens.

C Eligibility of Organized Districts

The district, as a separate and distinct entity from its individual stockholders or members, is *--eligible for cost sharing on farmland when it qualifies as an eligible person or legal entity--* according to paragraph 92.

98 Organized Districts (Continued)

D Eligibility of Individuals or Groups Within Organized Districts

Within a district, any eligible producer may perform any eligible ECP practice in the approved county that is on or for the benefit of the producer's farmland.

--C/S must be paid to or on behalf of the individual eligible person or legal entity.--

Producers may hire a district or other vendor as the contractor to do the work for performing practices. Practices performed by contractors will be eligible, and the cost to the producers will be treated as their contributions.

E ECP-PM Exceptions

ECP-PM may grant exceptions on an individual basis with proper documentation.

Exceptions may be granted when State law or similar statute limits the amount that districts can tax or assess its members to the point that the districts cannot derive sufficient funds to carry out eligible conservation measures.

When an exception is granted, costs may be shared with individual members who voluntarily perform the measure using their own funds.

F Contributions Made by Districts

Contributions by a district to a project being voluntarily performed by eligible producers *--using their own funds may be considered the contributions of an ineligible person or legal entity.--*

98 Organized Districts (Continued)

G Example of Ineligible Contributions Made by District

The XYZ Ditch Company's (XYZ) charter provides that the company will supply available water to members and operate and maintain the ditch system.

- XYZ will annually assess members an amount set by XYZ and approved by XYZ's members holding a majority of the water shares.

- If the assessment is not paid in a timely manner, XYZ is obligated to sell the shares of the delinquent member.

The company is not obligated to improve the system.

The members of XYZ are eligible to form an ECP P-A for lining the company's earth ditches. If the company makes a contribution to the lining of the ditch, the contribution is that of an ineligible contributor.

--**The company does not own or operate farmland; therefore, it does not qualify as an eligible person or legal entity according to paragraph 92.**--

99-109 (Reserved)

Section 8 Land Eligibility

110 Eligible Land

A General Provisions

The provisions in this subparagraph apply to specific land, such as farm or tract, if known, for which an ECP application is filed or has been filed.

Land that is eligible under ECP, includes land:

•***--**physically located in a county or portion of a county that has been approved for ECP**--***

- normally used for farming or ranching operations
- privately owned and on which commercial aquaculture facilities are located
- protected by levees or dikes built to U.S. Army Corps of Engineers, NRCS, or similar standards, that were effectively functioning before the disaster regardless of type
- protected by permanent or temporary vegetative cover
- used for commercially producing orchards
- used for producing agricultural commodities
- where conservation structures are installed

  Example: Examples of conservation structures include waterways, terraces, sediment basins, diversions, windbreaks, and so forth.

- devoted to container-grown nursery stock if the:
  - nursery grows stock commercially for wholesale purposes
  - nursery stock is grown on land in containers for at least 1 year
- in Christmas tree plantations

110 Eligible Land (Continued)

A General Provisions (Continued)

- expected to have annual agricultural production

- in field windbreaks or farm shelterbelts where the practice is to remove debris and correct damages caused by natural disaster

- on which facilities are located in irrigation canals or facilities that are located on the inside of the canal's banks as long as the canal is not a channel subject to flooding.

Note: Land that does not meet the definition of productive agricultural use may be eligible for debris removal if the debris is interfering with normal farming operations, such as field roads and land surrounding farmsteads.

See subparagraph B for examples of land eligible for ECP.

110 Eligible Land (Continued)

B Eligible and Ineligible Land Examples

The following are examples of damaged areas and structures that were determined eligible or ineligible for ECP.

Example	Damaged Area or Structure	Eligibility	Reason for Ineligibility
1	***--**Debris from collapsed barn in the building's footprint or on farmstead.	No	Structures are primarily a capital investment and not agricultural land.
2	Debris from collapsed poultry house in the building's footprint or on farmstead.**--***		
3	Damaged land around the farmstead.	No, except for removal of debris that interferes with normal farming operations.	Nonagricultural land.
4	Main irrigation line.	Yes	
5	Center pivot irrigation system.	No	Because of portable nature.
6	Recreational fishpond, including fence.	No	Primarily nonagricultural or not conservation use.
7	Commercial catfish pond, including fence.	Yes	
8	Grade stabilization structure, including protective fence.	Yes	
9	Woodland.	No	Nonagricultural land for purposes of ECP.
10	Land next to a stream, including perennial and intermittent streams.	No	Land subject to frequent damage, unless COC determines eligible according to paragraph 111.

110 Eligible Land (Continued)

B Eligible and Ineligible Land Examples (Continued)

Example	Damaged Area or Structure	Eligibility	Reason for Ineligibility
11	Debris on field road.	Yes, if it interferes with normal farming operations.	
12	Debris on farm lane.	***--**Yes, if it interferes with normal farming operations.	Nonagricultural land (when it does not interfere with normal farming operations).**--***
13	Damaged fence, involving livestock.	Yes **Note:** Fence must have been damaged by an eligible natural disaster.	
14	Damaged waterway.	Yes	
15	Damaged terraces.	Yes	
16	Field not subject to frequent damage and not damaged 3 or more times in the last ***--**10 years by the same type of disaster.**--***	Yes	
17	Damaged levee.	No	Nonagricultural land.
18	Damaged land between levee and a stream.	No	Land subject to frequent damage.

111 Ineligible Land

A General Provisions

Land that is ineligible for ECP, includes land:

- owned or controlled by the United States (see paragraph 114)
- owned or controlled by States, State agencies, or other political subdivisions of a State (see paragraph 114)
- protected by a levee or dike built to U.S. Army Corps of Engineers, NRCS, or similar standards that was not effectively and properly functioning before the disaster, or by a levee or dike not built to U.S. Army Corps of Engineers, NRCS, or similar standards, as determined by the Deputy Administrator
- adjacent to water impoundment reservoirs that are subject to inundation when the reservoir is filled to capacity
- land on which levees or dikes are located
- subject to frequent damage or particularly susceptible to severe damage
- subject to flowage or flood easements that is subject to inundation when water is released in normal operations
- between any levee or dike and stream, river, or body of water, including land between 2 or more levees or dikes
- located in an old or new channel of a stream, creek, river, or other similar body of water except that land located within or on the banks of an irrigation canal may be approved by the ECP-PM if the canal is not a channel subject to flooding
- in greenhouses
- where poor farming practices, such as failure to farm on the contour, have materially contributed to damaging the land
- damaged by wildfire started by other than natural causes
- devoted to trees for timber production

111 Ineligible Land (Continued)

A General Provisions (Continued)

- not considered to be in agricultural production, as determined by the Deputy Administrator, such as land devoted to stream banks, channels, levees, dikes, native woodland areas, roads, and recreational uses.

Note: Although road and bridge repair or replacement are not covered by ECP, check with FLP to see if the producer qualifies for a low interest loan through the Emergency Loan Program to address the need for road or bridge repair or replacement.

B Frequent Damage Provisions

For purposes of making determinations of the likely frequency of damage and of the susceptibility of the land to severe damage, COC may base such determinations on consideration of all factors deemed relevant which may include, but need not be limited to, the location of the land, the history of damage to the land, and whether the land was or could have been protected by a functioning levee or dike built to U.S. Army Corps of Engineers, NRCS, or similar standards. Further, in making such determinations information may be obtained and used from FEMA or other Federal, State, or local entity showing, for example, flood susceptibility for the land, soil surveys, aerial photographs, or flood plain data.

111 Ineligible Land (Continued)

C Land Protected by U.S. Army Corps of Engineers' Levees

If COC determines that land protected by a U.S. Army Corps of Engineers' levee is eligible for C/S, it may approve restoring the practice when COC reasonably believes that the levee will eventually be restored to the U.S. Army Corps of Engineers' standards and specifications.

However, in some instances the land may continue to be exposed to frequent damage because of levees that were breached by floodwater, but have not yet been repaired according to the U.S. Army Corps of Engineers' standards and specifications. In these instances, COC shall delay approval of C/S until levee restoration work begins unless the producer agrees to either of the following if the land is later damaged during the practice lifespan:

- restore the practice at the producer's own expense
- refund C/S.

COC may use CCC-170 in subparagraph E to obtain the producer's written agreement.

D C/S Authorization

Cost sharing is not authorized for:

- rehabilitating streambanks, channels, levees, and dikes

- removing debris that does not interfere with normal farming operations or that may be removed with the applicant's labor and equipment without seriously disrupting seasonal operations on the farm

- restoring minor damage that the applicant can correct without Federal assistance

- land between any levee and stream.

111 Ineligible Land (Continued)

E Example of CCC-170

The following is an example of CCC-170.

This form is available electronically.

CCC-170
(06-03-94)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

AGREEMENT FOR ECP ASSISTANCE FOR LEVEES NOT YET REPAIRED TO CORPS OF ENGINEERS' SPECIFICATIONS

1. STATE NAME	2. COUNTY NAME
Pennsylvania	Lebanon
3. PRODUCER'S NAME	**4. FARM NUMBER**
James Michaels	A-45

Until levee repairs are completed and in the event of subsequent damage as a result of a natural disaster, such as flooding, I agree to either of the following:

- restore the ECP practice or practices for which cost shares are paid, without the benefit of additional cost shares
- refund cost shares as determined by the County FSA Committee for the county in Item 2 above

/s/ James Michaels
Signature

XX XX XXXX
Date *(MM-DD-YYYY)*

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112 Land Located in Nondesignated ECP Counties

A Farmland Eligibility

Land eligible for ECP C/S assistance shall include any farmland physically located in an ECP designated county. This shall include land that is physically located in the ECP designated county, but which is administratively located in a nondesignated ECP county.

113 Native American Land

A Eligible Native American Land

Farmland owned by a Native American or a Native American tribe is eligible for ECP.

Note: Tribal lands are not owned by the United States even though these lands may be managed by BIA.

--

114 Government-Owned Land

A State-Owned Land

The following table shows eligibility policies for State-owned land.

*--IF an eligible person or legal entity files AD-245 for State-owned land and the...	THEN the land is...
• person or legal entity will directly benefit from the practice--* • land will likely remain in agricultural production	eligible for C/S.
practice is for the primary benefit of States or State agencies	ineligible for C/S.
person is prohibited by the lease from accepting cost sharing	

B Federally Owned Land

The following table shows eligibility policies on Federally owned land.

*--IF an eligible person or legal entity files AD-245 on...	AND...	THEN the land is...
Federally-owned farmland	all of the following apply: • a private person or legal entity is farming the cropland • a person or legal entity has a lease that does not prohibit cost sharing **Note:** Private persons or legal entities exclude Federal and State agencies. • the practice will primarily benefit nearby or adjacent privately owned farmland of person or legal entity performing the practice • a person or legal entity performing the practice has authorization from Federal agency to install and maintain the practice • the Federal land is the most practical location for the practice	eligible.
	during a drought, the practice will primarily benefit the livestock owned or managed by the person or legal entity performing the--* practice	
	the practices performed on these lands are for the benefit of land owned by a Federal agency **Note:** See paragraph 52 for policy on easements, right-of-way, etc.	ineligible.

114 Government-Owned Land (Continued)

C Land Temporarily Owned by the United States

Farmland temporarily owned by the United States or a corporation owned by the United
--States is eligible for practices performed by private persons or legal entities only if the--
conditions in subparagraph B are satisfied.

115 (Withdrawn--Amend. 3)

116 Land Under Other C/S Programs

A Determining Eligibility

Determine eligibility of land under other C/S programs according to the following.

IF...	AND...	THEN C/S may...
measures will accomplish the purpose of the practice	the practice will not be C/S under another Federal program	be authorized.
a component of a practice is C/S under another program	another component of the same or comparable practice is C/S under another program to treat the same problem on the same land	**not** be authorized.
practices are split on the same land	C/S would be split between different Federal programs	
participants have or will receive funding on the same acreage under: • CRP • WRP • EWRP		
participants have or will receive funding for the same or similar *****--practices under EQIP, EWP, or other C/S programs--*****		

117-129 (Reserved)

Part 2 Practice Provisions

130 COC-Approved Practices

A County Program

COC shall:

- use the nationally approved ECP practices as they are written according to national policy and procedure
- submit any request to STC for review and approval before any revised practice is used.

See Exhibit 8 for nationally approved practices.

131 Practices Requiring ECP-PM Approval

A Practices Requiring Special Approval

Approval authority for ECP Practices EC6 and EC7 is required by ECP-PM before practice implementation.

*--B Change in Silt Removal Policy

Effective December 31, 2006, ECP Practice EC7, Other Emergency Conservation Measures – Silt Removal, is no longer an eligible ECP practice, except in cases where there is an immediate source of water. COC's shall not approve any requests for ECP Practice EC7, except in cases where there is an immediate source of water after December 31, 2006.

Example 1: Producer A has a pond in a grazing paddock that has silted in and dried up. The pond relies on a seasonal spring during the fall and winter to fill the pond. The county is approved for ECP drought in July. If the pond is cleaned out, water will not be available until fall and winter rains recharge the spring and pond. Beginning January 1, 2007, Producer A is not eligible for ECP Practice EC7 because the spring will not provide water until the fall.

Example 2: Producer B has a pond in a pasture that has silted in and the water it holds is not sufficient for the livestock each day. The pond relies on a continuous spring that fills the pond. The county is approved for ECP drought in July. If the pond is cleaned out, the added depth will hold enough water to provide sufficient water each day for the livestock. Beginning January 1, 2007, Producer B is eligible for ECP Practice EC7 because the pond has an immediate supply of water.**--***

131 Practices Requiring ECP-PM Approval (Continued)

*--C State Office Action

State Offices with an approved ECP Practice EC7 for removing silt from water impoundment reservoirs shall:

- amend their ECP Practice EC7 write-up to reflect this change in policy effective December 31, 2006

- send the amended ECP Practice EC7 write-up for review to CEPD, Attn: ECP Program Manager by FAX at 202-720-4619.--*

132 Practice Lifespans and Maintenance

A Natural Disaster

Practices that are later damaged by a subsequent natural disaster during the practice lifespan may be considered eligible under ECP if the land is included in a new ECP-approved disaster area.

B Damage Occurring During Lifespan

Follow instructions in this table for practices that are damaged during their lifespan.

IF the ECP C/S practice is...	THEN...
later damaged by a subsequent natural disaster during the practice lifespan	the practice may be considered eligible under ECP if the land is included in a new ECP-approved disaster area.
later damaged by a subsequent natural disaster during the practice lifespan and the land is not included in a new ECP-approved disaster area	COC shall follow practice maintenance procedure in Exhibit 8.

C Requirements

Producers shall maintain practices according to Exhibit 8.

D Maintenance

A practice must be maintained for the practice lifespan specified in the practice writeup.

Note: County Offices shall advise producers that they are required to maintain the practice for its useful lifespan.

133 Size of Structures

A Determining Eligible Size of Structures

COC shall limit cost sharing on any practice to:

- the size existing before the disaster
- the size needed to solve the conservation or environmental problem if different than prior existing size.

Note: The costs of installing the part of a structure that is larger than what originally existed is the participant's responsibility.

134 Cost Sharing for Minerals and Seeds

A Authorized Cost Sharing

Cost sharing for minerals and seeds is authorized only for establishing or re-establishing permanent vegetative cover on eligible structures or installations where needed to prevent critical erosion and siltation.

B Seed and Seeding Mixture Specifications

All practice specifications involving seeds or seeding mixtures must be substantiated as needed by the responsible technical agency.

Straight seedings of legumes may be approved if the legumes will:

- provide erosion protection equal to a grass-legume mixture
- last for the lifespan of the practice under normal conditions.

135 Qualifying Minimum Cost of Restoration

A Minimum Cost of Restoration

To be eligible for ECP assistance, the eligible damage must be so costly that Federal assistance is or will be required to complete the ECP practice. The minimum qualifying cost *--of restoration is set at $1,000 per participant.

The minimum qualifying cost of $1,000 shall be based on the total eligible cost of all practices for the same disaster.--*

Each State may establish a higher minimum qualifying cost of restoration.

Producers may request a waiver of the minimum qualifying cost of restoration to COC. The waiver shall be in writing and will document the following:

- how failure to grant the request will result in environmental damages or hardship to the producer
- how the waiver will accomplish the goals of the program.

Any approved waiver of the minimum qualifying cost of restoration shall be reviewed by a STC representative and recorded in the COC minutes.

136-150 (Reserved)

Part 3 ECP Requests

Section 1 Accepting Requests

151 Program Availability

A Effective Dates of Procedure

Accept and approve requests using the procedures and rules in effect on the date the disaster occurred.

B Program Announcement

COC shall notify affected producers after receiving ECP authorization.

- Include the policy and specific criteria for producer eligibility in the information release.
- See Exhibit 9 for samples.

C Program Availability

All producers, regardless of race, sex, religion, color, age, national origin, marital status, politics, or handicap shall have an opportunity to request cost sharing.

152 Signup

A Establishing a Signup Period

COC shall establish a signup period for filing C/S requests as soon as concurrence has been given to implement ECP.

The signup period shall be at least 30 calendar days, but no more than 60 calendar days, from the date ECP is implemented. ECP-PM may approve extensions of signup periods that are longer than 60 calendar days.

153 Accepting Requests

A When to File Requests

Except for ECP drought, COC may accept requests for assistance on AD-245 before:

- obtaining concurrence from STC
- establishing signup periods
- receiving an allocation for the disaster.

B Late-Filed Requests

COC may accept late-filed requests if justified.

C Funds Not Available

County Offices receiving STC concurrence to implement ECP without an ECP allocation or County Offices that have a current ECP allocation but have exhausted all the funds may:

- accept requests for ECP assistance
- complete an onsite inspection and assessment of the damage according to paragraph 171.

For each request, inform the producer **in writing** that although the County Office has accepted the request and conducted field visits, this does not imply that C/S assistance will be made available. See subparagraph D.

If funds become available, process applications for cost sharing.

D No ECP Signup

Always accept requests for ECP assistance if the producer wishes to apply, even if the county is not approved for ECP.

- After the request is taken, take the appropriate action.
- Inform the applicant, in writing, of the reasons why a particular decision was made.
- provide appeal rights according to 1-APP.

153 Accepting Requests (Continued)

E Sample Letter for Producers About Lack of Funds for ECP

The following is a sample letter to notify producers of lack of funds for ECP.

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency
(Insert county name, office
address, and telephone number)

(Insert applicant's name and address)

Dear Mr. Smith:

The _____ County Farm Service Agency Committee (COC) has reviewed your request for cost sharing under the Emergency Conservation Program (ECP) for practices to rehabilitate farmland damaged by the recent disaster. The demand for assistance under ECP has exceeded the funds currently available to COC. Therefore, we are unable to approve your request for cost-share assistance.

However, if additional funds become available, COC will contact you to determine whether you have completed the practice or still wish to carry out the practice.

The damage assessment made on your land will help COC make a determination on your request if funds become available.

_____
County Executive Director

Note: Letter may be adapted for drought situations.

--154 Filing AD-245's--

A AD-245 Requirements

Use only one AD-245 for each practice requested. However, multiple AD-245's can be requested for the same practice if the practice will be completed on different tracts, fields, or different farms.

***--Note:** The number of persons and legal entities involved in a practice has no bearing on--* the number of AD-245's created for that practice.

Example: If a practice is requested for a joint venture of 3 persons:

- prepare only one AD-245 for the practice
- record the multiple producer data according to 1-CONSV.

*--B Assisting Applicants Filing AD-245's

When an applicant requests a practice, advise producers of ECP eligibility requirements. Take the following action to assist applicants filing AD-245's.--*

Step	Action
1	Help the applicant describe the disaster damage.
2	Determine whether there is an eligible solution.
3	Advise applicant of responsibility for complying with ECP requirements.
4	Obtain and record any information needed to determine practice priority and eligibility.
5	Advise the applicant of the minimum required lifespan for the practice.
6	Ensure that the applicant understands the meaning of the practice provision "after the calendar year of installation".
7	Have the applicant complete ACP-256 if the applicant requests consideration under the limited resource provisions.

155 Obtaining Needed Information

A Obtaining Information From Producers

--**Obtain necessary information from the producer when request is filed on AD-245.**--

B Obtaining Information From Other Agencies

All USDA representatives who visit farms should observe and report facts that affect eligibility to COC.

- At the State and county levels, all agencies working with ECP should consider the factors that affect practice eligibility and avoid duplication of effort.

- No agency having ECP responsibilities shall disregard information that raises a question on practice eligibility even if another agency is responsible for making the final determination.

156-170 (Reserved)

*--Section 2 Reviewing Cost-Share Requests

171 Onsite Inspection

A Documenting Damage

After obtaining concurrence to implement ECP, COC shall document each request including requests received when funds were not available to show that an FSA employee or--* designee:

- made an individual onsite inspection as soon as possible to determine whether the damage met ECP requirements

  Note: The law authorizing ECP requires that damage to the land, "...will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use."

- determined whether:

  - type and extent of damage qualified according to paragraph 35

  - the damage resulted from a type of disaster that does not occur frequently in the area as defined in paragraph 110

- *--document damage with at least 1 dated photograph.

B Environmental Compliance

For each request, FSA will complete an evaluation of the proposed practice using FSA-850 or CPA-052 (or NRCS State equivalent) to determine whether the proposed practice would have any adverse impacts to the human environment. The environmental evaluation will be completed before COC approval.

The guidance contained in 1-EQ will be followed when completing or reviewing an--* environmental evaluation.

171 Onsite Inspection (Continued)

*--C Submitting Requests for Waivers of Onsite Inspections

COC's or CED's shall sign and submit:

- waiver requests
- the required documentation for waiver requests to their respective State Office.

STC's or SED's shall sign and submit:

- waiver requests
- the required documentation for waiver requests to the ECP-PM only if the State Office deems that the required documentation supports a request for waiver.

D Required Information for Requests for Waivers

The following information is required for requests for waivers of onsite inspections:

- map of affected counties
- documentation of the extent and intensity of damage through maps or other data sources, including agricultural loss estimates
- based on the extent and intensity of damage, a defined boundary on a map for application of the waiver
- a description of accessibility to the sites, including any physical limitations to the site because of flooding, debris, or other impediments
- photographs of the area or adjacent areas to the site where the waiver is requested
- information about how the extent of damage or rehabilitation work will be determined after the fact, and a plan for sub-sampling applications or using GIS analysis before practice implementation that will provide a basis for evaluating needs in areas where the onsite inspection has been waived
- a description of potential for any immediate impacts to public health or safety.**--***

171 Onsite Inspection (Continued)

*--E Evaluating Requests for Waivers

The requirement for onsite inspections will only be waived in dire circumstances where the ECP-PM evaluates that:

- damage:
  - is of a magnitude that severely limits access or use of farmland
  - is so pervasive that the need for practices can be adequately assessed through subsampling or using GIS analysis
  - requires immediate action to prevent significant adverse loss to agricultural operations
  - presents an immediate risk:
    - to public health or safety
    - to environmental resources.

Note: Workload issues alone are not sufficient justification for waiver of the onsite inspection provision.

F Implementing Waivers of Onsite Inspections

State and County Offices shall evaluate the amount of financial payment and the relative potential for inaccurate payment when determining whether or not to use an approved waiver for a particular application.**--***

172 Determining Eligibility

A COC Determining Eligibility

When determining eligibility, COC shall determine whether:

- the applicant and the land are eligible
- the requested practice justifies the investment of funds
- the practice costs are beyond what the producer would accomplish with his or her own resources
- approval of cost sharing meets the objectives of ECP
- ***--**a new conservation problem is present, including presence of debris**--***
- the land to be benefitted is and will continue to be used for agricultural production.

*--B Ineligible Practices

The practice is ineligible if any of the following apply:

- the practice has been started before request for ECP assistance was filed on AD-245**--***
- the work is considered normal upkeep or maintenance
- the primary purpose of the practice is to bring new or additional land into agricultural production
- ***--**the practice was not serving its conservation purpose, including water conservation directly related to agriculture, before the disaster, **except** for cases involving debris removal**--***
- a water impoundment or improvement facility is primarily for household or recreational use
- any practice requested is primarily for the producer's convenience
- the practice will create a conservation or environmental hazard, such as, erosion or flood, to other land
- the practice was started before it was approved by COC.

Notes: See subparagraph 175 D for exceptions to this provision.

--**FSA-850 or CPA-052 (or NRCS State equivalent) must still be completed before COC determination of the practice approval.**--

173 Using Priorities

*--A Prioritizing All Requests

All requests for ECP assistance filed on AD-245's shall be prioritized by COC before approval.

B Prioritization Factors

Prioritization factors that may be taken into account in setting priorities and approval**--*** amounts include, but are **not** limited to, the following:

- safety, such as a *** * *** dam that poses a threat to life or property
- type and degree of damage
- type of practices needed to address the problem
- availability of funds
- availability of technical assistance
- environmental concerns

*** * ***

- welfare of eligible livestock
- ***--**status as limited resource producer.**--***

174 (Withdrawn--Amend. 2)

175 Approvals and Disapprovals

*--A Reviewing Requests

An STC representative shall review a sample of ECP requests filed on AD-245's **before** COC approval to ensure that AD-245's reviewed meet ECP requirements.

B COC Action

COC shall:

- advise applicants in writing of action taken or to be taken on requests filed on AD-245's
- issue a practice approval only if **all** of the following are met:
  - requests filed on AD-245 is eligible for cost sharing--*
  - the damage was the result of a disaster not occurring frequently in the area
  - the producer filed AD-245 before starting the practice
  - funds are available
  - an onsite inspection has been completed by an FSA or other authorized agency *--employee, such as NRCS or NIFA, with approval from ECP-PM--*
  - the practice was started after the agency responsible for technical assistance has made any necessary technical determinations
- *--complete CCC-770 ECP-1 (Exhibit 11) before approving AD-245 only if deemed necessary by COC, SED, or STC representative
- complete FSA-850 (Exhibit 11.5) or CPA-052 (or NRCS State equivalent) before approving AD-245.--*

COC in the headquarters county shall continue to use the State and its county code to identify all AD-245's and other documentation and statistical reporting requirements related to implementing ECP on the eligible farmland in a designated ECP county.

175 Approvals and Disapprovals (Continued)

* * *

C Waiver When Producer Starts Practice Before Approval

In certain instances, producers after filing requests on AD-245, need to start the ECP practice before it can be approved. COC may, with STC concurrence, waive the prior approval rule on a case-by-case basis, if justified. Justification may include availability of contractor, or steps to prevent further losses. See subparagraph E.

For ECP purposes, a practice is considered started when a producer first:

- purchases material for the practice
- signs a contract
- physically starts work on the project.

D Granting Relief for Starting a Practice Before Filing Request on AD-245

COC, with STC or its representative concurrence, may grant relief on a case-by-case basis *--when a producer does not submit AD-245 before starting restoration measures, if all of the following apply:

- the ECP-designated disaster created a situation that required the producer to take--* immediate steps to prevent further losses

  Examples: Examples of these situations are emergency repair of:

  - fences to contain livestock
  - a dam that poses an immediate threat to life and property.

- *--requests filed on AD-245 between the date of the disaster and the end of the signup--* period, if the work has begun before submitting request on AD-245

- a practice was started no more than 60 calendar days before the ECP disaster designation was approved for the applicable County Office.

  Example: A producer contracts to drill a well to supply water for livestock in March. In July, before work has begun, the county is approved for ECP drought. The producer knew in March that he or she would be drilling a well. For ECP purposes, the date the producer signed the contract in March is the starting date for the practice. Since the March signing date is more than 60 calendar days before the drought in July, the producer is not eligible for ECP assistance.

176 Limited Resource Provisions

*** * ***

--A Limited Resource Producer C/S Rate--

The maximum C/S rate for limited resource producers is 90 percent.

B Limited Resource Determinations

Limited resource C/S rates shall be approved only when COC determines that the producer qualifies after reviewing the information on ACP-256.

Make this determination before issuing the related AD-245.

C Weighted Limited Resource C/S

--**If some eligible persons or legal entities contributing to a practice will qualify for limited**-- resource rates and others will qualify for regular rates, determine the weighted total C/S to be approved on AD-245, page 1.

D Qualification for Limited Resource Producer

***--**County Offices shall review USDA's web site to be prepared to assist producers who want to qualify as a limited resource producer. The web site is:

- used as an online tool to determine producer eligibility
- at **www.lrftool.sc.egov.usda.gov/toolasp**.**--***

E Outreach for Limited Resource Producers

State and County Offices shall make a concerted effort to ensure that information about ECP signup and eligibility requirements are made available to limited resource producers.

177 Disapprovals and Deferred Action

*--A Disapproving Requests

If COC disapproves the request, promptly notify the applicant of:--*

- reason for disapproval, according to 1-CONSV, paragraph 216
- the right to appeal COC's decision, according to 1-APP.

B Documenting COC Minutes

Document disapprovals individually in COC minutes and, at a minimum, include the following:

- producer or agent
- FSN or control number
- practice
- reason for disapproval.

C Deferred Action

--COC may defer action on the request for a practice for which funds are not currently-- available. Advise applicants of the deferral.

178 Pending Requests

A Maintaining Pending Requests

--Maintain a file of pending requests filed on AD-245's that COC would be willing to-- approve if funds were available. See 1-CONSV, paragraph 293, for a sample letter. The original request shall remain on file until it is approved or disapproved.

If additional funds become available, promptly advise applicants.

B Reviewing Pending Requests

--Review the file of pending requests periodically, at a minimum every 90-calendar days. Cancel requests of producers who are no longer interested in participating in the program, and modify requests amounts for AD-245's where needs change. Modify county funding request, if necessary.--

179 Requests Requiring Special Approval

A Reviewing and Approving Requests for ECP Assistance

***--**Before COC approval, an STC representative shall review and approve requests for ECP assistance from:

- State Office employees
- COC members
- County Office employees and any other county-level USDA employees.

ECP-PM shall review and approve requests for ECP assistance from:

- STC members
- SED.

Note: Copies of AD-245 shall be submitted for requests for ECP assistance requiring special approval. Do not send original paperwork.

B C/S Approval Authority

According to subparagraph A, approvals for total C/S per person or legal entity, per ECP-designated disaster, shall be as follows.**--***

IF C/S amount is...	THEN approval authority is...
$50,000 or less	COC.
$50,001 to $100,000	STC.
more than $100,000	ECP-PM.

179 Requests Requiring Special Approval (Continued)

C Submitting Requests to CEPD

When submitting C/S requests *** * *** to ECP-PM, the following information **must** be included as part of the documentation:

•*****--exact amount of C/S requested--*****

- ECP practices that are involved

- computations showing the total eligible cost multiplied by the C/S percentage, as provided in subparagraph 42 B

  Notes: The total eligible cost is the total sum of all eligible practice costs upon which to base C/S.

  The total C/S requested must equal the C/S calculated for each practice minus any C/S paid previously.

- copies of AD-245's

•*****--copies of AD-862's--*****

- a completed copy of FSA-23 for each request submitted (Exhibit 12).

  Note: Base the agricultural market value of the affected land on either of the following:

  - acres served, if the practice is reported as acres served
  - acres, if the practice is reported as acres.

•*****--map of affected farms

- photographs--*****

180 Determining Approval Amount

A Factors to Consider

In determining approval amount, consider the following factors:

- extent of damage and estimated eligible repair costs
- amount of cost sharing requested
- size of farm, including a breakdown by acres of cropland, irrigated land, pasture, and total acreage
- type of operation, including principal crops, and types and numbers of livestock

•*****--time sensitive nature of request.

B Additional Factors to Consider

COC's recommendation, if applicable, for amount of cost sharing and justification for the recommended amount shall be considered if STC or ECP-PM approval is required.**--***

181 Documenting COC Decisions

A Action

COC shall review AD-245 and document the decision on the hard copy of AD-245, page 1, according to l-CONSV.

B COC Determinations

All COC determinations involving action taken on all AD-245's **shall** be recorded in COC minutes.

At a minimum, each COC determination **shall** include the following:

- producer's or agent's name
- FSN or control number
- practice
- C/S approved.

Note: Each application **shall** be listed **separately**.

181 Documenting COC Decisions (Continued)

C Notify Applicant

Notify the applicant of the practice extent and approved C/S with a copy of AD-245, page 2.

Include with AD-245, page 2, other explanatory information needed to help the applicant perform the practice and qualify for C/S. Examples of this information include the following:

- practice specifications and any other information needed to comply with program requirements
- how to make a performance report
- *--rules governing dividing or withholding C/S when another person or legal entity--* contributes to the cost of performing the practice and the necessity for reporting those contributions on AD-245
- encouraging the applicant to complete the practice at the earliest possible time
- advising the applicants of their responsibility to obtain necessary easements and permits.

182 Setting Expiration Dates

A Practice Expirations and Extensions

Except for drought approvals, COC shall establish realistic expiration dates of no more than 6 months for completing approved practices.

B Extensions

Extensions:

- may be granted, if necessary
- shall be documented and approved by an STC representative.

--**STC or its representative may approve 2 extensions, totaling up to 1 year in length, under**--
unusual circumstances.

Note: Unusual circumstances shall be documented in COC or STC minutes.

C Drought Extensions

Drought practice approvals shall not extend more than 60 calendar days from the date COC approves the practice.

- STC or its representative may approve **1** extension up to 60 additional calendar days under unusual circumstances.

  Note: Unusual circumstances **shall** be documented in COC or STC minutes.

- If drought conditions change, re-evaluate the applicant's eligibility.

183 Expiration Notice

A Preparing Expiration List

Prepare a computer-generated list of AD-245's expiring in 30 calendar days every 15-calendar days to keep track of approvals that need to be completed within a 30-day period.

B Documenting Extensions in COC Meetings

Document extensions individually in COC minutes and, at a minimum, include the following:

- producer of agent
- FSN or control number
- practice
- reason for extension.

184 Canceling Approvals

A Canceling Approved AD-245

Cancel an approved AD-245 when the performance report is not filed by the expiration date.

- Notify the assigned technical agency.
- Document the action taken on AD-245, page 1, and notify the producer.

B Suspending Cancellation

If a performance report on AD-245, page 2, is not filed promptly, cancellation may be delayed if the County Office has a definite indication that the practice was performed in a timely manner.

- Certification of performance on AD-862 and personal knowledge of a committee member or County Office employee are acceptable reasons for suspending cancellations.

- Take immediate action to obtain the performance report.

--Note:** If the performance report is not obtained within 60 calendar days of the practice expiration date, cancel the approval.**--

185 Reinstating Canceled Approvals

A Conditions to Reinstate Canceled Approvals

COC may reinstate a canceled approval when **all** of these conditions apply:

- the participant requests reinstatement in writing
- the practice was started before cancellation
- the practice was or will be completed within a time prescribed by COC
- funds are available to reinstate the approval.

186-210 (Reserved)

Section 3 Performance Report Requirements

211 Filing Performance Reports

A Who May File

--Any eligible person or legal entity that paid a part of the cost of a completed practice may-- sign the performance report. See paragraph 96 and 1-CM for provisions applying to minors.

B Performance Reports

--To be eligible for C/S payments, participants who perform approved practices must report-- performance on AD-245, page 2, and provide any required supporting data by the practice completion date.

C Dates and Signatures on Performance Reports

Performance reports must be signed and dated by the participant or the authorized representative whose name appears on the approved AD-245, page 2. Mailed reports shall be date stamped upon receipt.

The following provides guidelines for signatures on performance reports.
*--

IF…	THEN…
AD-245, page 2 is signed by a person or legal entity other than the participant to whom AD-245 was issued	determine whether the person or legal entity is authorized to file the report according to subparagraph A.
practice was performed by an eligible person or legal entity other than the person or legal entity to whom the approval was issued	revise the name on AD-245 accordingly.
practice or component is not completed	AD-245, page 2 should not be signed.
performance report involves signatures for deceased, missing, or incompetent persons	see 1-CM.
persons or legal entities are not eligible to receive a payment	they are not required to sign AD-245, page 2.

--*

212 Reporting Dates

A Final Date to Report Performance

Performance must be reported on or before the expiration date or by the authorized extension date granted by COC (paragraph 211).

B Filing in Timely Manner

--**AD-245, page 2, is filed in a timely manner when it is delivered to, or postmarked for delivery to, the County Office or COC on or before the practice expiration date.**--

If the date stamp shows that AD-245, page 2, was received in a timely manner, do not question the producer's failure to date AD-245, page 2.

C Not Filing in Timely Manner

For reports not filed in a timely manner, enter either of the following on AD-245, page 2:

- date received and initial the entry
- postmarked date and initial the entry.

--**Cancel AD-245 to deobligate funds, and notify the participant with appeal rights.**--

213 Reporting Practice Extent

A Information To Be Reported

Participants shall report the extent of practices performed, if known, and any additional information needed to determine whether practices were performed according to specifications and program provisions.

The following provides guidelines when reporting practice information.

IF...	THEN...
some or all aspects of performance shall be certified by another agency	do not process until AD-862 is completed.
a practice is reported in units other than those for which payment is made	convert those units to the payment units.
measurements have been reported instead of the acreage	compute the acreage from the measurements and enter on the report.
all required information is not submitted with the report	do not process until all information is submitted.

B Information for P-A

Unless otherwise specified, the participant or P-A agent shall enter on AD-245, page 2, the extent of practices performed, if known, to meet the specifications. Only one AD-245, page 2, is required.

C Another Agency

If another agency certifies performance, obtain the practice extent from the assigned technical agency's certification on AD-862.

214 Recording Practice Location

A Record Location

Record the location of all practices performed for C/S payment on an aerial photo or photocopy.

Use aerial photography or photocopy to identify the following:

- practice
- lifespan
- FY completed.

B Retaining Location Records

See 25-AS for requirements for retaining location records.

215 Supporting Data

A Obtaining Evidence

In all cases, obtain evidence to determine whether practice requirements are met and to determine proper payment. This may include:

- necessary invoices
- canceled checks
- paid receipts
- analysis tags
- other similar evidence.

B Invoices and Documentation

Inform the applicant that proof of payment documentation must be maintained for 1 year after the end of the FY in which the practice was completed for C/S.

Handle cost data for payments according to the following.

Step	COC Action
1	Applicant must provide satisfactory evidence to determine whether practice requirements were satisfied, which may include: • invoices • canceled checks • paid receipts.
2	Manually enter the cost of performing the components of the practice on AD-245, page 2, column G, above the extent reported.
3	If a discount was applied, use the sale price minus the discount to compute C/S.
4	***--**Consider costs reported paid by ineligible persons or legal entities.**--***

215 Supporting Data (Continued)

B Invoices and Documentation (Continued)

Step	COC Action
5	If used materials are involved, COC shall determine and document the value of these materials based on current commercial rates.
6	If the producer performed the practice with the producer's own labor, equipment, or materials, the producer shall submit signed, itemized statements. Statements shall include: • dates of work performed • cost per hour charged for labor • type of equipment used • charge for equipment • type and cost of materials used • other applicable information. Costs allowed in these cases shall not exceed the prevailing current commercial rates determined by COC.

C Retaining Invoices and Documentation

Keep supporting evidence for percent of cost practice payments on file in the County Office for the same period as for other related program documents. See 25-AS.

For C/S computed using the percent of cost method, inform the applicant that proof of payment documentation must be:

- maintained for 1 year after the end of the FY in which the practice was completed
- presented within 30 calendar days to the County Office if selected for spot check.

* * *

216 Maintenance and C/S Refund Responsibility

A Certification on AD-245

Ensure that the participant is aware of the practice maintenance and C/S refund responsibilities when certifying practice performance on AD-245, page 2.

The participant agrees to refund all or part of the C/S assistance paid as determined by COC if before the expiration of the practice lifespan specified on AD-245, page 2, the practice is destroyed or not properly maintained.

--B Relinquishing Control or Title to the Land--

If the participant voluntarily relinquishes control or title to the land on which the practices have been established, the participant must do 1 of the following.

- Obtain a written statement from the new owner, operator, or both, agreeing to properly maintain the practice for the remainder of its specified lifespan.
  - This written statement must be attached to the original AD-245, page 2.
  - If a written statement is obtained from the new owner, operator, or both:
    - the original participant is no longer responsible for practice maintenance or for refunding any C/S as determined by COC
    - the person signing the written statement is responsible for practice maintenance and refunding any C/S as determined by COC.
- Retain responsibility for practice maintenance and C/S refunds if a written statement from the new owner, operator, or both, is not obtained.

Note: It is the participant's option to obtain a written statement from the new owner, operator, or both. **If the practice is not maintained and used for its intended purpose**, the original participant is responsible for C/S refunds if a written statement has not been obtained.

217-224 (Reserved)

225 Certification on AD-862 for Practices Assigned to FSA

A FSA Assigned Practice

The participant's certification on AD-245, page 2, for practices assigned to FSA may be accepted without on-farm verification if COC determines a measurement or inspection is not required.

B FSA Verification of Performance

Determine when FSA may require an inspection to verify performance according to the following.

IF...	AND...	THEN...
a performance certification is assigned to FSA	it is determined that a participant cannot reasonably be expected to determine: • the extent performed • whether specifications have been satisfied	inspection will be required to verify performance.

C Measurements Required

Measure acreages and linear feet if the following apply.

- COC believes the participant cannot adequately determine the extent.
- The participant's reported extent appears to be in error.
- Inspection during a spot check or other farm visit indicates that the extent performed is questionable.

225 Certification on AD-862 for Practices Assigned to FSA (Continued)

D Expressing Measurements

Determine and express fractions for measurement according to the following.

IF measurement is...	THEN express in...
acreage	whole and fractions of acres in tenths.
• miles • tons • cubic yards of concrete or rubble masonry	whole numbers and fractions to the nearest tenth.
• linear feet • pounds • cubic yards of material other than concrete or rubble masonry	whole numbers.

226 Certification on AD-862 When Technical Practices Assigned to Another Agency

A Assigned Technical Agency Certification

If another agency is the assigned technical agency, that assigned technical agency's certification on AD-862 is required.

- Notify the assigned technical agency when AD-245, page 2, is filed if certification of the assigned technical agency performance on AD-862 has not been received.
- Make aerial photography and current slides available to assigned technical agency for its use in determining acreage performed.
- County Office employees shall **not** inspect, for verification, any practice for which another agency certifies performance.
- COC shall accept the agency certification of the extent performed for approving payments to participants.

B Items To Be Reported by Technical Agency

Assigned technical agency shall report the following on AD-862:

- a certification showing items and extent that meet specifications
- any items of performance that do not meet specifications and explain the reasons for the failure
- any uncompleted items.

Note: Uncompleted nontechnical items for which FSA will later accept a report from the producer shall be listed; however, payment shall **not** be authorized until completion of the specified uncompleted nontechnical items.

227 Technical Practices Performed Without Technical Agency Assistance

A Technical Practices Performed Without Technical Agency Assistance

Participants that proceed on a technical practice before needs were determined by a technical agency assume the risk that the practice may not be eligible for cost sharing.

IF...	THEN...
technician cannot certify performance and extent	there is no authority to pay for the practice.
the extent can be determined and all of the following apply: • a Notice of Approval Subject to Feasibility Determination letter was sent to the producer according to 1-CONSV, paragraph 294 • it is determined the practice was needed • practice was performed according to specifications or is qualified under the provisions of failure to meet minimums • all other program requirements have been satisfied	practice may be eligible for cost sharing.

228-234 (Reserved)

Section 5 Reporting Contributions

*--235 Multiple Persons or Legal Entities Who Share Cost of Practice

A List Persons or Legal Entities Who Share Cost of Practice

AD-245, page 2 shall include or have attached a list of names and addresses of all persons and legal entities who shared in the cost of the practice and the extent of their contributions. The list shall include any ineligible person or legal entity, State, or Federal agency.

B Additional Criteria

When creating the list in subparagraph A, consider any available information on the eligibility of the other contributors.

Note: A person or legal entity who is fully compensated or reimbursed for materials, equipment, services, or labor is **not** a contributor.

*--C Performance Reports When More Than 1 Person or Legal Entity Contributed

If more than 1 person or legal entity contributed to a practice, determine whether:

- all contributors qualify as separate persons or legal entities according to paragraph 92 and 4-PL
- each contributor is eligible to receive C/S
- any contributors are ineligible according to paragraph 239.--*

236 (Withdrawn--Amend. 3)

237 Dividing C/S Based on Contributions

*--A All Costs Paid by 1 Eligible Person or Legal Entity

A person or legal entity that pays all costs of performing a practice is entitled to the C/S payment.

B Costs Paid in Equal Proportions by Eligible Person or Legal Entity

If 2 or more eligible persons or legal entities equally contribute to the cost of performing the practice, divide C/S equally.

C Costs Paid in Unequal Proportions by Eligible Person or Legal Entity

If 2 or more eligible persons or legal entities contribute to the cost of performing a practice and COC determines that each person's or legal entity's contributions are not in equal proportions, COC shall:

- prorate the C/S payments based on the individual's contributions
- document how each person's or legal entity's percent of contribution was determined.

D Part of Costs Paid by Ineligible Person or Legal Entity

Total practice cost used to compute C/S shall **not** include contributions made by ineligible persons or legal entities.

Make no C/S payment to any person or legal entity for a practice for which all costs are paid by ineligible persons or legal entities.

Note: See paragraphs 91 and 92 for eligible and ineligible participant provisions.**--***

*** * ***

*--238 Cost Data When Ineligible Persons or Legal Entities Contributed

A Ineligible Contributions

Examples of ineligible contributions include materials, services, or cash provided by an ineligible person or legal entity to an eligible person or legal entity.

B Reporting Ineligible Contributions

Report the contribution of an ineligible participant on AD-245, page 2. Include the--* following information:

- name of the ineligible contributor
- total cost of performing the practice
- dollar value of the ineligible contribution made
- describe the ineligible contribution.

*--239 Computing C/S if Ineligible Participants Contributed

A Computing C/S

If an ineligible participant contributed to a practice, C/S is computed by subtracting the ineligible contribution from the total cost. C/S is based only on the eligible participant's contribution.

B Example 1

Producer A, an eligible participant, incurs $4,000 for a practice. Producer B, an ineligible participant, contributes $1,000 for the practice. Total cost of the practice was $5,000. Percent of cost rate is 75 percent.

The ineligible contribution ($1,000) will be deducted from the total practice cost ($5,000) to compute eligible C/S. Producer A will receive a $3,000 C/S payment (75 percent of $4,000).

C Example 2

Producer A, an eligible participant, pays $6,000 for materials for a practice. A State agency contributes $2,000 worth of materials to the practice for a total practice cost of $8,000.

C/S level for the practice is 75 percent of the total cost. C/S paid to the eligible participant will be based on the eligible participant's contribution to the practice, which was $6,000.--* The producer will receive 75 percent of $6,000 or $4,500.

240 (Withdrawn--Amend. 3)

241-250 (Reserved)

Section 6 Change in Extent Performed

251 Changing Extent Performed as Reported by Participant

A AD-862 Extent Less Than Participant's Reported Extent

If assigned technical agency's certification on AD-862 or other information indicates that a lesser extent was performed than was reported by the participant, change the extent to the lesser amount.

Note: Document the change on AD-245.

B AD-862 Extent Greater Than Participant's Reported Extent

If the assigned technical agency's certification on AD-862 or other information shows that a greater extent was performed than was reported by the participant, do **not** change the extent reported by the participant.

If the difference is substantial, contact the participant and assigned technical agency to determine the correct extent. However, only pay on approved extent unless modified according to paragraph 254.

252 Adjustment for Practices Exceeding Requirements

A General Policy

Adjust the extent and costs to the minimum requirement for practices constructed in excess of the minimum size needed or for the participant's convenience before computing C/S.

Note: Ineligible costs are those incurred in excess of the costs required to meet the minimum practice extent.

B Greater Extent at No Cost

If a greater extent than approved or required is performed as a "safety measure" in COC's opinion with technical authority concurrence, do not adjust the extent upon which to compute C/S if **all** the following conditions exist:

- C/S rate is a percent of actual cost
- work was done by a contractor and not by the producer with whom costs are to be shared
- excess extent was performed as part of the lump-sum project cost or as part of the approved per unit amount

  Note: This does not include cases where costs are determined on an hourly basis.

- COC determines, with technical authority concurring, that the excess performance was done as a safety measure and not because of an agreement between the producer and contractor as a discount or other consideration to the producer.

252 Adjustment for Practices Exceeding Requirements (Continued)

C Example

The following is an example of a practice exceeding the extent required at no cost to the producer.

Producer contracts a well to be dug under EC6. The lump-sum cost for the practice is $7,000. C/S level for the practice is 75 percent of the total cost. Producer is approved for $5,250 C/S. When the practice is completed, the $7,000 billing includes the cost of plywood boards that were used for safety reasons while the well was being dug. These costs were for "safety measures" and were included in the lump-sum price. Producer is eligible to earn 75 percent of $7,000. The costs for the plywood boards will not be deducted from the total cost.

D Adjusting AD-245 for Greater Extent at No Cost

If all conditions in subparagraph B exist, enter the units approved in AD-245, column G. Do not prorate the cost and C/S on the basis of the excess.

253 Adjusting Extent or C/S Before Practice Performance

A Increase Based on Greater Extent

COC may increase the extent or C/S originally approved before performance is completed if the assigned technical agency determines that a greater extent is needed and funds are available.

B Decrease Before Practice Performance

COC shall decrease the extent and C/S originally approved before performance is completed if the assigned technical agency determines a lesser extent is needed.

C Documenting Adjustment

Documentation of adjustment shall include a manual change of the entries on AD-245. The person making changes shall initial and date the changes.

- Enter the total C/S and extent approved on the AD-245 Ledger Data Screen. Refer to 1-CONSV, Part 5, Section 4.

- Notify the producer by letter and enclose a copy of the manually revised AD-245.

254 Adjusting Extent or C/S After Practice Performance and Before Payment

A Increase in Extent or C/S

COC on a case-by-case basis may increase the extent or C/S originally approved after performance is completed but before payment is made if funds are available and either of the following conditions are satisfied:

- the extent approved was based on an estimate that proved to be in error and the producer could not reasonably have known in advance the extent needed to complete the practice

- C/S approved was based on an estimate of cost that was too low.

Note: A new request is not required when increasing the extent or C/S after performance and before payment.

B Decrease After Performance and Before Payment

COC may decrease the extent and C/S originally approved after performance and before payment if the assigned technical agency approves the lesser extent for practice completion.

C Documenting Adjustment

Documenting adjustment shall include a manual change of the entries on AD-245. The person making changes shall initial and date the changes.

- Enter the total C/S and extent approved on the AD-245 Ledger Data Screen. Refer to 1-CONSV, Part 5, Section 4.

- Notify the producer by letter and enclose a copy of the manually revised AD-245.

255 Increasing Extent or C/S After Practice Performance and After Payment

A When to Increase Extent or C/S

COC may increase the extent or C/S originally approved after payment has been issued if 1 of the following situations occurred:

- County Office made an error on original extent or payment computation
- assigned technical agency made an error on original extent reported
- a measurement error was made
- producer failed to bring in a receipt or invoice
- other similar situation that resulted in a lesser extent or C/S payment.

B Documenting Increase

Documenting the extent or C/S increase shall include a manual change of the entries on AD-245. The person making changes shall initial and date the changes.

- Enter the total C/S and extent approved on the Ledger Data and Final Performance Data Screens for the automated AD-245. Refer to 1-CONSV, Part 5, Section 11.

- Issue payment to the producer for the additional C/S.

256 Increases Not Authorized

A When Increase Is Not Authorized

If COC intentionally does not approve the entire extent requested and the participant performs an extent greater than that approved, no increase in C/S is authorized to cover the extent performed if it exceeds the amount approved.

257-271 (Reserved)

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Section 7 Miscellaneous Situations

272 Performance Not Meeting Specifications or Requirements

A Erroneous Official Measurement

Costs may be shared for a practice even though performance does not meet specifications or requirements, if both the following apply:

- producer relied on an erroneous official measurement
- enough material was applied to meet the minimum requirements of the erroneous measurement.

Note: This provision does **not** apply if the producer should have known it was in error.

B Adequate Solution to Conservation Problem

C/S may be paid for the extent actually performed if:

- COC determines that the practice solves the problem for which it was approved
- the following apply:
  - producer satisfies COC that a reasonable effort has been made to meet requirements
  - ***--**producer agrees on AD-245 that the practice will be maintained for the required**--***
    lifespan or C/S will be refunded
  - assigned technical agency's certification has been considered.

273 Requirements Met but Practice Failed

A Minimum Requirements Met

Costs may be shared for a practice if the practice was properly performed but failed for reasons beyond the producer's control.

- COC shall determine whether the producer must perform other needed measures as a condition for cost sharing.

- Costs may be shared for other eligible required measures if the producer files a new application.

Note: Costs associated with drilling a "dry" well are not eligible for assistance.

274 Materials Not Applied at Specified Rate

A Determining C/S

Determine whether costs may be shared if materials are not applied at a specified rate according to the following.

IF materials are not applied at a specified rate and...	THEN...	
are within authorized minimum and maximum rates	costs may be shared, not to exceed the amount originally approved, for the material actually used on the acreage to which the material is applied.	
exceed the maximum authorized rate	take the following action to determine C/S.	
	Step	**Action**
	1	Circle the entry on AD-245, page 2, column G. Enter authorized amount.
	2	Limit C/S to the smaller of: • amount originally approved on AD-245, page 2, column F • result of multiplying the authorized amount times C/S rate per unit of material.

Note: STC or COC shall determine minimum and maximum rates if applicable.

275 Practice Performed With Material Not on AD-245

A Material Not on AD-245

A practice performed with material that was not approved on AD-245 may be allowed if the material and the practice meet all applicable provisions and specifications. Limit C/S to the smaller of:

- C/S originally approved
- C/S computed for the materials actually applied.

Note: The assigned technical agency must concur.

276 Practice Completed by Successor

A Determining Payment Shares

Determine payment shares when a practice is completed by a successor according to the following.

WHEN a participant starts a practice and...	AND...	THEN...
discontinues farming operations	the practice is completed by a successor	• the original participant or participant's estate may be paid any C/S attributable to the participant • successor, if an eligible producer who completes the practice, may be paid and C/S attributed to the successor's contribution.
sells the farm		
dies before the practice is completed		

277-291 (Reserved)

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Part 4 Payments

Section 1 Computing C/S Earned

292 Payments

A Issuing Payments

Issue payments according to 1-CONSV. Payments are automatically issued through the CRES/accounting interface when performance is recorded on AD-245.

B Payment Review

An STC representative shall be responsible for ensuring that payments are justified.

The STC representative shall provide a written report of the findings to SED.

C Ineligible Contributions

***--**Ineligible contributions shall be handled according to paragraph 239.

D Producer Maximum

The producer shall receive no more than 75 percent of out-of-pocket costs. See paragraph 53 for bartering.

E Completing CCC-770 ECP-2

COC or designee may complete CCC-770 ECP-2 before an ECP payment is made**--***
(Exhibit 5).

293 Eligible and Ineligible Items for Computing C/S

A Eligible Costs

Review all applicable costs for labor, material, equipment used, sales tax, and value of used material to determine the total eligible cost of the practice.

Expenses for personal labor and personal equipment should be less than that charged by contractors who are entitled to make a profit for their efforts.

B Ineligible Costs

--**Ineligible costs for computing C/S earned include any items specified in subparagraph 46 B.**--

*** * ***

294 Computing C/S Through Column H on AD-245, Page 2, Column H

A When to Compute C/S

Compute C/S earned for the practice only after **all** these actions have been taken:

- the performance report has been reviewed
- all required information has been obtained
- approved adjustments have been made in:
    - C/S
    - extent
    - materials
    - practice components.

B Rounding

Round all C/S earned to the nearest whole dollar as follows:

- increase an amount of $.50 or more
- decrease an amount of $.49 or less.

C Extent Performed Equals Extent Approved

If the extent performed equals the extent approved, enter C/S approved on AD-245, Page 2, column H.

294 Computing C/S Through Column H on AD-245, Page 2, Column H (Continued)

D Extent Performed Less Than Extent Approved

IF the extent performed is less than the extent approved, and the rate is a...	THEN...
* * *	* * *
--percent of cost NTE--	enter the smaller of the following in column H: • C/S approved in column F • rate in column E multiplied times the total cost • maximum "not to exceed" unit multiplied times extent performed. **Example:** 75 percent of the actual cost not to exceed $_____ per unit.

Example: An EC1 practice was approved for 75 percent of the actual cost not to exceed $100 per acre. There were 10 acres performed at a total cost of $5,000. The total C/S's paid would be $1,000, calculated as follows.

Ten acres times $100 per acre = $1,000. Seventy-five percent of the actual cost would be $3,750, or $375 per acre, and there was a restriction of $100 per acre.

294 Computing C/S Through Column H on AD-245, Page 2, Column H (Continued)

E Extent Performed Greater Than Extent Approved

IF the extent performed is greater than the extent approved, and the rate is a...	THEN...
* * *	* * *

--percent of cost NTE--	• circle the cost of performing the practice in column G and enter the prorated cost of performing the extent on which cost sharing is approved
	
	Note: To determine the prorated costs, divide the extent approved (column D) by the extent performed (column G). Multiply the result times the total cost.
	
	• enter the smaller of the following in column H:
	
	  • the uncircled cost multiplied times the applicable percent
	
	  • the uncircled units performed by the unit limit, if any
	
	  • the C/S approved in column F.

295 Computing Limited Resource Payments

A Using Limited Resource Provision

Determine how to compute payments using the low-income provision according to the following.

IF the eligible contributors are...	THEN...
all limited resource producers	compute payment in the regular manner using the limited resource rate.
not all limited resource producers	**manually** prepare a separate hard copy of AD-245, page 2, except for P-A participants, for each ***--**participant listed as indicated in subparagraph B.**--***

295 Computing Limited Resource Payments (Continued)

B Preparing AD-245 When Producers Who Contribute to Cost of Practice Are Not All Limited Resource

Prepare a separate hard copy of AD-245, page 2, when producers who contribute to the cost of the practice are not all limited resource producers according to the following.

Step	Action
1	***--**Determine each participant's share of the practice extent by dividing the extent of the practice performed among the eligible participants based on each participant's contribution to the practice cost.**--***
2	Using either the limited resource or regular rate, whichever is applicable, compute C/S earned based on the prorated extent.
3	***--**Complete AD-245, page 2, based on the participant being entitled to all of**--*** C/S for this portion of the practice.
4	Manually enter appropriate cross-references and explanation on AD-245, page 2.

C Computations for Limited Resource Producers Approved for P-A

For practices performed under P-A provisions, manually enter computations on a hard copy of AD-245, page 2, according to subparagraph B. Complete ACP-153A by entering C/S in column L.

296 Completing AD-245, Page 2

A Data To Be Completed

Record the following data on the hard copy of AD-245, page 2.

Step	Field	Action
1	Total Cost-Shares Earned	Enter total C/S earned from column H.
2	Payment Advance (Partial Payment)	Enter any partial payments made.
3	Setoff	***--**Leave blank.
4	Debt Assignment	Leave blank.
5	Net Payment	Leave blank**.--***
6	Payment Approved (Initials)	Person authorizing the payment shall initial the Payment Approved block. This person shall be an employee other than the employee who computed cost sharing.

297-320 (Reserved)

Section 2 Partial Payments

321 When Partial Payments May Be Made

A Authority for Partial Payment

Partial payment for a practice may be paid if the applicant will complete **all** of the practice, with or without cost sharing, within the time prescribed by COC.

If the practice is not completed within the time prescribed, the applicant must refund the payment made unless prevented from completing the practice for reasons beyond the applicant's control.

B Making Partial Payments

Make partial payments only when **all** of the following conditions are satisfied:

- an application for payment is made on AD-245
- COC and assigned technical agency determine that the completed components are a reasonable attainment toward completing of the practice
- the participant agrees to complete the practice on FSA-18, which must be filed with AD-245.

Notes: See Exhibit 14 for instructions on completing FSA-18.

Partial payments are issued by the CRES/accounting interface when partial performance is recorded. See 1-CONSV, Section 5 for recording partial performance.

322 Recovering C/S if Remaining Work Is Not Completed

A Recovering C/S

Recover any partial payments if a practice is not completed, unless the producer was prevented from completing the practice for reasons beyond the producer's control.

Note: See paragraph 407 for late payment and refund interest instructions.

B Acceptable Reasons for Not Completing Practices

Acceptable reasons for not completing practices may include, but are not limited to, the following:

- flood
- drought
- death
- involuntary loss of control of the farm.

C Unacceptable Reasons for Not Completing Practices

Unacceptable reasons for not completing practices may include, but are not limited to, the following:

- financial inability to complete the practice
- a change in plans for land use.

323-330 (Reserved)

Section 3 Issuing Payments

--331 Issuing Program Payments--

A Making Program Payments and Reporting Data

ECP payments are issued through the CRES/Accounting interface when performance is recorded according to 1-CONSV.

*--B eFMS

ECP allotments are recorded in accounting's eFMS. If sufficient funds are not available, the payment request will fail.**--***

332 COC Payment Responsibilities

A Controlling Allocations

COC is responsible for keeping the sum of payments for ECP within the amount allocated to the County Office. This shall be accomplished using automated CRES ledgers and electronic funds control.

B Issuing Payments

Payments may be issued to:

- participants, joint payees, or assignees
- creditor U.S. agencies to offset amount due
- IRS for nonresident alien income tax.

333 Agreements Between Landlords and Tenants

A Effect of Agreement

--Pay C/S to the eligible participant who pays the costs of performing the practice regardless-- of whether the lease or other agreement provides for the payment to be:

- made in some other manner
- relinquished to someone who did not pay the related costs.

B Determining Proper Payee

Review the facts in the case if there is a question of whether the information on AD-245 is correct. To determine who paid the costs, COC shall consider the:

- terms of the lease or other agreement, which may have a bearing on the determination only if the terms clarify the way the practice was performed
- existing conditions and the way the practice was performed
- manner in which costs were billed and paid.

333 Agreements Between Landlords and Tenants (Continued)

C Rules for Specific Types of Cases

A requirement in a lease or other agreement that a tenant must perform a practice does not make the practice ineligible.

Determine who pays the practice cost in the following specific cases according to the following.

IF the lease or other agreement indicates that the...	THEN consider...
landlord and tenant share the cost of the practice	both as having contributed to the cost unless refuted by evidence.
tenant will perform the practice	the tenant as having paid the entire cost unless refuted by evidence.
landlord will pay the cost of the practice	the landlord as having paid the entire cost unless refuted by evidence.

Note: Do **not** consider a producer as having contributed to the cost of performing a practice if COC finds that the producer has been or will be fully reimbursed for the contribution through rental adjustment, exchange of cash, or other consideration by ***--**another person or legal entity.**--***

334 When to Prepare Payment

A Preparing Payment

Record performance and issue payment when all of the following have been satisfied:

- performance was appropriately certified on AD-862 according to DM 9500-1
- producer certifies practice completion on AD-245 according to paragraph 211
- supporting documentation is submitted according to paragraph 215
- current AD-1026 is on file according to paragraph 4
- other pertinent information is received, if applicable.

Note: Payments are issued by the CRES/accounting interface when performance is recorded according to 1-CONSV.

335 Preparing and Issuing Payment for Technical Services

A State Office Action

State Offices shall prepare and issue payment to NRCS for technical services for ECP according to 1-FI and 1-CONSV.

B Correcting Payments

Correct technical service payments according to 1-FI.

*--336 Refunds, Priority of Offsets, Withholdings, and Assignments

A Handling Refunds

Handle refunds according to 3-FI and 1-CONSV.

B Offset Applicability

Offsets apply to ECP.

C Determining Priority

The priority of offsets, withholdings, and assignments should be determined according to 1-FI, 58-FI, and 63-FI.**--***

337-350 (Reserved)

Section 4 Adjustment Applications

351 When Adjustment Application Is Required

A Conditions Requiring Adjustment Applications

An adjustment AD-245, page 2, is required if:

- overpayment is caused by an error in data or computations, which includes excess credit to any refund or other charge as well as overpayment *** * ***

- underpayment is caused by an error in computations, which includes deficient credit to a refund or other charge as well as underpayment *** * ***

- underpayment is caused by erroneous data

  Note: If the applicant reported the erroneous data on the original AD-245, page 2, the applicant must sign a corrected AD-245, page 2, to receive the additional payment or credit.

  - If the County Office made the error in the data, the applicant's signature is not required.

  - For P-A's, make correction on ACP-153A. Obtain the initials of the participant and FSA employee making the correction.

- penalty is erroneously assessed, which applies if the data and computations on the original AD-245, page 2, are correct and the penalty was deducted in error.

B Correction Process

See 1-CONSV, Part 5, Section 10 to correct AD-245 and, as applicable, issue additional payments or create a receivable.

352 Destroyed, Lost, or Stolen Checks

A Unnegotiated Checks

For unnegotiated checks that are destroyed, lost, or stolen, do **not** prepare an adjusted AD-245, page 2. Replace these checks according to 1-FI.

353 Payments Due Deceased, Missing, or Incompetent Persons

A Preparing Payments

Prepare payments due persons who are deceased, missing, or incompetent according to 1-CM.

354-370 (Reserved)

Section 5 (Withdrawn--Amend. 3)

371-375 (Withdrawn--Amend. 3)

376-390 (Reserved)

Part 5 Compliance

Section 1 Spot Checks

391 Lifespan and Maintenance Policy

A Definition of Lifespan of a Practice

The lifespan of a practice is a period of time for which the practice is subject to spot checks to verify that it is being maintained and used for the purpose designed.

Note: Lifespans begin January 1 after the calendar year the practice is installed.

B Maintenance Policy

A practice must be maintained for the practice lifespan specified in the practice writeup.

Note: COC's shall advise producers that they are required to maintain the practice for its useful lifespan.

392 Spot-Check Policy

A Spot-Check Provisions

The provisions in 2-CP apply to ECP spot-checking, except as provided in this part.

Coordinate spot checks with other work and programs requiring farm visits if possible.

Review producer's proof of payment and supporting evidence to ensure that they conform with the reported cost of the practice if spot checks are performed within 1 year after the FY in which the practice was completed.

Note: Failure to present proof of payment documentation could lead to a refund of all C/S paid.

Spot checks are required to:

- verify practice maintenance
- identify and uncover erroneous or inadequate reporting by producers
- encourage accurate reporting.

FSA employees, including STC and COC members, shall be spot-checked.

Exception: This spot-check requirement does not apply to CMC members.

393 Extent of Spot Checks

A Performing Spot Checks

Perform spot checks according to the following.

Current Year Practices	
Step	**Action**
1	Obtain ACP-301 for practice completed during the current FY.
2	Select the performed practices that are required spot checks.
3	Select a minimum random sample of at least 5 percent or 5 of the total practices performed (including required spot checks) that are listed on ACP-301.
4	For all practices selected, check any other C/S practices with an unexpired lifespan on the same farm.
5	Complete FSA-276 according to Exhibit 15 for each farm.

Prior Year Practices	
Step	**Action**
1	Manually prepare a listing of all prior year ECP practices still within their active lifespan not listed on the current year ACP-301.
2	Select those practices that are required spot checks.
3	Select a minimum random sample of at least 5 percent or 5 of the total practices performed (including required spot checks) that are on the manual list (including required checks).
4	For all practices selected, check any other C/S practices with an unexpired lifespan on the same farm.
5	Complete FSA-276 according to Exhibit 15 for each farm.

B State Office Spot Checks

***--**To ensure that the policies and provisions of ECP are being followed, a State Office representative shall review the following number of applications during times of program implementation; for County Offices that receive:

- less than 1,000 applications, the greater of 10 ECP applications or 10 percent of the ECP applications
- greater than equal to 1,000 applications, 5 percent of ECP applications.**--***

394 Scope of Spot Checks

A Accuracy of On-Farm Check

By visual inspection, verify the accuracy of the information submitted with the performance report. List discrepancies on FSA-276.

Note: If the discrepancies on FSA-276 indicate that the practice fails to meet minimum specifications or requirements, enter whether the practice appears to be solving the conservation problem on FSA-276, item 15.

B Measurements

When acreage is involved in the practice report, verify the acreage and document findings on FSA-276.

C Inspecting Producer's Records

Review producer's **proof of payment** and supporting evidence to ensure that they conform to the reported cost of the practice. See subparagraph 215 B.

395 Followup Action on Discrepancies

A Corrective Action

Determine the corrective action to be taken by the producer if the practice does not meet ECP requirements. Allow the producer additional time to take corrective action, if applicable. At the end of that time, if corrective action was not taken, then seek a refund.

B Overpayments

Recover any overpayments.

C Underpayments

Pay the amount of the underpayment if incorrect payment has been made.

D Violations

Refer to Section 2 or 4-CP when a discrepancy or a violation has been determined.

396-400 (Reserved)

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Section 2 Violations

401 Failure to Maintain and Use Practices

A Policy

A practice must be maintained and used throughout its normal lifespan for the purposes for which cost sharing was approved. This applies if control of the land on which a practice was performed:

- remains under the participant's control
- is voluntarily relinquished by the participant, and the new owner or operator agrees in writing to maintain the practice throughout its lifespan.

Exceptions: This policy does not apply under the following circumstances.

- ECP-PM determines upon reviewing STC/COC recommendation and the fully documented case file that good farming practice does not require this maintenance and use.
- Failure to maintain and use the practice was because of conditions beyond the participant's control.

B Actions That Constitute Violations

Actions or failures to take action that result in the failure of a practice to meet its
--**conservation purpose are violations. Payments must be recovered for violations. Violations may include:**--

- failure to perform normal repair, upkeep, and maintenance
- destruction of or substantial damage to a practice
- discontinuing the use of a practice before the lifespan expires
- conversion of a practice to recreational uses, unless the practice will continue to serve its conservation purpose
- other use or misuse of a practice so that it fails to meet its conservation purpose.

401 Failure to Maintain and Use Practices (Continued)

C Payment To Be Recovered

Recover the entire C/S paid on the portion of the practice not properly maintained and used.

A partial refund may be required when a practice has not been maintained and COC determines that a total refund is not justified.

The partial refund shall be based on the actual C/S paid multiplied times the percentage of the unexpired lifespan remaining when it is determined that the practice is not being maintained.

D Conditions That Do Not Constitute Violations

Failing to maintain a practice is not a violation if STC or COC determines that any of the following conditions exist:

- practice has served its purpose for its lifespan
- failure was because of conditions beyond the producer's control
- failure occurred after all persons who shared in the payment involuntarily lost control of the land
- failure occurred on acreage or other extent of the practice on which costs were not shared.

E Liability for Repayment Under P-A's

If failing to maintain a practice renders the practice ineffective in treating the conservation or environmental problem, each person is jointly and severally liable for the entire amount to be recovered. This includes persons who:

- share in the P-A payment
- had control of the land on which the practice was performed at the time the violation occurred.

402 Actions That Defeat the ECP Purpose

A Overview

--Any person or legal entity participating in ECP may be required to refund or forfeit payment if that participant adopts or participates in any action that may defeat the purpose of ECP.-- In these cases, all or any part of C/S that was paid or would otherwise be due under ECP may be required to be refunded or forfeited.

B Unauthorized Actions

Actions that may defeat the purpose of ECP are:

- failing to maintain practices performed with cost sharing under a previous program
- failure to use a practice for the purpose for which it was approved
- performing other willful acts that either:
    - violate reasonable conservation principles
    - offset conservation accomplishments.

C Violations Requiring Special Handling

The following types of violations shall be referred to STC:

- *--a scheme or device depriving other persons or legal entities of C/S
- knowingly filing false claims
- evading the maximum C/S limitation
- evading 1-PL or 4-PL.--*

Note: See 7-CP.

D Responsibility for Determination

Determining a violation may be based on COC or STC findings.

E Overreporting Performance

--A person or legal entity shall refund all or any part of C/S payments if the participant-- negligently files a performance report for a greater extent than was actually performed, but the violation does not constitute a false claim (see 7-CP).

Note: STC concurrence is required.

--403 COC, STC, and Employee Cases--

A Overview

COC or STC members who have a personal interest in the outcome of a case on which the committee is to act shall disqualify themselves. In case of disqualifications, the remaining committee members shall determine whether to:

- dispose of the case
- refer the case to ECP-PM for advice.

B Policy

Procedures in this part do not cover personnel actions when STC or COC members, County Office employees, or Federal employees are implicated in ECP infractions.

- The criminal, civil, or administrative liability of any of the persons listed, only as it involves ECP aspects of the case, shall be handled under this section.

- Report facts about the participation of Government employees to appropriate administrative officials of the agency concerned.

- Program infractions shall be investigated and handled according to 9-AO even if employees of other agencies are involved.

- Report, in writing, any information indicating infractions involving personnel of another Government agency to that agency.

404 Withholdings

A Refunds

Handle refunds on pending cases according to 4-CP.

B Statutory Civil Remedies

Handle statutory civil remedies for damages for filing false claims according to 4-CP.

405 Late Payment and Refund Interest

A Policy

***--**Late payments and refund interest rates apply to C/S refunded according to 58-FI.--*

406 COC and STC Responsibility

A Referring Program Infractions

COC shall refer any program infractions that appear to violate a Federal statute to STC according to 4-CP.

B Ensuring Full Compliance

STC shall ensure full compliance with ECP policy, procedures, and regulations as provided in this and other directives. In addition, STC shall take the following steps to prevent fraud, bribery, conspiracy, discrimination, or other infractions:

- initiate a preliminary review if a significant violation is suspected
- determine whether the facts justify an investigation.

Note: Investigations shall be completed according to 9-AO.

407 Handling Program Infractions

A County Office Action

--If a person or legal entity may have violated a program provision relating to payments,-- document all pertinent facts about the nature and extent of the violation. If the case:

- involves possible violations of criminal or civil statutes, handle promptly according to 4-CP

- is a violation of a program provision and does not involve a false claim or fraud, COC shall make a detailed finding of fact and record its determination.

  Notes: Include any amount to be recovered in the finding.

  If warranted, COC may submit the case with a recommendation for STC action.

B Producer Notification

COC or STC shall promptly notify the producer if it finds that program provisions have been violated. Include a statement of:

- COC's determination and the facts upon which it is based
- the amount of overpayment to be refunded with a demand for the refund.

Note: Advise the producer of the right to appeal according to 1-APP.

408-416 (Reserved)

Part 6 P-A's

Section 1 P-A Provisions

417 Developing P-A's

A Definition of PA

A pooling agreement (P-A) is a substantial pooling of resources, efforts, finances, or other
--contributions by 2 or more eligible persons or legal entities on 2 or more farms to solve a--
mutual disaster-related conservation problem.

B How to Develop P-A's

Develop P-A's according to the following.

Step	Action
1	An individual or group of producers should take the lead in initiating a project and contacting the County Office. The feasibility of the project and technical and financial assistance should be discussed with the appropriate agencies.
2	Individuals choosing to proceed with the project application shall: • obtain more detailed information on size, scope, and cost of the project to determine its physical and economic feasibility and benefits • determine whether it would provide benefits to rural and urban communities.

417 Developing P-A's (Continued)

A How to Develop P-A's (Continued)

Step	Action
3	If factors are favorable, the participants may: • organize as a group • designate an agent •*--attempt to get a commitment from other persons or legal entities who have an interest • indicate the proportionate part of the cost each participant will bear.--* **Examples:** Methods that are used to divide proposed costs are shown in the following examples. • Thirty farms receive water from an irrigation ditch that is to be repaired. It might be considered equitable to assess the cost against each participant based on a flat rate per acre multiplied times the acres on the farm receiving water from the ditch. For a mutual district, the contribution may be based on shares. • Repairing a water runoff control measure involves 1,000 units of a practice on farm A and only 200 units on farm B. Only 20 acres are benefitted on farm A, but 80 acres are benefitted on farm B. It might be equitable to base the division of costs on each participant's benefitted acreage.
4	The group should decide whether to request cost sharing for a practice under P-A. To request P-A, the agent must file AD-245 and complete ACP-153. **Note:** See Exhibit 16 for instructions on completing ACP-153A. The agent will take ACP-153 to obtain the participant's signature to explain in detail P-A conditions, participant responsibility, and how payment will be made.

418 Practice Provisions

A General Provisions

Participants in P-A's are responsible for obtaining the authorities, rights, permits, easements, or other approvals necessary to perform the practice.

- All participants in P-A's are jointly and severally responsible for practice maintenance.

- By signing ACP-153, each participant in P-A conveys authorities, rights, easements, or other approvals to the other P-A participants to use the land to install, maintain, and repair the practices.

- ***--**Each participant in P-A's must meet the policy for small payments outlined in subparagraph 135 A and Exhibit 4.**--***

B P-A Practice Approvals

To approve P-A's, STC's may establish a maximum total C/S for which COC's can approve P-A's without prior STC approval.

Note: When the total C/S requested exceeds this amount, P-A's must be submitted to STC.

418 Practice Provisions (Continued)

C Conditions That Make Practices Ineligible Under P-A

Practices are ineligible for P-A's when:

- the purpose is to permit 1 producer to install a practice on the land of another, primarily for the first producer's own benefit

- ***--**only 1 eligible participant contributes to the cost of a practice or if only token contributions are made by other eligible participants, even though the practice may**--*** benefit other farms

- an identical problem exists independently on a number of farms and the type of practice would result in primary and direct benefits only to the area treated on each farm.

D Number of AD-245's

Prepare one AD-245 per practice.

419 Designating P-A Agents

A P-A Agent's Responsibilities

The signatories to P-A shall designate an agent to:

- secure necessary easements, labor, and equipment
- serve as the contact person with COC and the assigned technical agency.

The agent may be a P-A participant or someone other than a contributing eligible participant.

B Authority of P-A Agents

The agent's authority is included on ACP-153.

The appointment of an agent on ACP-153 does not authorize the agent to sign ACP-153 for the participants.

The agent must have a power of attorney on file in the County Office to sign on behalf of a P-A applicant.

C Payment to Agent

If the P-A payment will be assigned to the P-A agent, then CCC-36 assignment must be completed. Handle assignments according to 63 FI.

420 P-A's Across State and County Lines

A Land in More Than 1 State

If a proposed P-A involves farms administratively located in another State, the affected COC shall promptly refer the matter to its STC for coordination between the State Offices involved.

Develop, approve, and administer separate P-A's in each County Office according to subparagraph B.

Do not transfer funds from 1 State Office to another to pay C/S for P-A's.

B Land in More Than 1 County

P-A's may be used to solve a mutual disaster related conservation problem on farms located in 2 or more counties.

Prepare separate P-A's for each county showing separate control and P-A numbers, and make a cross-reference on the documents that they are related P-A's.

If there is only 1 farm in P-A in any of the participating counties, document that it is part of P-A in another county.

Each COC:

- must show on AD-245 that cost sharing is based on the satisfactory completion of the entire project in all counties involved
- shall make separate approvals and pay C/S for the part of the project for the farms located in its county.

One COC shall not commit another COC to approve C/S under P-A.

C Statistical Data

Split the statistical data for P-A proportionately between the counties involved.

421 Location of P-A

A Recording Location of P-A

Use aerial photograph or photocopy to identify the following for each P-A:

- location of the practices
- area to be served
- farm numbers and ownerships
- participants' names.

422-430 (Reserved)

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Section 2 P-A Approvals

431 Factors to Consider When Approving P-A's

A COC Consideration Factors

When reviewing proposed P-A's, COC shall consider whether:

- the project is needed to solve a mutual disaster related problem
- the project will result in direct disaster related benefits involving each participant's farm
- the project will solve a community disaster related problem that would not be otherwise accomplished without P-A
- the proposed P-A would provide benefits to both rural and urban communities.

432 Preparing ACP-153 and ACP-153A

A Preparation Guidelines

Prepare ACP-153 for each P-A and prepare ACP-153A for each practice in P-A according to Exhibit 16.

COC shall use its discretion to set the C/S amount approved subject to payment limitation and allocations.

A COC member shall sign and date ACP-153.

B Approvals

If ACP-153 is disapproved, notify the agent and all other signatories of the reason and provide them with appeal rights.

If STC approval is required, COC shall send any permits or easements, needed reports, and aerial photographs or photocopies to the State Office with ACP-308. See Exhibit 17.

IF P-A is...	THEN STC shall...
approved or disapproved	• complete, sign, and date ACP-308, item 25 • return the original ACP-308 and the file to County Office • keep a copy of ACP-308. **Note:** If disapproved, ensure that the reason for disapproval is on ACP-308, item 25.

433 Revisions to P-A's

A Revised ACP-153's

If a landlord or tenant, including new persons, on a farm under an approved P-A has an interest in the project but did not sign the original P-A, the landlord or tenant may sign a revised ACP-153.

Do both of the following when completing revised documents:

- ENTER "Revised" on ACP-153 and ACP-153A and have COC member initial and date
- attach a copy of a statement of explanation to the revised ACP-153 and send a copy to all participants.

434 Preparing AD-245 for Approval

A Completing AD-245 After P-A Is Approved

Complete AD-245 after P-A is approved according to the following.

Step	Action
1	Complete AD-245 in the same way as other approvals, except show the P-A number instead of the farm number.
2	Attach a copy of ACP-153 and 2 copies of ACP-153A to AD-245 to use in ***--**reporting each person's or legal entity's contribution when the agent reports**--*** performance.
3	Issue AD-245 to the agent.

435-445 (Reserved)

446 Computing C/S for P-A's

A P-A Agent Reporting Requirements

P-A agents shall report:

- performance and sign AD-245, page 2
- the contributions of each participant on ACP-153A.

B Computing C/S

Divide C/S for P-A using whole dollars rounded to the nearest dollar, according to paragraph 294, among the eligible participants who contributed to the cost, and take the following action.

Step	Action
1	Determine each participant's percentage share based on their contribution to the total cost.
2	Attach the original ACP-153 and ACP-153A to AD-245, page 2.

Note: If any of the cost of performing practices under P-A is attributable to involuntary performance or to a part of the practice installed for the benefit of ineligible land, adjust the gross payment to eliminate ineligible performance.

447 Issuing Payments for P-A's

A P-A Payments

Refer to Part 4, Section 3 to issue P-A payments.

Reports, Forms, Abbreviations, and Redelegations of Authority

Reports

None

Forms

The following table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
ACP-153	Pooling Agreement		417-419, 432-434, 446, Ex. 16
ACP-153A	Pooling Agreement Worksheet	Ex. 16	Text, Ex. 16, 17
ACP-256	Request for Consideration Under Low-Income Provision		154, 176
ACP-301	Record of AD-862's (For Automated Processing)		393
ACP-308	Transmittal - Pooling Agreement/Special Project	Ex. 17	432
AD-245	Request for Cost Shares		Text, Ex. 14, 15, 16
AD-672	Reimbursement or Advance of Funds Agreement	77	
AD-862	Conservation Reporting and Evaluation System		Text
AD-1026	Appendix to Form for AD-1026 Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification		2, 4, 334
CCC-36	Assignment of Payment		419
CCC-170	Agreement for ECP Assistance for Levees Not Yet Repaired to Corps of Engineers Specifications	111	
CCC-770 ECP-1	ECP Checklist Before Approval Is Made	Ex. 11	10, 175
CCC-770 ECP-2	ECP Checklist Before Payment Is Made	Ex. 5	10, 292

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Forms (Continued)

Number	Title	Display Reference	Reference
FSA-18	Applicants Agreement to Complete An Uncompleted Practice	Ex. 14	321
FSA-23	Determining Agricultural Market Value and Cost Share Per Acre Worksheet	Ex. 12	179
FSA-276	On-Farm Spot Check Record	Ex. 15	393, 394
FSA-357	State Program Allocation		67
FSA-850	Environmental Checklist for Categorical Exclusions	Ex. 11.5	171, 172, 175, Ex 8
NRCS FNM-15	USDA Natural Resources Conservation Service Bill		76

Abbreviations Not Listed in 1-CM

The following table lists all abbreviations not listed in 1-CM.

Approved Abbreviation	Term	Reference
CES	County Extension Service	79
C/S	cost share	Text, Ex. 4, 8, 12
eFMS	electronic Funds Management System	331
EOH	Emergency Operations Handbook	2, 35
ECP-PM	Emergency Conservation Program - Program Manager	Text, Ex. 8
MOA	Memorandum of Agreement	76
NIFA	National Institute of Feed an Agriculture	45, 175
P-A	pooling agreement	Text, Ex. 16, 17

Redelegations of Authority

The following table lists all redelegations of authority for this handbook.

Redelegation	Reference
STC may redelegate authority to approve pooling agreements.	67, 115

Definitions of Terms Used in This Handbook

Aquaculture

Aquaculture means the propagation and rearing of aquatic species for food from a commercial operation conducted on private land.

Aquaculture Facility

An eligible aquaculture facility is a commercial aquaculture operation conducted on private land.

Bartering

Bartering is the direct exchange of goods or services without using money, according to the established rates of exchange or by bargaining between the parties.

Disabled Person

The law defines a disabled person as anyone who:

- has a physical or mental impairment that substantially limits 1 or more of that person's major life activities
- has a record of this impairment
- is regarded as having this impairment.

District

District, for the purposes of this handbook, means organized districts, mutual water companies, and associations. For the purposes of this policy, districts shall include those formal and informal organizations that have all of the following characteristics:

- are formed under State law either:
  - to solve a mutual problem, such as, flood control
  - carry out a mutual purpose, such as, distribution of irrigation water
- have the authority to tax or assess individual members to carry out the proposed conservation measures
- can encumber the member's land, water rights, or other property through unpaid liens.

Dry Well

A dry well is a well that fails to yield water.

Definitions of Terms Used in This Handbook (Continued)

Eligible Permanent Farm Fencing

Eligible permanent farm fencing is a permanent barrier recognized within the county as a farm fence built to control livestock.

Emergency Designation

An emergency designation is a determination by COC that a geographic area in the county has suffered damage by a natural disaster. In the case of severe drought, emergency program designation is made by ECP-PM.

Farmland

Farmland is the sum of the following:

- cropland
- noncropland.

Lifespan of a Practice

The lifespan of a practice is a period of time for which the practice is subject to spot checks to verify that it is being maintained and used for the purpose designed.

Note: Lifespans begin January 1 after the calendar year the practice is installed.

Limited Resource Producer

A limited resource producer:

- ***--**is an applicant or participant with direct or indirect gross farm sales not more than the current indexed value in each of the previous 2 years **1/--***

- has a total household income **2/** at or below the national poverty level for a family of 4, or less than 50 percent of the county median household income in each of the previous 2 years.

Notes: 1/ This value will be increased to adjust for inflation using the "prices Paid by Farmer Index" compiled by NASS.

2/ Total household income will be determined annually and indexed for inflation using Commerce Department Data.

Definitions of Terms Used in This Handbook (Continued)

Livestock

Livestock for ECP purposes are those used for food or fiber, such as:

- beef and dairy cows
- horses, mules, and donkeys used for commercial food or human consumption or kept for producing food and fiber, such as, draft horses or cow ponies
- buffalo or beefalo not running wild or uncontrolled on the range
- goats for food or milk production
- poultry for food including domesticated chickens, ducks, geese, and turkeys, and those kept for egg production
- sheep for food or wool production
- swine for food
- fish for food
- other animals raised exclusively for commercial food or fiber.

Animals that are **ineligible** include those:

- used for recreational activities or recreational business, such as, race horses, pack animals, rodeo stock, and polo ponies
- running wild or uncontrolled on the range
- maintained for slaughter purposes other than human consumption such as, glue or fur.

Definitions of Terms Used in This Handbook (Continued)

Natural Disaster

Natural disasters are disasters that are naturally caused, such as:

- hurricane and typhoon
- tornado
- high winds, including micro-bursts
- storm, including ice storms
- flood
- high water
- wind-driven water
- tidal wave
- earthquake
- volcanic eruption
- landslide
- mudslide
- severe snowstorm
- drought
- wildfire by lightning
- explosion
- other natural phenomena.

P-A

A pooling agreement (P-A) is a substantial pooling of resources, efforts, finances, or other contributions by 2 or more eligible persons on 2 or more farms to solve a mutual disaster-related conservation problem.

Severe Damage

Severe damage is damage that impairs or endangers the land or materially affects the productive capacity of the land.

Severe Drought

A severe drought condition exists when available livestock water and irrigation water for orchards and vineyard have been reduced below normal and survival is unlikely without additional water.

State

State for purposes of this handbook is any of the United States of America, Puerto Rico, The Virgin Islands, Guam, or Commonwealth of the Northern Mariana Islands.

Policy for Small Payments

Experience has shown that ECP continues to be one of the most difficult programs to administer regardless of the type of disaster. ECP must be implemented to react quickly to the needs of producers who have suffered **severe** losses from natural disasters. As the same time, the interests of the taxpayer must be protected and ECP must be responsive to the continuing need to reduce spending wherever possible.

One of the basic eligibility requirements of ECP is that, by law, the damage to the land, "will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use." A study of ECP payments showed that many producers received payments of less than $100. In addition, over 3,700 producers received payments of less than $1,000.

ECP is not an "entitlement" program. It is not intended, as the law states, that everyone who suffers a loss be entitled to a payment. The number of small payments indicates that this provision of the law may not be fully understood.

There are several options that could possible help solve this problem. First, FSA will continue to promote the educational effort to eliminate the feeling that everyone is entitled to assistance no matter what the circumstances. An option being used is the policy of qualifying minimum cost of restoration. This policy states that to be eligible for ECP assistance the applicant must have sustained a minimum of $1,000 of eligible damage. It is recognized that this may cause a hardship for some producers and so waivers of this minimum for limited-resource producers have been provided.

One option that was not adopted is the "means" test since it would place additional regulatory burden on producers and would increase administrative costs.

It will depend on the good judgment of STC and its representatives to see that the intent of Congress is followed. STC's shall ensure that DD's review this policy with COC's. Regardless of the size of C/S that could be earned, COC is responsible for determining that the damage will be so costly to rehabilitate that **taxpayer assistance** is justified to restore the land to productive agricultural use.

--

CCC-770 ECP-2, Before Payment Is Made

Following is a copy of CCC-770 ECP-2. This form is available from the FFAS Employee Forms Online Web Site at **http://165.221.16.90/dam/ffasforms/forms.html**.

*--

This form is available electronically.

CCC-770 ECP-2 (01-28-10) **U.S. DEPARTMENT OF AGRICULTURE** Commodity Credit Corporation	1. Producer's Name	
	2. State Office Name	3. County Office Name
	4. Control Number	5. FSN
ECP CHECKLIST BEFORE PAYMENT IS MADE	6. Disaster Type	7. Fiscal Year

This is an internal checklist and does not negate any responsibilities by the producer. It does not indicate any misaction or misinformation on the part of the county office if it is not completed. However, it will be used to insure accountability of actions.

Completion of this form before issuing approvals is optional.

Verification	Handbook or Other Applicable References	YES	NO	N/A
8. Computation:				
A. Supporting documentation (bills, invoices, etc.) has been provided by the producer and is date stamped.	1-ECP, paragraph 215			
B. Minimum qualifying cost of restoration is met.	1-ECP, paragraph 135			
C. Only eligible items are cost shared.	1-ECP, paragraph 46 and 293			
D. List of all eligible persons or legal entities to receive an ECP payment.	1-ECP, Part 3, Section 5			
E. Make sure cost shares are rounded to the nearest dollar.	1-ECP, subparagraph 294B			
F. No payment or combination of payments exceeds $200,000 per person per disaster.	1-ECP, subparagraph 5A			
9. Payments:				
A. Was the CCC-770 Eligibility checklist complete and verified to ensure the producer(s) are in compliance to receive ELP payments.	3-PL, paragraph 3			
B. Practice expiration date was not exceeded.	1-ECP, paragraph 182			
C. STC representative has reviewed any request from COC, County Office or State Office personnel.	1-ECP, subparagraph 179A			
D. Approvals are within authorized approval authority.	1-ECP, subparagraph 179B			
E. AD-245, page 2 has been signed by the producer.	1-ECP, subparagraph 211C			
F. Verify participant marked Items G, X and Y on page 2 of AD-245.	1-CONSV, subparagraph 195A			
G. AD-245 has been timely filed – before practice expiration date.	1-ECP, paragraph 212			
H. Practice completed by eligible person or legal entity on eligible land.	1-ECP, Part 1, Section 7			
I. AD-862 completed and signed by responsible technical agency.	1-ECP, paragraphs 225 and 226			
J. Practice location is recorded on aerial photography/imaging.	1-ECP, paragraph 214			
K. AD-245 is updated with final performance data.	1-ECP, subparagraph 211B			
L. Payment does not exceed 75 percent of the producer's out-of-pocket costs.	1-ECP, subparagraph 42A			
M. Payment does not exceed 50 percent of the agricultural market value of the land.	1-ECP, subparagraph 42B			
N. For drought, ECP drought designation approved by ECP PM before signup period is approved.	1-ECP, subparagraphs 35D, E, and H			
O. Has county office made second party review?	1-CONSV, paragraph 194			
P. Payments are issued timely. See 61-FI for prompt payment provisions.	1-ECP 61-FI			

10. Remarks

Certification:
I (we) the undersigned certify the above items have been verified or updated accordingly.

11A. Signature of Preparer	11B. Date (MM-DD-YYYY)

12A. I concur/do not concur the above items have been verified and updated. ☐ Concur ☐ Do Not Concur

12B. CED Signature for Spotcheck	12C. Date (MM-DD-YYYY)

13A. I concur/do not concur the above items have been verified and updated. ☐ Concur ☐ Do Not Concur

13B. DD Signature for Spotcheck	13C. Date (MM-DD-YYYY)

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

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National Practices

The following table lists the nationally approved practices that are described in this exhibit.

Code	Practice	Page
EC1	Removing Debris From Farmland	2
EC2	Grading, Shaping, Releveling, or Similar Measures	5
EC3	Restoring Permanent Fences	8
EC4	Restoring Conservation Structures and Other Installations	12
EC5	Emergency Wind Erosion Control Measures	15
EC6	Drought Emergency Measures	17
EC7	Other Emergency Conservation Measures	23
EC8	Field Windbreaks and Farmstead Shelterbelts Emergency Measures	25

National Practices (Continued)

EC1 Removing Debris From Farmland

A Purpose

This practice:

- removes debris on farmland caused by a natural disaster
- returns the land to agricultural use.

B Practice Policy

Apply this practice to farmland, including farmsteads and access roadways on farms, on which debris has been deposited by the approved disaster.

National Practices (Continued)

EC1 Removing Debris From Farmland (Continued)

C C/S Policy

The following provides C/S policy.

IF component is...	THEN C/S is...

removing debris from farmland that meets all of the following criteria:
 	
• materially affects the productive capacity of the land
• prevents carrying out effective conservation measures
• prevents returning the land to productive agricultural use
• is of a magnitude that requires the use of hired or personal:
 	
  • labor not normally required in the operation of the farm or ranch
 	
  • equipment that would not normally have been required in the operation of the farm or ranch
	authorized.

removing debris from farmsteads and access roadways that could significantly interfere with normal farming operations	

removing debris that will not interfere with normal farming operations
 	
Note: Debris must be disposed of in a way that will not:
 	
  • interfere with existing conservation facilities
  • create a health hazard or an environmental problem.
	not authorized.

***--Note:** Based on the ECP Supplemental Environmental Impact Statement, the Robert T. Stafford Disaster Relief and Emergency Act, Pub. L. 93-288, as amended, 42 U.S.C. 5121-5207, and related authorities, FSA-850 is no longer required for ECP projects that solely involve sand and debris removal or other projects that do not require a revised conservation plan, provided these actions will **not** result in the following:

- any ground disturbance beyond any previous disturbance (that is, disturbance below original plow zone)

- the onsite burial of debris.**--***

National Practices (Continued)

EC1 Removing Debris From Farmland (Continued)

D C/S Rates

Express the C/S rate as follows:

"_____ percent of the actual cost not to exceed $___ per unit of measure."

The limitation shall be based on the average cost of performing the unit of measure.

*** * ***

E Specifications

The practice shall provide details of any requirement, such as type of debris to be removed or manner of disposition, upon which cost sharing is conditioned.

National Practices (Continued)

EC2 Grading, Shaping, Releveling, or Similar Measures

A Purpose

This practice:

- grades, shapes, and levels land that has been damaged by a natural disaster
- returns the land to agricultural use.

B Practice Policy

Apply this practice to farmland that has been seriously damaged by flood, hurricane, or other eligible natural disasters.

EC2 Grading, Shaping, Releveling, or Similar Measures (Continued)

C C/S Policy

The following provides C/S policy.

IF component is...	THEN C/S is...
grading, shaping, and filling gullies created by the disaster	authorized.
releveling of previously leveled irrigated farmland	
removing humps, ridges, or depressions if they cause water to pond on the land surface	
incorporating sand or silt deposits into the soil	
re-establishing permanent vegetative cover on areas where **all** of the following are present: • grading and shaping is required for rehabilitation of the area • the pre-existing permanent vegetative cover was destroyed • the area involved would be subject to critical wind or water erosion unless the cover is re-established **Note:** COC or an FSA employee must determine the need for an extent of permanent vegetative cover re-establishment.	
establishing vegetative cover on land where it did not previously exist, including drainage ways, even though grading and shaping is required to correct damage on the land	**not** authorized.
releveling measures on irrigated farmland that constitute floating or land planning	
performing measures in connection with normal farming operations	
repairing and restoring roadways, including field roads if required to correct damage on the land	

National Practices (Continued)

EC2 Grading, Shaping, Releveling, or Similar Measures (Continued)

D C/S Rates

Express the C/S rate as follows:

"_____ percent of the actual cost not to exceed $___ per unit of measure."

The limitation shall be based on the average cost of performing the unit of measure.

*** * ***

E Lifespan

The practice shall be maintained for at least 10 years after the calendar year of installation.

F Specifications

The practice shall provide any requirements upon which cost sharing is conditioned. Technical standards and specifications may be included or incorporated by reference.

National Practices (Continued)

EC3 Restoring Permanent Fences

A Purpose

This practice corrects damage to fences caused by natural disasters.

B Practice Policy

Apply this practice to farmland on which farm fences have been destroyed or seriously damaged by the approved disaster. See paragraph 51.

National Practices (Continued)

EC3 Restoring Permanent Fences (Continued)

C C/S Policy

The following provides C/S policy.

IF component is...	**THEN C/S is...**
restoring or replacing fences needed to restore the land to productive agricultural use	authorized.
restoring or replacing the smaller of: • the same type of fence existing before the disaster • C/S for the actual cost of the fence restored or replaced	
cross fences	
boundary fences	
cattle gates	
the simple fence reconstruction with minor damage when materials from the previous fence are used	**not** authorized.
reusable material from the fence damaged by the disaster	
the following types of fences: • corrals and feedlots • ornamental fences • holding pens • cattle guards	
not for the purpose of enclosing or excluding livestock	

National Practices (Continued)

EC3 Restoring Permanent Fences (Continued)

D C/S Rates

Express the C/S rate as follows:

"_____ percent of the actual cost not to exceed $___ per unit of measure."

The limitation shall be based on the average cost of performing the unit of measure.

*** * ***

E Depreciation Adjustment

In addition to the maximum C/S limitations, the following guidelines shall be incorporated into the practice.

IF age of the fence at the time of disaster is...	**THEN allowable actual cost factor is...**
0 to 5 years	100 percent of computed cost share.
6 to 10 years	75 percent of computed cost share.
11 to 30 years	60 percent of computed cost share.
over 30 years	• 0 percent if all components are over 30 years old • a percentage determined by COC not to exceed 60 percent if some of a fence's components have been replaced since the fence was erected and the average of the components is less than 30 years. See subparagraph F for an example.

National Practices (Continued)

EC3 Restoring Permanent Fences (Continued)

F Examples of Computing C/S

Fence was 6 years old at time of disaster. The total eligible cost of restoration is $50,000. C/S computation is:

50,000 x .75 x .75 = $28,125 cost shares.

Fence has been in place over 30 years, but the average age of all fence components is 25 years. Total eligible cost is $50,000. C/S computation is:

50,000 x .75 x .60 = $22,500 cost shares.

G Lifespan

When restored to specifications, the practice shall be maintained for at least 10 years following the calendar year of installation.

H Specifications

The practice shall specify any requirements, such as size and type of posts and wire, spacing, and bracing, upon which cost sharing is conditioned.

EC4 Restoring Conservation Structures and Other Installations

A Purpose

This practice restores conservation structures and installations damaged by natural disasters.

COC may deduct the cost of any restoration work caused by lack of maintenance, such as lack of clean out or failure to maintain before the disaster.

B Practice Policy

Apply this practice to farmland on which conservation structures and other installations have been seriously damaged by the approved disaster.

C C/S Policy

The following provides C/S policy.

IF component is...	THEN C/S is...
dams, ponds, and other water impoundments for agricultural uses	authorized.
sod waterways	
installed open or closed drainage systems	
diversions or spreader ditches	
terrace systems	
structures for the protection of outlets or water channels before the disaster	
wells	
springs	
pipelines	
buried mainlines	

National Practices (Continued)

EC4 Restoring Conservation Structures and Other Installations (Continued)

C C/S Policy (Continued)

IF component is...	**THEN C/S is...**
ditches and other permanently installed systems	authorized.
permanent vegetative cover including re-establishment where needed in conjunction with: • eligible structures • installations to prevent critical erosion and siltation	
***--**animal waste lagoons repaired or replaced outside the 100 year floodplain	
animal waste lagoons repaired or replaced within the 100 year floodplain**--***	**not** authorized.
irrigation wells	
portable pumps	
motors	
portable pipe	
roadways including field roads	
wheel move systems	
hand move systems	
center pivot systems	

National Practices (Continued)

EC4 Restoring Conservation Structures and Other Installations (Continued)

D C/S Rates

Express the C/S rate as follows:

"_____ percent of the actual cost not to exceed $___ per unit of measure."

The limitation shall be based on the average cost of performing the unit of measure.

*** * ***

E Lifespan

The conservation structures and any other installations, including permanent vegetative cover when restored to specification, shall be maintained for at least 10 years after the calendar year of installation.

F Specifications

The practice shall specify any requirements on which C/S is conditioned.

G Technical Responsibility

Technical responsibility for this practice is assigned to NRCS.

National Practices (Continued)

EC5 Emergency Wind Erosion Control Measures

A Purpose

This practice applies emergency wind erosion control measures to farmland damaged by natural disasters.

B Eligibility

Apply this practice to farmland subject to serious wind erosion because of either of the following:

- extended periods of insufficient moisture
- crop residue or stubble is not adequate to protect the land.

C C/S Policy

The following provides C/S policy.

IF component is...	THEN C/S is...
contour or cross slope chiseling	authorized.
chiseling where impractical to perform on the contour or on the cross slope	
deep plowing or similar measures to bring subsoil clods to the surface	
measures considered to be normal farming operations, such as those needed to prepare a seedbed for the next crop	**not** authorized.

National Practices (Continued)

EC5 Emergency Wind Erosion Control Measures (Continued)

D C/S Rates

Express the C/S rate as follows:

"_____ percent of the actual cost not to exceed $___ per unit of measure."

The limitation shall be based on the average cost of performing the unit of measure.

*** * ***

E Specifications

The practice shall specify any requirements, such as:

- implement required
- depth
- spacing
- tillage measures.

National Practices (Continued)

EC6 Drought Emergency Measures

A Purpose

This practice provides water conservation and enhancement measures to:

- permit grazing of range, pasture, or forage by livestock
- supply emergency water for existing irrigation systems serving orchards and vineyards
- provide emergency water for confined livestock operations.

B Eligibility

Apply this practice to farmland suffering from severe drought because of an extended period of insufficient moisture.

C Request to Implement

For approval to implement the program, submit to STC and to ECP-PM copies of the information listed in subparagraph 35 E.

National Practices (Continued)

EC6 Drought Emergency Measures (Continued)

D Practice Policies

Water conservation and enhancement measures are limited to the following.

- Those needed to permit livestock grazing of:
  - range
  - pasture
  - forage.
- Supply emergency water for existing irrigation systems serving orchards and vineyards.
- Permanent practices may be installed only if they are determined by COC to be more practicable and cost effective than temporary measures.
- Only those farms or ranches that had adequate livestock watering systems or facilities or adequate irrigation systems for orchards and vineyards before the drought are eligible for C/S assistance.
- A drought-related problem must exist, and the approved practice must be installed primarily to deal with the drought-related problem.
- There must be adequate range or pasture residue for livestock in the area to be served by a proposed water facility at the time of the request.
- Livestock water facilities should contribute to better distribution of grazing.
- Pump equipment and adequate storage facilities must be provided when wells are installed.
- Extensions of expiration dates beyond 120 calendar days from the original approval date require ECP-PM approval.
- STC shall monitor the drought situation to determine when severe drought conditions have ended. When it is determined that the program is no longer needed, STC shall direct COC to:
  - discontinue issuing approvals
  - return all unobligated funds.
- Notify ECP-PM, Attention: Director, CEPD, when:
  - the program is terminated in the State
  - unobligated funds are being returned to ECP-PM.

National Practices (Continued)

EC6 Drought Emergency Measures (Continued)

E C/S Policies

The following provides C/S policy.

IF component is...	THEN C/S is...
installing pipe to another source of water because the primary source is inadequate **Note:** One-time connection fees, including charges to public rural water utility lines, must be wholly borne by the producer.	authorized.
storage facilities, including tanks and troughs above ground, if needed to supply water for immediate needs of livestock	
constructing and deepening wells for livestock water	
constructing tail water recovery pits for any irrigation system to orchards and vineyards	
developing springs or seeps for livestock water	
wells where there is no other source of emergency water available that could be developed at less expense	
measures to provide emergency water for livestock in confinement operations on the farm that were in confinement before the drought	
permanently installed submersible pump of a size that would address the needs of livestock on hand at time of disaster	
solar panels to provide power to pump water for livestock and the solar panels are the least costly alternative	

National Practices (Continued)

EC6 Drought Emergency Measures (Continued)

E C/S Policies (Continued)

IF component is...	**THEN C/S is...**
constructing pipelines to supply water for vegetable or other short-term crops	**not** authorized.
establishing permanent or temporary vegetative cover	
livestock water facilities primarily for barns, recreation, wildlife, or corrals, except for livestock already in confinement	
livestock water facilities to make it possible to graze crop residues, field borders, temporary or supplemental pasture crops	
water facilities primarily for headquarters **Note:** Incidental use of water at headquarters is permitted if it does not lessen the effectiveness of the emergency water facility in serving its primary purpose.	
livestock water facilities to provide water on land on which the cover will be used for: • hay • silage • field chopped and hauled to headquarters for feeding	
pipe other than well casing in connection with pumps, pumping equipment, and windmills	
dry well	
pumps or motors	

National Practices (Continued)

EC6 Drought Emergency Measures (Continued)

F Lifespan

Permanently installed measures meeting NRCS technical standards and specifications shall be maintained for at least 10 years following the calendar year of installation. Temporary measures must be maintained on the land for a period specified by 1 of the following:

- county program
- ECP-PM.

G C/S Rate

C/S rate is 50 percent of the actual cost for all permanent practices and 75 percent of the actual cost for all temporary practices.

Express the C/S rate as follows:

"_____ percent of the actual cost not to exceed $___ per unit of measure."

The limitation shall be based on the average cost of performing the unit of measure.

*** * ***

H Specifications

The practice shall provide details of any requirements upon which cost sharing is conditioned. Technical specifications may be included or incorporated by reference.

National Practices (Continued)

EC6 Drought Emergency Measures (Continued)

I Permanent and Temporary Measures

--**The following shows examples of permanent measures and temporary measures.**--

Permanent Measures	Temporary Measures
buried pipelines	temporary pipelines
irrigation tailwater recovery systems for orchards and vineyards	spring developments
construction and deepening of wells	• earthen tanks where a source of underground water is available • dugouts • water troughs • development of seeps

National Practices (Continued)

EC7 Other Emergency Conservation Measures

A Authority

Other emergency conservation practices may be approved by ECP-PM. Submit a copy of practices for approval to ECP-PM.

B General Policies

ECP practices must meet the requirements in this handbook.

C C/S Policies

The following provides C/S policy.

IF component is...	**THEN C/S is...**
replacing or restoring a conservation or pollution abatement practice damaged by the natural disaster	authorized.
restoring the land to its normal production capacity	
returning the land to productive agricultural use as a result of damage directly related to a natural disaster	
conserving or enhancing water resources	
for the solution of conservation or environmental problems existing before the disaster	**not** authorized.

National Practices (Continued)

EC7 Other Emergency Conservation Measures (Continued)

D Lifespan

All practices must specify a minimum lifespan.

E C/S Rates

Express the C/S rate as follows:

"_____ percent of the actual cost not to exceed $___ per unit of measure."

The limitation shall be based on the average cost of performing the unit of measure.

*** * ***

National Practices (Continued)

EC8 Field Windbreaks and Farmstead Shelterbelts Emergency Measures

A Purpose

This practice restores or replaces field windbreaks and farmstead shelterbelts to help stop wind erosion and provide energy conservation.

B Practice Policy

Apply this practice to field windbreaks and farmstead shelterbelts that have been seriously damaged by natural disaster.

C C/S Policy

The following provides C/S policy.

IF component is...	**THEN C/S is...**
removing debris from field windbreaks or farmstead shelterbelts	authorized.
planting field windbreaks or farmstead shelterbelts	
purchasing tree seedlings or young shrubs used for field windbreaks or farmstead shelterbelts	
establishing vegetative cover where needed to prevent serious erosion until trees/shrub are established	
chemical or mechanical weed control measures: • only where needed to establish trees for the windbreak • only during the first 24 months after planting	
windbreaks or shelterbelts that: • were not pre-existing • were not damaged by the disaster • are in the CRP program	**not** authorized.
planting orchard trees or ornamental plantings	

National Practices (Continued)

EC8 Field Windbreaks and Farmstead Shelterbelts Emergency Measures (Continued)

D Maximum Federal C/S

The maximum Federal C/S is 75 percent. Express the C/S rate as follows:

"75 percent of the actual cost not to exceed $_____ per _____ (unit of measure)."

The limitation shall be based on the average cost of performing the unit of measure.

*** * ***

E Lifespan

The practice shall be maintained for at least 10 years after the calendar year of installation.

F Specifications

The practice shall provide any requirements upon which cost-sharing is conditioned. Technical standards and specifications may be included or incorporated by reference.

Sample Formats for Providing Disaster Information to News Media

A Natural Disaster Announcement

A (flood, tornado, etc.) has caused severe damage in _____ area(s) of the County. Farms and ranches suffering severe damage may be eligible for assistance under the Emergency Conservation Program (ECP) administered by the _____ Farm Service Agency (FSA) County Office if the damage:

- will be so costly to rehabilitate that Federal assistance is or will be needed to return the land to productive agricultural use
- is unusual and is not the type that would recur frequently in the same area
- affect the productive capacity of the farmland
- will impair or endanger the land.

A producer qualifying for ECP assistance may receive cost-share levels not to exceed 75 percent of the eligible cost of restoration measures. No producer is eligible for more than $200,000 cost sharing per natural disaster occurrence. The following types of measures may be eligible:

- removing debris from farmland
- grading, shaping, or releveling severely damaged farmland
- restoring permanent fences
- restoring conservation structures and other similar installations.

Producers who have suffered a loss from a natural disaster may contact the local FSA County Office and request assistance from ___(date)___ to ___(date)___.

To be eligible for assistance, practices must not be started until all of the following are met:

- an application for cost-share assistance has been filed
- the local FSA County Committee (COC) or its representative has conducted an onsite inspection of the damaged area
- the Agency responsible for technical assistance, such as the Natural Resource Conservation Service (NRCS), has made a needs determination, which may include cubic yards of earthmoving, etc., required for rehabilitation.

Sample Formats for Providing Disaster Information to News Media (Continued)

B Severe Drought Announcement

A lack of moisture, over an extended period of time, has caused producers in _____ areas to suffer from the effects of severe drought conditions. Farms and ranches experiencing severe drought conditions may be eligible for cost-share assistance under ECP. This disaster program is administered by the U.S. Department of Agriculture, Farm Service Agency (FSA), which provides cost-share assistance if the damage is so severe that water available for livestock or orchards and vineyards has been reduced below normal to the extent that neither can survive without additional water.

A producer qualifying for ECP assistance may receive cost shares not to exceed 75 percent of the cost of installing eligible temporary measures. Cost sharing for permanent measures is based on 50 percent of the total eligible cost. Cost-share assistance is limited to $200,000 per ***--**person or legal entity per natural disaster. Approved practices and measures may include:**--***

- installing pipelines or other facilities for livestock water or existing irrigation systems for orchards and vineyards
- constructing and deepening wells for livestock water
- developing springs or seeps for livestock water.

Producers who have experienced severe drought conditions requiring outside assistance to provide supplemental emergency livestock water may contact the local FSA County Office. Requests for assistance will be accepted at _____ FSA County Office from ___(*date*)___ to ___(*date*)___.

To be eligible for cost shares, practices shall not be started until a request has first been filed at the FSA County Office and an onsite inspection of the problem area has been made by COC or its representative. COC will review the inspection findings when considering the request for cost shares.

CCC-770 ECP-1, ECP Checklist Before Approval Is Made

Following is a copy of CCC-770 ECP-1. This form is available from the FFAS Employee Forms Online Web Site at **http://165.221.16.90/dam/ffasforms/forms.html**.

*--

This form is available electronically.

CCC-770 ECP-1 (1-28-10) **U.S. DEPARTMENT OF AGRICULTURE** Commodity Credit Corporation	1. Producer's Name	
	2. State Office Name	3. County Office Name
	4. Control Number	5. FSN
ECP CHECKLIST BEFORE APPROVAL IS MADE	6. Disaster Type	7. Fiscal Year

This is an internal checklist and does not negate any responsibilities by the producer. It does not indicate any misaction or misinformation on the part of the county office if it is not completed. However, it will be used to insure accountability of actions.

Completion of this form before issuing approvals is optional.

Verification	Handbook or Other Applicable References	YES	NO	N/A
8. County has recorded ECP allocation on System 36.	1-CONSV, paragraph 400			
9. Onsite inspection has been completed.	1-ECP, subparagraph 171A			
10. Practice was started after the producer requested ECP assistance. If "NO", see paragraph 175.	1-ECP, paragraph 175			
11. Was the CCC-770 Eligibility Checklist completed and verified to ensure the producer(s) are in compliance to receive ECP payments?	3-PL, paragraph 3			
12. STC representative has reviewed sample ECP requests before COC approval.	1-ECP, subparagraph 175A			
13. All easements, permits, rights-of-way, water rights are in order.	1-ECP, paragraph 52			
14. FSA-850, CPA-052 or State equivalent is on file.	1-EQ			
15. Ensure that no approvals are made on land that will have an adverse impact on endangered species or historical sites.	1-ECP, paragraph 6 and 1-EQ			
16. No ECP approvals on land under WRP or for the same or similar practices under EWP.	1-ECP, paragraph 6			
17. ECP application has been entered into System 36.	1-CONSV, paragraph 103			
To Be Completed After Approval				
18. COC has approved the AD-245 and documented it in the COC minutes.	1-ECP, paragraph 181			
19. Applicant notified of approved extent and cost shares with copy of AD-245 and letter.	1-CONSV, subparagraph 290			
20. Remarks				

Certification:
I (we) the undersigned certify the above items have been verified or updated accordingly.

21A. Signature of Preparer	21B. Date (MM-DD-YYYY)

22A. I concur/do not concur the above items have been verified and updated. ☐ Concur ☐ Do Not Concur

22B. CED Signature for Spotcheck	22C. Date (MM-DD-YYYY)

23A. I concur/do not concur the above items have been verified and updated. ☐ Concur ☐ Do Not Concur

23B. DD Signature for Spotcheck	23C. Date (MM-DD-YYYY)

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

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FSA-850, Environmental Checklist for Categorical Exclusions

Following is a copy of FSA-850. This form is available from the FFAS Employee Forms Online Web Site at **http://165.221.16.90/dam/ffasforms/forms.html**.

This form is available electronically.

FSA-850
(06-14-02)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

ENVIRONMENTAL EVALUATION CHECKLIST

1. PROJECT INFORMATION

1A. PRODUCER or APPLICANT NAME

1B. PROJECT NUMBER

1C. STATE & COUNTY CODE

1D. TYPE OF PROJECT

LOAN ☐ CRP ☐ ECP ☐

OTHER ☐ _____

1E. PROJECT OR DESCRIPTION

1F. GENERAL LOCATION

2. BACKGROUND

a. Describe the purpose and need for the project:

b. Describe the project site and its present use:

c. Describe the surrounding land uses; indicate the directions and distances involved. The extent of the surrounding land to be considered depends on the extent of the potential impacts of the project, its related activities, and the primary beneficiaries:

Attach adequate location maps of the project area, as well as (1) an aerial photo of the site, (2) if available, topographic map which clearly delineates the area and the location of the project elements, (3) if available, site photos, and (4) if completed, a standard soil survey for the project. When necessary for descriptive purposes or environmental analysis, include land use maps or other graphic information. All graphic materials shall be of high quality resolution.

3. PROTECTED RESOURCES For the below listed land uses or environmental resources, check the appropriate answer in Column A to indicate those that are present on the site(s) of the proposed action. Check the appropriate answer in Column B for those resources that are within the action's area of environmental impact, such as the areas adjacent to the proposed site(s). Check the appropriate answer in Column C for those land uses and environmental resources that will be adversely affected by the proposed action.	A Located on the site of the proposed action		B Located within the proposed action area of environmental impact		C Adversely affected by the proposed action	
Check the appropriate boxes as provided: - If "YES" is checked in Column A or B, then Column C must be completed. - If "YES" is checked in Column C, attach as Exhibit 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, and 3i as applicable, a discussion and description of all potential impacts.	YES	NO	YES	NO	YES	NO
a. Wetlands An AD-1026 must be completed by all producers who request USDA program or loan benefits covered by the FSA of 1985, as amended by the Federal Agriculture Improvement and Reform Act of 1996. If any of questions 8 through 10 of the AD-1026 are answered "YES," then a NRCS CPA-026e must be completed and attached.						
b. Floodplains - Flood Map Panel # _____ For projects involving construction/development in floodplains, attach applicable floodplain development permits.						
c. Sole Source Aquifer Recharge Area (Designated by Environmental Protection Agency) The proposed action must not contaminate or contribute to the contamination of a sole source aquifer to the extent that a significant hazard to public health is created.						
d. Critical Habitat or Endangered/Threatened Species (listed or proposed) Consult with the U.S. Fish and Wildlife to ensure that the proposed action will not jeopardize a listed species or destroy or modify its "critical habitat" in accordance with the Endangered Species Act.						
e. Wilderness						
f. Coastal Barrier in Coastal Barrier Resources System or Approved Coastal Zone Management Area						
g. Wild or Scenic River						
h. Natural Landmark						
i. Historical, Archeological Sites						

FSA-850, Environmental Checklist for Categorical Exclusions (Continued)

FSA-850 (Page 2) (06-14-02)

4. WATER QUALITY

a. Will the proposed action adversely affect the quality of surface and/or ground water?

YES ☐ NO ☐

b. Will the proposed action comply with the requirements of the Clean Water Act and any applicable State water quality laws?

YES ☐ NO ☐

If Item 4a is answered "YES," attach as Exhibit 4, a discussion of any impacts to water quality.

5. AIR QUALITY

Will the proposed action produce air emissions or odors that will violate any Federal, State, or local laws or standards?

YES ☐ NO ☐

If "YES," attach as Exhibit 5, a discussion of any impacts to air quality.

6. NOISE

Will the proposed action result in permanent increases in noise levels?

YES ☐ NO ☐

If "YES," attach as Exhibit 6, a discussion of any noise impacts.

7. IMPORTANT LAND RESOURCES

Will the proposed action result in the conversion of important farmland, prime forest land, or prime rangeland to a nonagricultural use?

YES ☐ NO ☐

If "YES," attach as Exhibit 7, a discussion of which land resources would be affected along with any alternatives to the proposed action.

8. UNIQUE NATURAL FEATURES AND AREAS

a. Will the project be located near natural features (i.e. bluffs, caves, or cliffs) or near public or private scenic areas?

YES ☐ NO ☐

b. Are other natural resources visible on the site or in the vicinity?

YES ☐ NO ☐

c. Will any such resources be adversely affected or will they adversely affect the project?

YES ☐ NO ☐

If Item 8c is answered "YES," attach as Exhibit 8, a discussion of such natural features or areas and potential adverse impacts.

9. ENVIRONMENTAL JUSTICE

Will the proposed action cause any adverse human health or environmental effects to minority or low income communities as defined in the Executive Order 12896, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"?

YES ☐ NO ☐

If "YES," attach as Exhibit 9, a discussion of any adverse effects.

10. SOCIAL AND ECONOMIC IMPACTS

Will the proposed action have any negative impacts on the local social and economic conditions? YES ☐ NO ☐

If "YES," attach as Exhibit 10, a discussion of any negative impacts.

11. STATE ENVIRONMENTAL POLICY ACT

Is the proposed project subject to a State NEPA? YES ☐ NO ☐

If "YES," attach as Exhibit 11, a discussion of the results of compliance with these requirements.

12. PUBLIC REACTION

Have there been any negative reactions from the public related to the proposed project? YES ☐ NO ☐

If "YES," attach as Exhibit 12, a discussion of any associated comments and related correspondence.

FSA-850, Environmental Checklist for Categorical Exclusions (Continued)

FSA-850 (Page 3) (06-14-02)

13. CUMULATIVE IMPACTS

Are there any cumulative impacts resulting from the proposed project? YES ☐ NO ☐

If "YES," attach as Exhibit 13, a discussion of the cumulative impacts of this project and the related activities. Give particular attention to land use changes and air and water quality impacts.

14. ALTERNATIVES

Based on the answers provided in this form, will alternatives have to be considered? YES ☐ NO ☐

If "YES," attach as Exhibit 14, a discussion of the feasibility of alternatives to the project and their environmental impacts.

15. MITIGATION MEASURES

Based on the answers provided in this form, will mitigation measures have to be considered? YES ☐ NO ☐

If "YES," attach as Exhibit 15, a discussion of any measures which will be required to avoid or mitigate the identified adverse impacts.

16. COMMENTS

17. CHECKLIST

Permits			**Forms**		
	Required	Not Required		Required	Not Required
Army Corps of Engineers 404			Form FSA-851, Environmental Risk Assessment		
NPDES Storm Water			Form NRCS CPA-026e, HEL and WC Determination		
Floodplain Development Permit			Form FEMA 81-93, Standard Flood Hazard Determination		
CAFO Permit					

Letters and Other Requirements					
	Required	Not Required		Required	Not Required
Fish and Wildlife Service clearance on Endangered/Threatened Species			Public Notice for Floodplains as required by section 2(a)(4) of EO 11988		
State Historic Preservation Officer consultation			Tribal Historic Preservation Officer consultation		

NOTE: Other permits, forms, and letters may be required and should be attached as applicable. All permits, forms, and letters should be attached as exhibits corresponding to their appropriate section of this form.

18. FINDING

I have reviewed and considered the types and degrees of adverse environmental impacts identified by this evaluation. I have also analyzed the proposal for its consistency with FSA environmental policies implementing the requirements of the National Environmental Policy Act and have considered the potential benefits of the proposal. Based upon this consideration and balancing of these factors, I recommend one of the following:

a. ☐ There will be no adverse impacts as a result of this proposed action or any adverse effects, either individually or cumulatively. The project can be considered as categorically excluded per □799.10 of 7 CFR Part 799. Neither an Environmental Assessment or Environmental Impact Statement will be required. The project is recommended for approval.

b. ☐ An Environmental Assessment should be completed to provide further and more complete analysis of any adverse impacts and approval of the project must be delayed pending the outcome of the assessment.

19A. NAME OF PREPARER	**19B. TITLE OF PREPARER**
19C. SIGNATURE OF PREPARER	**19D. DATE (MM-DD-YYYY)**
19E. SIGNATURE OF CONCURRING OFFICIAL	**19F. TITLE OF CONCURRING OFFICIAL**

Example of FSA-23

Complete AD-23 to determine the agricultural market value and C/S per acre.

This form is available electronically.

FSA-23
(03-09-04)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

DETERMINING AGRICULTURAL MARKET VALUE AND COST SHARE PER ACRE WORKSHEET

INSTRUCTIONS: Complete the following to determine the agricultural market value and C/S (cost share) per acre.

1. Producer's Name and Address *(Include Zip Code)*	2. State and County Name	3. Farm Number(s)
A. Bush 9876 Back St. Smalltown, MD 98765	Jackson County MD	F-135

4. Practice(s) Requested	5. Total Eligible Cost ($)	6. Cost Share(s) Requested ($)	7. Acres Requested	8. Number of Animals in Confined Operations	9. Type of Animals in Confined Operation
EC1	4,000	3,000	30		
EC2	8,000	6,000	30		
EC3	1,000	750	30		

10. Agricultural Market Value of Affected Land per Acre	$ 850.00
11. Cost Shares per Acre	$ 325.00
12. Acres Served	30
13. Cost Shares per Animal	$

14. Remarks

NOTE: *C/S per acres shall not exceed 50 percent of the agricultural market value per acre as determined by COC.*

For confined operations, C/S shall not exceed 50 percent of the agricultural market value per animal.

15. Prepared By	16. Title	17. Date Prepared (MM-DD-YYYY)
/s/ C. Furcollar	PT	XX-XX-XXXX

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Completing FSA-18

A Completion Instructions

The applicant shall complete FSA-18, using data from AD-245, page 2, to agree in writing to complete the practice. The form is self-explanatory.

COC must review and approve FSA-18.

Prepare FSA-18 in duplicate. Send a copy to the applicant and file original in the applicant's folder.

Reproduce FSA-18 locally.

The producer shall complete FSA-18 according to the following.

Item	Instruction
1	Enter County Office name, address, and telephone number.
2	Enter the applicants name.
3	Enter the program for which the applicant is requesting approval (ECP).
4	Enter the applicants farm number for which the approval is being requested.
5	Enter the State where the farm is located.
6	Enter the county where the farm is located.
7	Leave blank.
8	Enter the control number.
Part A - Practice Approved on AD-245	
9	Enter the practice number.
10	Enter the practice name.
11	Enter the approved extent from AD-245.
12	Enter the cost shares approved from AD-245.

Completing FSA-18 (Continued)

A Completion Instructions (Continued)

Item	Instruction
Part B - Components as Approved on AD-245	
13	Enter the component codes approved for the practice.
14	Enter the description of component codes.
15	Enter the extent approved from AD-245.
16	Enter the rate approved from AD-245
17	Enter the cost shares approved from AD-245.
Part C - Components (Identify Each Separately)	
18	List components already completed according to specifications.
19	List components no yet completed according to specifications.
Part D - Applicant's Certification	
20A and 20B	Applicant shall sign and date.
21A and 21B	COC shall sign and date.

Completing FSA-18 (Continued)

B Example of FSA-18

This form is available electronically.

Form Approved -OMB No. 0560-0082

FSA-18
(06-18-98)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

APPLICANT'S AGREEMENT TO COMPLETE AN UNCOMPLETED PRACTICE

1. COUNTY FSA NAME AND OFFICE ADDRESS *(Include Zip Code)*:
Lebanon County FSA Office
123 Main Street
Lebanon, PA 12345

TELEPHONE NO. *(Include Area Code)*: 123-345-6789

2. APPLICANT'S NAME	3. PROGRAM	4. FARM NO.
James Michaels	ECP	A-45

5. STATE WHERE FARM IS LOCATED	6. COUNTY WHERE FARM IS LOCATED	7. CONTRACT NO.	8. CONTROL NO.
PA	Lebanon		

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is 7 CFR Part 701-10, 16 USC 590 et seq., 2101 et seq.; Pub. L. 96-108 and 96-528, authorize collection of the following data. Furnishing the data is voluntary, however, no further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing law and regulations. This information will be used to determine eligibility for program benefits. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001, 15 USC 714m, and 31 USC 3729, may be applicable to the information provided.*

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0082. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

PART A - PRACTICE APPROVED ON AD-245

9. NO.	10. DESCRIPTION	11. APPROVED EXTENT	12. COST-SHARES APPROVED
EC4	Restoring Conservation Structures and other Installations	2	5,000

PART B - COMPONENTS AS APPROVED ON AD-245

13. CODE	14. DESCRIPTION	15. APPROVED EXTENT	16. RATE	17. COST-SHARES APPROVED
EM2	Earth Moving - Dam	2	50	3,000
SP1	Spillway	2	50	1,800
RS1	Reseed Dam	2	50	200

PART C - COMPONENTS (*Identify each separately*)

18. The following component codes have been completed in accordance with specifications:
EM2
SP1

19. The following component codes have not been completed in accordance with specifications:
RS1

PART D - APPLICANT'S CERTIFICATION

I request cost-share assistance for the completed components shown in Part C, Item 18 above. I agree to complete the components shown in Part C, Item 19, within the time prescribed by the County FSA committee, regardless of whether or not cost-share assistance is approved. I agree to refund any cost assistance paid to me under this practice, if I fail to complete it.

20A. APPLICANT'S SIGNATURE	20B. DATE *(MM-DD-YYYY)*
/s/ Applicant	XX-XX-XXXX
21A. APPROVED FOR COUNTY COMMITTEE BY	**21B. DATE *(MM-DD-YYYY)***
/s/ COC	XX-XX-XXXX

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Completing FSA-276

A Completion Instructions

The following provides instructions for completing FSA-276.

Item	Instructions
1	Enter the farm number.
2	Enter the producer's name and address.
3 and 4	**To be completed by spot checker**. Enter the name and phone number of the person to contact on the farm during the spot check.
5	Enter the State name.
6	Enter the county name.
7	Enter the current FY.
8	Enter the calendar year the practice was completed.
9	Enter the practice number to be spot-checked.
10	Enter the practice description of the practice to be spot-checked.
11	**To be completed by spot checker**. Enter the location of the practice spot-checked.
12 A	Enter the practice extent performed reported on AD-245.
12 B	**To be completed by spot checker**. Enter the practice extent found. If acreage is involved and measurement is required, delineate on aerial photograph or record measurements on a sketch drawn on the back of FSA-276. For other practices, describe discrepancies found and method of determining extent of performance, if applicable, in the "Remarks" section.

Completing FSA-276 (Continued)

A Completion Instructions (Continued)

Item	Instructions
13	**To be completed by spot checker**. Check “Yes” or “No”, as appropriate, to indicate satisfactory or unsatisfactory maintenance.
14	**To be completed by spot checker**. Check “Yes” or “No”, as appropriate, to indicate whether producer supplied proof of payment of practice to support C/S payments.
15	**To be completed by spot checker**. Document any discrepancies or other notes in the "Remarks" section.
16	**To be completed by spot checker**. Spot checker shall sign when spot check is completed.
17	**To be completed by spot checker**. Spot checker shall date when spot check is completed.

Completing FSA-276 (Continued)

B Example of FSA-276

This form is available electronically.

FSA-276
(10-12-01)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

ON-FARM SPOT CHECK RECORD

1. FARM NO.: A-45

2. PRODUCER'S NAME AND ADDRESS: James Michaels, 100 School House Rd., Lebanon, PA 12345

3. NAME OF PERSON CONTACTED ON FARM:

4. TELE. NO. (Area Code): 123-987-8373

5. STATE: PA

6. COUNTY: Lebanon

7. FISCAL YEAR: 2004

8. YEAR PRACTICE COMPLETED	9. PRACTICE NO.	10. DESCRIPTION	11. LOCATION (Field No. or Other)	12. EXTENT A. REPORTED ON AD-245	12. EXTENT B. SPOT CHECK UNITS	13. SATISFACTORY MAINTENANCE YES	13. SATISFACTORY MAINTENANCE NO	14. PROOF OF PAYMENT SUPPORTING COST-SHARE YES	14. PROOF OF PAYMENT SUPPORTING COST-SHARE NO
2003	ECS	Fencing	120 D	1,800 ft.					

15. REMARKS: *(Describe any discrepancies - use separate sheet of paper)*

16. SIGNATURE OF SPOT CHECKER: */s/ Spot Checker*

17. DATE OF SPOT CHECK: XX-XX-XXXX

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Completing ACP-153A

A Entries Before Releasing ACP-153A to P-A Agents

County Offices shall make the following entries before releasing ACP-153A to P-A agents.

Item	Entries Made by County Office Before Releasing ACP-153A to Agent
1	CHECK (✓) "No" to indicate that P-A is not a special project.
2	Enter "1" of "1" if report consists of 1 page. If continuation page is needed, enter "1" of "2" on the first page and "2" of "2" on the second page. If more pages are needed, enter page numbers as required.
3	Enter FY, which should be the same FY as on corresponding ACP-153.
4	Enter agreement number from corresponding ACP-153.
5 and 6	Enter State and county names, which should be the same State and county on corresponding ACP-153.
7	Enter brief, accurate description of location.
8 and 9	Enter number and title of practice needed to address the disaster related damages.
15	Enter the farm number of each participant ensuring that the lines on this form and ACP-153 have the same identical number.

Completing ACP-153A (Continued)

B Entries Reported by P-A Agent

P-A agents shall complete the following entries.

Item	Entries Reported by P-A Agent
16	***--**Enter actual value, dollar or other, of each participant's eligible contribution.**--***
24 and 25	P-A agent shall sign and date.

C Entries Completed by County Office When Returned by Agent

County Offices shall complete the following entries after ACP-153A has been returned by the P-A agent.

Item	Entries Reported by County Office When ACP-153A is Returned by P-A Agent
10	This data is obtained from AD-245, page 2, column H. An exception is when limited resource producers are involved according to paragraph 295. **Only** one AD-245 **per practice is required for entire group participating in P-A.**
11	Enter the total deductions, if any, for partial payments, assignments, and debts. Use whole dollars according to paragraph 294.
12	Enter total ineligible contributions, if any.
13	Enter total eligible cost of the project.
14	Enter result of item 13 minus item 12.
17	Enter result of item 16 divided by item 14.
18	Enter the result of item 10 multiplied by item 17 in **whole numbers**. Total should equal item 10.
19	Enter any deductions for debts, assignments, or partial payment advanced. Enter amount in dollars and cents as necessary. See paragraph 294.
20	Enter the result of item 18 minus item 19.
* * *	* * *

D Distributing ACP-153's and AD-245 With ACP-153A

Distribute ACP-153's, AD-245's, and ACP-153A's according to the following:

- COC retains original of ACP-153.
- Give 1 copy of ACP-153 to NRCS.
- Give 1 copy of ACP-153 and AD-245 and 2 copies of ACP-153A to the agent.

Completing ACP-153A (Continued)

E Example of ACP-153A

The following is an example of ACP-153A.

Note: See subparagraphs A, B, and C for a description of the data on ACP-153A.

This form is available electronically.

ACP-153A (03-30-04) U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency

POOLING AGREEMENT WORKSHEET

1. SPECIAL PROJECT?	2. PAGE	3. FISCAL YEAR	4. AGREEMENT NO.
YES ☐ NO ☑	1 OF 1	2004	0010

5. STATE	6. COUNTY
PA	Lebanon

PART A - DESCRIPTION

7. IDENTIFICATION OF PROJECT AREA (*Brief description with attached ACP-308 Transmittal, if used*)
The Michaels-Bush Ditch
10 miles south of town

8. PRACTICE NO.	9. TITLE
EC-4	Restoring Conservation Structures & other Installations

10. COLUMN H of AD-245	11. DEDUCTIONS	12. INELIGIBLE CONTRIBUTIONS
4,000	0	0

13. TOTAL COST	14. NET TOTAL (*Item 13 minus Item 12*)
8,000	8,000

PART B - *FOR USE AFTER PROJECT IS COMPLETED*

15. FARM NO.	16. CONTRI-BUTIONS ($)	17. FACTOR	18. C/S EARNED ($)	19. PAYMENT DEDUCTION ($)	20. NET PAYMENT ($)	21. CHECK NO.	22. REMARKS
A. A-45	4,000	.50	2,000		2,000		
B. 4-68	2,000	.25	1,000		1,000		
C. A-23	2,000	.25	1,000		1,000		
D.							
E.							
F.							
G.							
H.							
I.							
J.							
K.							
L.							
M.							
N.							
O.							
P.							
Q.							
R.							
S.							
T.							
23. TOTALS	8,000		4,000		4,000		

PART C - CERTIFICATION

I certify that the contributions listed in column 16 were made by the participants as shown.	24. AGENT'S SIGNATURE	25. DATE (MM-DD-YYYY)
		XX-XX-XXXX

The extent and cost-shares will be shown on one AD-245 for the entire agreement.

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Completing ACP-308 for P-A's

A Completion Instructions

Complete ACP-308 for P-A's according to the following.

Item	Instructions
1 and 2	Enter State and county name under which agreement is recommended for approval.
3	Enter P-A number from ACP-153A.
4	Enter the program year under which P-A is recommended for approval.
5	Check block for "Pooling Agreement".
6 and 7	Leave blank.
8	Enter name and address of STC.
9	Enter name and address of County Office.
10	Enter general location of P-A.
11	Indicate whether the P-A participants are a particular group of farmers or ranchers, such as, limited resource or new participants. If "all eligible producers" include some "limited resource producers", check both boxes.
12	Summarize the agreement objectives stating the problem and the proposed solution.
13A and 13B	Enter the number of farms in the affected area and the estimated number expected to participate.
13C	Enter the amount, if any, that STC will allocate to the county from the State reserve if the P-A is approved.
14A	Enter the total estimated cost of practices to be performed as part of P-A.

Completing ACP-308 for P-A's

A Completion Instructions (Continued)

Item	Instruction
14B, 14C, and 14D	These blocks are a breakdown on how the costs will be financed.
15A(1)	Identify the practices to be used in P-A.
15A(2)	For each practice, enter the percentage of cost which is represented by the regular rate of cost sharing approved for the county.
15A(3)	Leave blank.
16	Leave blank.
17	Document any public participation obtained and the publicity received and planned, if any.
18A, 18B, and 18C	COC shall give recommendations why P-A should or should not be approved and shall sign and date.
19A, 19B, and 19C	STC shall give recommendations if the decision differs from COC and shall sign and date.

Completing ACP-308 for P-A's (Continued)

B Example of ACP-308

This form is available electronically.

ACP-308 (03-30-04) **U.S. DEPARTMENT OF AGRICULTURE** Farm Service Agency

TRANSMITTAL

1. State Name: PA	2. County Name: Lebanon
3. Project Number from ACP-153A: 0010	4. Program Year:
5. Type of Transmittal: ☑ Pooling Agreement ☐ Special Project	6. Project Is: ☐ New ☐ Extended
7. Year Approved:	
8. TO: *(STC Name and Address)* Pennsylvania State FSA Committee, 321 Front St., Harrisburg, PA 12468	9. FROM: *(County FSA Office Address)* Lebanon County FSA Office, 123 Main St., Lebanon, PA 12345

10. Project Area: Michaels-Bush ditch - 10 mile south of town

11. Participation Limited Primarily To: ☐ Low Income Producers ☑ All Eligible Producers ☐ New Participants ☐ Other *(Specify)*:

12. Major Objective(s) of Project: Repair Irrigation Ditch Servicing 3 Farms.

13. NUMBER OF FARMS		14. FINANCING OF PROJECT			
A. In Area	B. Expected to Participate	A. Total Cost	B. C/S Funds	C. Producers	D. Other
285	3				
C. Amount to be allocated from State Reserve for current program year.	$	$ 45,000	$ 22,500	$22,500	$

15. PRACTICES AND RATES OF COST-SHARING

A. Regular						B. Special	
(1) Practice Number	(2) Current Rate *(% of Cost)*	(3) Proposed Rate *(% of Cost)*	(1) Practice Number	(2) Current Rate *(% of Cost)*	(3) Proposed Rate *(% of Cost)*	(1) Practice Number	(2) Proposed Rate *(% of Cost)*
EC-4	50	50					

16. Justification for Increased Rates *(If applicable)*

17. Public Participation and Publicity *(Brief statements)*: None

18A. COC Recommendations and Comments	19A. STC Recommendations and Comments
Good project to repair ditch damaged by natural disaster.	Agree

18B. For County FSA Committee	18C. Date (MM-DD-YYYY)	19B. For State FSA Committee	19C. Date (MM-DD-YYYY)
/s/ COC	XX-XX-XXXX	*/s/ STC*	XX-XX-XXXX

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