

# **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 5)**

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



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Farm Service Agency  
Washington, DC 20250

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**Emergency Conservation Program  
1-ECP (Revision 5)**

**Amendment 1**

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**Approved by:** Acting Deputy Administrator, Farm Programs



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**Amendment Transmittal**

**A Reason for Amendment**

This handbook has been revised to provide updated instructions and procedures for implementing ECP.

**B Obsolete Material**

1-ECP (Rev. 4) is obsolete.



## Table of Contents

Page No.

### Part 1 General Information

#### Section 1 General Provisions

1	Overview .....	1-1
2	ECP Authorization .....	1-1
3	Related Handbooks .....	1-3
4	Relief Actions .....	1-4
5	AD-1026 Requirements .....	1-4
6	Payment Limitation .....	1-4
7	AGI Compliance .....	1-5
8	Assigning Program Payments .....	1-5
9	Record of Natural Disasters .....	1-5
10	Program Year .....	1-5
11	Forms and Supplementation .....	1-6
12	CCC-770 ECP-1 and CCC-770 ECP-2 .....	1-7
13-19	(Reserved)	

#### Section 2 ECP Administration and Responsibilities

20	Annual Program Activity .....	1-27
21	STC Responsibilities .....	1-27
22	SED Responsibilities .....	1-28
23	COC Responsibilities .....	1-29
24	CED Responsibilities .....	1-30
25	County Office Employee Responsibilities .....	1-31
26	Delegations of Authority .....	1-32
27-29	(Reserved)	

## Table of Contents (Continued)

### Page No.

#### Part 2 State and County ECP Establishment

##### Section 1 C/S Policies

30	Maximum C/S Limitation .....	2-1
31	C/S Levels .....	2-2
32	C/S Levels With Limitations .....	2-3
33-40	(Reserved)	

##### Section 2 General C/S Eligibility

41	Items Eligible and Ineligible for C/S .....	2-19
42	Eligible Restoration Cost Considerations .....	2-21
43	Qualifying Minimum Cost of Restoration (Small Payment Policy) .....	2-22
44	Arbitrary Hold-downs .....	2-23
45	Easements, Permits, Rights-of-Way, and Water Rights .....	2-23
46	Bartering .....	2-24
47-49	(Reserved)	

#### Part 3 ECP TA

##### Section 1 Providing TA

50	ECP TA MOA.....	3-1
51	Major Responsibilities for ECP TA.....	3-8
52	Reimbursable Activities.....	3-8
53	Outside Assistance .....	3-9
54	TA Cost to Participants.....	3-9
55	Assigned Technical Agency Responsibilities and COC Action .....	3-10
56	Assigned Technical Agency Responsibilities and Reporting on FSA-848B, Page 2 .....	3-12
57-60	(Reserved)	

##### Section 2 Transfer of Funds for TA

61	Billing TA Expenses .....	3-29
62	Processing TA Reimbursement by IPAC .....	3-30
63-69	(Reserved)	

## Table of Contents (Continued)

Page No.

### Part 4 ECP Funds Management

#### Section 1 National Program Funds

70	National Reserve .....	4-1
71	CFLS, EFMS Allocations .....	4-1
72	(Reserved)	

#### Section 2 County C/S Funds Management

73	COC Determination of Funds Need.....	4-7
74	County C/S Allocation.....	4-7
75	Monitoring Funds.....	4-8
76-80	(Reserved)	

#### Section 3 State C/S Funds Management

81	Funds Control and State C/S Allocations .....	4-19
82	Reserves .....	4-20
83	Requesting and Releasing Funds .....	4-21
84	Expenditure Limitations.....	4-21
85-90	(Reserved)	

### Part 5 ECP Eligibility

#### Section 1 Person and Legal Entity Eligibility

91	Eligible and Ineligible Persons and Legal Entities .....	5-1
92	Determining Eligible and Ineligible Participants.....	5-3
93	Eligibility of Native Americans .....	5-5
94	Cooperative Grazing Associations and Districts .....	5-5
95	Clubs and Organizations .....	5-6
96	Government Entities .....	5-6
97	Organized Districts .....	5-7
98-110	(Reserved)	

#### Section 2 Land Eligibility

111	Eligible Land.....	5-23
112	Ineligible Land .....	5-27
113	Land Located in Nondesignated ECP Counties.....	5-31
114	Native American Land.....	5-31
115	Government-Owned Land .....	5-31
116	Prohibition of Duplicate Benefits .....	5-33
117-130	(Reserved)	

## Table of Contents (Continued)

### Page No.

#### **Part 5 ECP Eligibility (Continued)**

##### **Section 3 Practice Eligibility**

131	COC-Approved Practices.....	5-49
132	Practices Requiring ECP-PM Approval.....	5-49
133	Practice Lifespans and Maintenance.....	5-49
134	Size of Structures .....	5-50
135	Cost-Sharing for Minerals and Seeds .....	5-51
136-149	(Reserved)	

#### **Part 6 Natural Disaster Event Occurrence and ECP Implementation**

##### **Section 1 ECP Action When Disaster Occurs**

150	Program Availability.....	6-1
151	County or Area ECP Implementation Request .....	6-2
152	State Office Submission of ECP Implementation Request.....	6-6

##### **Section 2 Accepting C/S Requests**

153	Sign-up Period .....	6-9
154	Accepting ECP Applications .....	6-10
155	Obtaining Needed Information .....	6-15
156-160	(Reserved)	

##### **Section 3 Reviewing C/S Requests**

161	Onsite Inspection .....	6-31
162	Environmental Compliance and Cultural Resource Protection .....	6-34
163	Refusals to Permit Farm Entry or Inspection.....	6-36
164	Determining Eligibility .....	6-37
165	Using Priorities .....	6-38
166-170	(Reserved)	



## Table of Contents (Continued)

Page No.

### Part 6 Natural Disaster Event Occurrence and ECP Implementation (Continued)

#### Section 4 Approving C/S Requests

171	Approvals and Disapprovals .....	6-55
172	Limited Resource Provisions .....	6-58
173	Disapprovals and Deferred Action.....	6-59
174	Pending Requests .....	6-59
175	Requests Requiring Special Approval .....	6-60
176	Determining Approval Amount .....	6-62
177	Documenting COC Decisions.....	6-62
178	Setting Expiration Dates .....	6-64
179	Expiration Notice .....	6-65
180	Canceling Approvals.....	6-65
181-200	(Reserved)	

#### Section 5 Accepting Practice Performance Reports

201	Filing Performance Reports .....	6-81
202	Reporting Dates .....	6-83
203	Reporting Practice Extent .....	6-84
204	Recording Practice Location.....	6-84
205	Supporting Data .....	6-85
206	Maintenance and C/S Refund Responsibility .....	6-86
207-220	(Reserved)	

#### Section 6 Certifying Performance

221	Certification on FSA-848B or AD-862 for Practices Assigned to FSA .....	6-105
222	Certification on FSA-848B or AD-862 When Technical Practices Assigned to Another Agency .....	6-106
223	Technical Practices Performed Without Technical Agency Assistance .....	6-107
224-230	(Reserved)	

#### Section 7 Reporting Contributions

231	Multiple Persons or Legal Entities Who Share Cost of Practice .....	6-121
232	(Reserved)	
233	Dividing C/S Based on Contributions.....	6-123
234	Cost Data When Ineligible Persons or Legal Entities Contributed.....	6-124
235	Computing C/S if Ineligible Participants Contributed.....	6-125
236-250	(Reserved)	

## Table of Contents (Continued)

Page No.

### Part 6 Natural Disaster Event Occurrence and ECP Implementation (Continued)

#### Section 8 Change in Extent Performed

251	Changing Extent Performed as Reported by Participant .....	6-141
252	Adjustment for Practices Exceeding Requirements.....	6-142
253	Adjusting Extent or C/S Before Practice Performance.....	6-143
254	Adjusting Extent or C/S After Practice Performance and Before Payment.....	6-144
255	Increasing Extent or C/S After Practice Performance and After Payment .....	6-145
256	Increases Not Authorized.....	6-145
257-270	(Reserved)	

#### Section 9 Miscellaneous Situations

271	Performance Not Meeting Specifications or Requirements.....	6-161
272	Requirements Met but Practice Failed .....	6-161
273	Materials Not Applied at Specified Rate .....	6-162
274	Practice Performed With Material Not on ECP Agreement .....	6-162
275	Practice Completed by Successor .....	6-163
276-299	(Reserved)	

### Part 7 Payments

#### Section 1 (Reserved)

300-310 (Reserved)

#### Section 2 Computing C/S Earned

311	C/S Payments .....	7-17
312	Eligible and Ineligible Items for Computing C/S .....	7-18
313	Computing C/S.....	7-19
314	Computing Limited Resource Payments .....	7-22
315-320	(Reserved)	

#### Section 3 Issuing Final Payments

321	When Partial C/S Payments May Be Made .....	7-35
322	Recovering C/S if Remaining Work Is Not Completed.....	7-36
323-330	(Reserved)	

## Table of Contents (Continued)

### Page No.

#### Part 7        Payments (Continued)

##### Section 4       Issuing Payments

331	Issuing Program Payments.....	7-51
332	COC Payment Responsibilities.....	7-51
333	Agreements Between Landlords and Tenants.....	7-52
334	When to Prepare Payment.....	7-53
335	Refunds, Priority of Offsets, Withholdings, and Assignments.....	7-53
336	TA Reimbursements .....	7-54
337-350	(Reserved)	

##### Section 5       Adjustment Applications

351	When Adjustment Application Is Required.....	7-71
352-399	(Reserved)	

#### Part 8        Compliance

##### Section 1       Spot Checks

400	Lifespan and Maintenance Policy.....	8-1
401	Spot-Check Policy .....	8-2
402	Extent of Spot Checks.....	8-3
403	Scope of Spot Checks .....	8-4
404	Follow-Up Action on Discrepancies.....	8-4
405-409	(Reserved)	

##### Section 2       Violations

410	Failure to Maintain and Use Practices .....	8-19
411	Actions That Defeat the ECP Purpose.....	8-21
412	COC, STC, and Employee Cases.....	8-22
413	Withholdings and Late Payment and Refund Interest .....	8-22
414	COC and STC Responsibility .....	8-23
415	Handling Program Infractions.....	8-23
416-420	(Reserved)	

## Table of Contents (Continued)

### 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	Example of CCC-770 ECP-1
6	Example of CCC-770 ECP-2
7	(Reserved)
8	Completing FSA-848
9	Completing FSA-848A
10	Completing FSA-848B
11	(Reserved)
12	National ECP Practices
13	Example Formats for Providing Disaster Information to News Media
14-16	(Reserved)
17	Example of FSA-23
18	Example of FSA-850
19-20	(Reserved)
21	Completing FSA-276

## **Part 1 General Information**

### **Section 1 General Provisions**

#### **1 Overview**

##### **A 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
- eligibility of persons, legal entities, land, and practices
- administrative responsibilities of STC's, DD's, and COC's
- accepting and processing applications for ECP C/S
- providing TA needed for designated practices
- computing and issuing advance and final C/S payments.

#### **2 ECP Authorization**

##### **A Source of Authority**

The Agricultural Credit Act of 1978 (92 Stat. 420-434), as amended by the Disaster Assistance Act of 1989, Section 502, is the statutory authority for ECP.

The regulations at 7 CFR Part 701 govern ECP.

## 2 ECP Authorization (Continued)

### B ECP Objectives

ECP is a C/S program. Subject to the availability of funds, the objective of ECP is to make C/S assistance available to eligible agricultural producers and ranchers for performing approved practices to:

- rehabilitate farmlands and conservation structures damaged by:
  - wind and water erosion
  - floods
  - hurricanes
  - other natural disasters as determined by DAFP

**Note:** See Exhibit 2, natural disasters, for a list of eligible disasters.

- install water conservation measures during periods of severe drought to supply emergency water for:
  - livestock, including confined livestock and poultry
  - existing eligible irrigation systems serving orchards and vineyards, including:
    - buried mainlines
    - ditches
    - other permanently installed systems.

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

### C Entitlement to Payment

Farmland damage eligible for C/S must be of such magnitude that it would be too costly for the producer to rehabilitate without Federal assistance.

All ECP payments are subject to eligibility provisions and the availability of funds, therefore, ECP is **not**:

- an “entitlement” program
- intended to compensate everyone who suffers a loss.

**Note:** COC shall ensure that the extent of the damage is severe enough to necessitate Federal assistance before approving an applicant’s request for C/S. See Exhibit 4.

### 3 Related Handbooks

#### A Handbooks and Forms

Follow provisions in the CSS User Guide for applications and agreements.

#### B Other Related Handbooks

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

<b>IF the material concerns...</b>	<b>THEN see...</b>
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.
CRP	2-CRP
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, 5-PL.
Loss Assessment Reports	1-DIS.

## 4 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.

## 5 AD-1026 Requirements

### A AD-1026 Certification

HELC and WC provisions apply to ECP. AD-1026 certification is required for persons and legal entities, and their affiliates with farming interests, requesting ECP benefits.

### B Additional Information About Filing AD-1026

See 6-CP for additional information about AD-1026 certifications.

## 6 Payment Limitation

### A Maximum Payment Limitation

The maximum ECP payment per person or legal entity, per disaster is \$200,000. The payment limitation will be applied based on the disaster ID assigned by ECP-PM.

### B Program Payment Information

Direct attribution provisions apply to ECP. CCC-902 is required for persons and legal entities requesting ECP benefits.

### C Additional Information About Filing CCC-902

See 5-PL for additional information about filing CCC-902.



**7 AGI Compliance**

**A AGI Requirement**

Unless a certain apportionment specifically identifies AGI as a requirement, AGI provisions do not normally apply to ECP. See 5-PL.

**8 Assigning Program Payments**

**A Earned Payments**

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

**9 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 the disasters were approved for ECP. This information can be used as a basis for future ECP 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
- a map with areas identified
- Loss Assessment Report.

**Note:** File with other ECP documents according to 25-AS.

**10 Program Year**

**A FY**

The ECP program year is the FY.

**B Determining Program Year for ECP Applications and Agreements**

Consider the program year for a specific ECP application as the FY when the ECP application is filed.

## 11 Forms and Supplementation

### A National Forms

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

**Note:** If the form is not available through CSS, forms may be accessed online at the FFAS Employee Forms/Publications Online Website at <http://fsaintranet.sc.egov.usda.gov/dam/ffasforms/forms.html>; however, the following ECP forms will be generated through CSS:

- FSA-848
- FSA-848-1
- FSA-848A
- FSA-848A-1
- FSA-848B
- FSA-848B-1.

### B State Forms

Forms developed by STC's must:

- meet the 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-PM may select State Office amendments for review.

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

CCC-770 ECP-1 (Exhibit 5) and CCC-770 ECP-2 (Exhibit 6) shall be considered management tools to help address deficiencies identified by a review or spot check of whether policies or procedures are being followed, before issuing ECP approvals and/or payments.

County Office operations that have not implemented ECP within the last 5 years shall complete CCC-770 ECP-1 on the first 10 applications.

**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 possible eligibility situation.

**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 additional 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.

**13-19 (Reserved)**



**20 ECP Annual Program Establishment Activity****A Action**

At the beginning of each calendar year:

- SED shall consult the SEC and, as applicable, NRCS, FS, National Wildlife Federation, about any areas of concern within the State or implementation of ECP practices
- State Offices shall review average costs with NRCS for all potential ECP practices
- STC shall approve average costs for all potential ECP practices
- State Offices will load components and costs in program provisioning
- County Offices shall copy applicable components from the State list to their county list

**Note:** COC's shall only use the STC approved component codes.

- SED and CED shall consult with NRCS about establishing TA needs.

**21 STC Responsibilities****A Program Administration**

STC:

- is responsible for administering ECP within the State according to national policy
- may delegate the authority to sign documents showing action taken by STC's designee.

**Example:** DD is designated by STC to act on behalf of STC.

**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 and delegations in minutes, or other written record, according to 16-AO.

## 22 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 appropriate, for COC's, CED's, program technicians, and others to ensure that County Offices have a clear understanding of ECP policies and responsibilities
- ensure that information submitted is complete and supports requests for implementation and funds
- establish a State plan to monitor ECP that shall provide:
  - for the STC representative to:
    - review a sampling of FSA-848's filed in each County Office as required in subparagraph 175 A
    - ensure that action is taken for review and approval of certain FSA-848's as required according to subparagraph 179 A
  - the sampling and monitoring needed for ECP implementation and assistance
  - spot check completed practices as required in subparagraph 402 A.

**Note:** Establishing the State plan shall **not** delay implementation and assistance.

**23 COC Responsibilities****A ECP Administration**

COC shall administer ECP according to national and State policy.

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

**B COC Action**

COC determinations must be made by COC or by a quorum. See 16-AO.

**Note:** COC may delegate authority to an individual COC member or CED according to paragraph 26.

**C Documenting COC Determinations**

Written documentation is required for determinations made by COC or designee. Occasionally, routine COC determinations may be documented by an individual signing a form on behalf of COC.

**D 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:** The document shall be cross-referenced to COC minutes and the COC minutes shall reflect COC action.

**23 COC Responsibilities (Continued)**

**E Required COC Minutes Documentation**

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

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

**Note:** COC designee action may be documented in minutes as action between meetings.

**24 CED Responsibilities**

**A ECP Administration**

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. Authority is limited only to those provided in national and state policy.



## 24 CED Responsibilities (Continued)

### B CED Actions

CED shall:

- certify to SED that online ECP training has been completed
- ensure that county practice data is updated in CSS
- issue FSA-848 (Exhibit 8) and FSA-848A (Exhibit 9) to producers
- issue referrals to applicable technical agencies
- consult the State Office if unable to perform needs determination on practices for which FSA is assigned technical responsibility
- compute C/S to payee
- approve payments to producers
- ensure that appropriate review and/or approval of specific FSA-848's is performed according to subparagraph 179 A
- prepare forms for division of payment between contributors
- perform spot checks.

**Note:** CED may designate the program technician to perform these and other functions without formal delegation.

## 25 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 County Office employee shall sign, or initial and date the documentation.

**26 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
  - the 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 the needs determination on FSA-848, page 2
- whether ECP should be requested.

**26 Delegations of Authority (Continued)****B STC Delegated Authorities**

STC authorities may be delegated to SED, an individual COC member, or DD.

**C Limitations on Delegations**

The following are 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 owned farm.
- CED shall carry out responsibilities according to COC delegations.
- COC shall review delegated authorities annually to ensure that the authorities are being followed.

**D Authorities Not to Delegate**

The following COC authorities shall **not** be delegated:

- 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.

**E 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.

**27-29 (Reserved)**



**Part 2 State and County ECP Establishment****Section 1 C/S Policies****30 Maximum C/S Limitation****A Maximum C/S Payment Limitation**

ECP financial assistance for eligible producers is in the form of C/S payments. A C/S payment is a payment provided by USDA to help eligible ECP participants perform approved restoration measures for farmland damaged because of an eligible natural disaster.

ECP C/S approvals or payments **must never** exceed 75 percent of the producer's actual cost to perform the practice, unless the producer claims limited resource producer status by filing CCC-860.

**Note:** See 1-CM for limited resource provisions.

**B C/S Limitation Based on Land Value**

ECP C/S approvals or payments **must never** exceed 50 percent of the agricultural market value of the affected land as determined by COC, unless waived by ECP-PM.

COC shall determine applicable farmland value from NASS data or other credible resources as determined by STC. NASS land value data can be found at <http://nass.usda.gov>. Other credible sources may include the State university, local land taxing authority, etc.

Apply land value limitations according to the acres served by the affected land's rehabilitation. Consider acres served for practice:

- EC1 as the field acreage, even if only a portion of the field may require debris removal to return the land to its productive agricultural capacity
- EC3 as the land acreage to which the fence restoration confines livestock or excludes wildlife.

**Note:** If multiple participants are eligible for C/S on the same land, the land value limitation is applied to the acreage approved for the ECP practice, not the participants.

### 30 Maximum C/S Limitation (Continued)

#### C Establishing C/S Levels

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

#### D C/S Computation Example

If total eligible costs of all practices caused by the disaster are \$210,000, then maximum C/S allowance is calculated as follows.

$$\$210,000 \times 75\% = \$157,500$$

### 31 C/S Levels

#### A National Policy on C/S Levels

C/S levels up to 75 percent of eligible costs are authorized for ECP practices.

**Note:** See subparagraph 6 A for maximum payment limitations.

#### B National Policy on Limited Resource C/S Levels

C/S level up to 90 percent of eligible costs is authorized for ECP practices for limited resource producers if approved by COC. This provision does not apply to underserved producers.

**Note:** See Exhibit 2 and 1-CM for limited resource producer definition and provisions.

#### C Establishing County C/S Levels

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

**32 C/S Levels With Limitations****A Documenting C/S Levels With Limitations**

C/S levels shall be established for practices with a maximum limitation. The limitation is based on the average cost of performing the unit of measure of the practice, taking into consideration the various component options available. 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 of measure (acre, feet, etc.)”

**Examples:** 75 percent of the actual cost, not to exceed \$40 per acre (light debris removal).

75 percent of the actual cost, not to exceed \$1.50 per foot (livestock fence replacement).

**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:

- summarized and forwarded to the State Office
- maintained with the county eligibility status list.

**33-40 (Reserved)**





**Section 2 General C/S Eligibility****41 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 for performing the practice to rehabilitate or replace the damaged land or structures, such as:

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

**Note:** If approved by COC, use of used materials must:

- meet NRCS standards and specifications
- be documented in COC minutes.

**B Items Ineligible for C/S**

Examples of costs that are **not** direct and significant factors necessary for performing the ECP practice, and are ineligible for C/S include:

- mowing pastures
- measures to control insects or rodents
- measures to treat plant diseases or nematodes
- engineering charges or permit fees
- project manager or consultant's fees
- chopping or shredding residues from crops for insect control
- providing land

**41 Items Eligible and Ineligible for C/S (Continued)****B Items Ineligible for C/S (Continued)**

- right to use land or water
- power sources or fuel

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

- 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
- enhancing acreage or structures not affected by natural disaster
- machinery or equipment repair or maintenance.

**42 Eligible Restoration Cost Considerations****A Restoring to Predisaster Condition and Function**

C/S may be offered for ECP practices to replace or restore farmland, fences, or conservation structures to a condition and function similar to that existing before being damaged or destroyed by the natural disaster.

The minimum performance necessary to resolve problems that are corrected by ECP practice shall be considered that which meets current NRCS standards and specifications.

C/S shall be limited to restoring structures and other installations to current NRCS technical standards and specifications. ECP participants must pay the additional cost incurred to improve land and structures beyond the minimum NRCS technical standards and specifications.

In unusual cases, structures that are restored to a condition, which does not meet current NRCS technical standards and specifications, may be eligible for C/S only if approved by the COC and reviewed by STC or designee, and doing so does not result in a safety hazard to human habitation.

No relief shall be authorized to address conservation problems existing before a disaster event occurs.

**B Safety Requirement**

In many instances, restoring a structure to the immediate predisaster condition and not meeting the minimum current NRCS standards and specifications can result in the structure being:

- a safety hazard to human habitation downstream as certified by the TA provider
- unable to withstand a similar, future disaster event.

Therefore, structures shall be restored to meet the minimum current NRCS standards and specifications.

**42 Eligible Restoration Cost Considerations (Continued)****C Limitations on Eligible Expenses**

C/S 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.
- Eligible expenses shall not exceed those needed to achieve the minimum performance necessary to resolve the problem being corrected by the practice. Any costs above those levels shall not be considered to be eligible costs for purposes of calculations made under this part.

**43 Qualifying Minimum Cost of Restoration****A Minimum Cost of Restoration (Small Payment Policy)**

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. See Exhibit 4 for small payments policy.

The minimum qualifying cost of restoration is set at \$1,000 per participant or \$250 for producers certifying as limited resource. See paragraph 172 for limited resource producer provisions.

The minimum qualifying cost of \$1,000, or \$250 for limited resource producers, shall be based on the total eligible cost of all practices for the same disaster.

STC 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 waiver 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.

## 44 Arbitrary Hold Downs

### A Responsibilities

STC and COC shall ensure that arbitrary hold downs are **not** used when:

- establishing C/S rates and limitations

**Example:** Instead of establishing a C/S limitation based on documented average costs for a particular practice in the county, COC establishes the limitation at some percentage lower than the documentation provides, as a means to discourage using the practice.

- approving practices.

**Example:** In the case of limited or insufficient available funds, COC applies a lesser, but uniform, C/S level approval for all eligible applications to ensure each participant receives at least some level of Federal funding.

## 45 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 C/S

COC shall:

- not pay C/S if necessary easements, permits, or other necessary permission has not been obtained by the participant
- indicate on ECP agreement, “Remarks” section whether necessary authorization 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 C/S for the practice.

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

## 45 Easements, Permits, Rights-of-Way, and Water Rights (Continued)

### 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.

## 46 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 is 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

**Example:** Participant exchanges 1000 straw bales produced on the farm for 250 hours of fence building labor.

- value of the bartered goods and services is commensurate with the services rendered or goods received
- ECP C/S payment will not be issued 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 payment limitations.

### C Record of Barter

The ECP participant shall present a signed document that provides the details of the barter agreement before C/S is computed. The documentation shall provide sufficient information for COC to determine when the bartered goods or services were exchanged.

If bartered goods or services are not actually received, or rendered, then the producer shall refund any C/S paid for the bartered services or goods.

**46 Bartering (Continued)**

**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.

**47-49 (Reserved)**





**Part 3 ECP TA****Section 1 Providing TA****50 ECP TA MOA****A TA Purpose**

TA is support and guidance provided to ECP participants and County Offices for the planning, implementation, and certification of ECP practices. FSA, NRCS, or another technical service agency or provider as approved by ECP-PM, can provide ECP TA.

For many ECP practices, FSA provides TA. However, certain ECP practices may require additional technical expertise; FSA has determined that NRCS has personnel with expertise who can provide TA needed for implementing ECP.

**Note:** Technical responsibility for practice EC4 is assigned to NRCS. States may also use NRCS TA services for additional ECP practices as agreed to by both agencies' State Offices. See paragraph 20.

ECP TA provided to participants includes technical expertise, information, and the tools necessary for rehabilitation of eligible natural disaster damaged farmland. When NRCS provides TA to a participant, FSA is also provided practice performance certification.

50 ECP TA MOA (Continued)

**B Determining TA Needs**

SED and NRCS State Conservationist shall determine and document:

- the ECP practices for which NRCS will provide TA
- the format for which NRCS will provide a statement of actual costs incurred in providing TA, if deemed necessary
- any other provision deemed necessary by the FSA State Office, FSA State Technical Committee, or the NRCS State Conservationist, that is consistent with and does not nullify any provision of the MOA.

**Note:** The determination may be documented in the committee meeting minutes, such as State Emergency Board, STC, etc.

**C National MOA**

Following is an example of the MOA between NRCS and FSA.

**Note:** A modification to the MOA was made and references to completing the State-level AD-672 are no longer included; a national level Interagency Agreement (Form-7600) has been developed.

<p style="text-align: center;"><b>Memorandum of Agreement (MOA)</b></p> <p style="text-align: center;"><b>Between</b></p> <p style="text-align: center;"><b>Natural Resources Conservation Service (NRCS)</b></p> <p style="text-align: center;"><b>And</b></p> <p style="text-align: center;"><b>Farm Service Agency (FSA)</b></p> <p style="text-align: center;"><b>For Provision of the Technical Assistance for the Emergency Conservation Program (ECP)</b></p> <p style="text-align: center;"><b>Through September 30, 2019</b></p> <p><b>I. Purpose</b></p> <p>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 ECP.</p> <p><b>II. General Provisions</b></p> <p>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.</p> <p><b>III. Authority</b></p> <p>The authorities for FSA and NRCS to enter into this agreement are:</p> <p>A. The Economy Act, 31 U.S.C. § 1535, which provides that an agency may place an order with a major organizational unit within the same agency or another agency for goods or services if:</p> <ol style="list-style-type: none"> <li>1. Funds are available;</li> <li>2. The ordering agency decides the order is in the best interest of the United States Government;</li> <li>3. The servicing agency to fill the order is able to provide or get by contract the ordered goods or services; and</li> <li>4. The ordering agency decides ordered goods or services cannot be provided by contract as conveniently or cheaply by a commercial</li> </ol>
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**C National MOA (Continued)**

enterprise (payments must be made on the basis of the actual cost of goods or services provided); AND,

- B. The Agricultural Credit Act of 1978, as amended (P.L. 95-334; 16 U.S.C. Sections 2201-2206), the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590a-590f, 590g), and the regulations at 7 CFR parts 610 and 701. Other authorities may also apply.

**IV. Economy Act Findings**

As set forth in the attached "Determinations and Findings Pursuant to 48 CFR subpart 17.5" FSA states that sufficient funding amounts are available, that this agreement is in the best interest of the United States Government, and that the services requested cannot be provided by contract as conveniently or cheaply by a commercial enterprise.

NRCS states that it has the capability and expertise to provide or get by contract the requested services.

**V. 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.
3. Adhere to FSA environmental and cultural resource policy in FSA's Environmental Quality Programs Handbook I-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.

**C National MOA (Continued)**

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 extant 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 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 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,

**C National MOA (Continued)**

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.

C. NRCS and FSA agree to:

1. 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. Enter into a state level reimbursable agreement (Form AD-672) for each fiscal year based on this MOA and any amendments hereto, for ECP technical assistance.
3. Amend Form AD-672 quarterly, or as deemed necessary by FSA, based upon current funds held in reserve for technical assistance.
4. Determine, between the FSA State Executive Director and the NRCS State Conservationist, and document in the State Emergency Board minutes:
  - a. The ECP practices for which NRCS will provide technical assistance;
  - b. The format for which NRCS will provide statement of actual costs incurred in providing the technical assistance, if deemed necessary;
  - c. Any other provision deemed necessary by the FSA State Office, FSA State Technical Committee, or the NRCS State Conservationist, that is consistent with this Memorandum of Agreement and does not nullify any provision in this Memorandum of Agreement.
5. 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.

## 50 ECP TA MOA (Continued)

## C National MOA (Continued)

## D. This MOA:

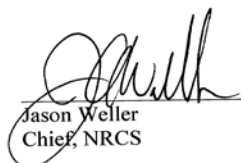
1. Will take effect upon the signature of Administrator of FSA and the Chief of NRCS.
2. May be terminated at any time by one party providing 30 days written notice. Should this MOA be terminated, billing will be submitted for services rendered.
3. Will run for a period of 5 years from date of execution.
4. May be modified by written amendment duly executed by the Administrator of FSA and the Chief of NRCS, or their delegates.

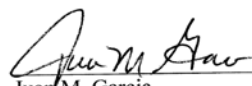
E. Nothing in this MOU shall obligate either NRCS or FSA to obligate or transfer any funds. The national level reimbursable agreement (Form AD-672) referenced above will address the obligation or transfer of funds, contingent upon the availability of funds. Negotiation, execution, and administration of this agreement must comply with all applicable statutes and regulations. Obligations under 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.

F. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

NATURAL RESOURCES  
CONSERVATION SERVICE

FARM SERVICE AGENCY/  
COMMODITY CREDIT CORPORATION

 9/29/14  
Jason Weller  
Chief, NRCS  
Date

 8/21/2014  
Juan M. Garcia  
Administrator, FSA, and  
Executive Vice President, CCC  
Date

## 51 Major Responsibilities for ECP TA

### A TA

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

### B Assigned Agency Responsibility for TA

Each assigned technical agency is responsible for carrying out its assigned responsibilities, according to the national MOA.

The assigned agencies shall use technical information provided by NIFA, NRCS, and other agencies to help producers apply practices correctly.

### C Technical Responsibility

Technical responsibility for practices includes:

- developing standards and specifications for the practice
- providing TA on the phases in paragraph 52.

## 52 Reimbursable Activities

### A Phases of Reimbursable TA

TA provided in servicing assigned practices may involve all of the following phases of implementing a practice:

- determining whether the practice is needed and feasible
- performing an environmental assessment cultural resource review
- 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.



## 53 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 TA available through ECP.

Producers using outside assistance for practices will qualify for C/S 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.

## 54 TA Cost to Participants

### A Agency Provided TA

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

### B Participant Contracted TA

ECP funds are **not** authorized for reimbursement of TA services contracted by the participant. Participants are responsible for all costs for using services other than those of the assigned technical agency.

## 55 Assigned Technical Agency Responsibilities and COC Action

### A Needs Determination

The assigned technical agency shall report on FSA-848, page 2 if the practice is needed and feasible.

FSA-848, page 2 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.

**Note:** CED shall consult the State Office if unable to perform needs determination on practices for which FSA is assigned technical responsibility.

### 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 statements on FSA-848, page 2.
3	Enter estimated cost of the practice.
4	Sign and date FSA-848, page 2.
5	Submit FSA-848, page 2 to COC for review.

## 55 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	<ul style="list-style-type: none"> <li>• there shall be a statement to that effect, including the reasons on FSA-848, page 2</li> <li>• the assigned technical agency should explain the basis for the unfavorable determination to the producer</li> <li>• COC shall: <ul style="list-style-type: none"> <li>• promptly notify the producer, in writing, that the practice was not approved and the basis for the decision</li> <li>• advise the producer of the right to appeal the determination.</li> </ul> </li> </ul>
a practice may not be eligible	<ul style="list-style-type: none"> <li>• the assigned technical agency shall provide written description of the eligibility question on FSA-848, page 2</li> <li>• COC shall consider this statement when reviewing the request for approval.</li> </ul>

### 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.

**56 Assigned Technical Agency Responsibilities and Reporting on FSA-848B, Page 2**

**A Practice Performance Verification**

The assigned technical agency shall provide practice performance certification on FSA-848B, page 2.

**57-60 (Reserved)**

**Section 2      Transfer of Funds for TA****61      Billing TA Expenses****A      Providing Reimbursement to NRCS for TA**

Along with the MOA, FSA and NRCS signed an Interagency Agreement (Form-7600) at the National level.

**Note:** State Offices will no longer execute AD-672.

**B      Actual Costs**

NRCS States Offices shall bill FSA State Offices for the actual cost of ECP services performed, consistent with the terms and conditions described in the MOA, but not to exceed 10 percent of the amount of funds allocated to counties.

**C      TA Billing Frequency and Details**

No more than quarterly, the NRCS State Offices shall submit to FSA State Offices (by an agreed upon documented source such as e-mail, memorandum, etc.) a statement of costs incurred providing ECP TA. The statement shall include the following:

- FY and quarter
- disaster ID
- County Office name where service was provided
- itemization of charges, such as number of personnel hours by employee and dates of service provided
- dollar amount of reimbursement.

**D      Billing Verification**

After receiving statement of costs incurred providing TA and before payments are processed, the FSA State Office shall forward a copy of the statement to the applicable County Office for CED and DD review. CED shall verify that charges for ECP TA reimbursement are reasonable. If necessary, CED shall coordinate review of charges with the applicable NRCS field office.

After completing the ECP TA billing review and resolving any issues, CED shall notify SED through DD of the verification results. Before forwarding to SED, DD shall review CED's results and make any necessary comments or revisions.

**62 Processing TA Reimbursement by IPAC**

**A Billing Approval**

Once the verification process in subparagraph 61 D is complete, the FSA State Office shall:

- approve the invoice
- notify the submitting NRCS State Office of approval.

**B NRCS Processing**

Upon notification from FSA, NRCS State Office will then notify the NRCS National Accounts Receivable Servicing Team of the pending TA payment due.

The NRCS National Accounts Receivable Servicing Team initiates the payment process through IPAC.

**63-69 (Reserved)**

**Part 4 ECP Funds Management**

**Section 1 National Program Funds**

**70 National Reserve**

**A ECP Funds Reserve**

ECP funds are held in reserve at the national level.

Other than when administering an active ECP implementation, States are not authorized to maintain funds reserves.

**71 CFLS, eFMS Allocations**

**A Fund Allocation**

The National Office will allocate funds to States after a determination has been made authorizing ECP designation and a funding needs determination has been made.

Funds are not immediately allocated to States based on the estimate of funds needed to begin an ECP implementation.

**72 (Reserved)**





**Section 2 County C/S Funds Management****73 COC Determination of Funds Needed****A C/S Funds Need Update and Funding Request**

The county's initial ECP implementation request includes an **estimate** of C/S funds needed.

After the County Office enrollment period has ended, all needs determinations have been entered onto each FSA-848A, and all requests have been prioritized, CED shall summarize C/S request amounts COC is willing to approve and submit an updated funding request to the State Office Program Specialist. The C/S funding summary shall be by:

- county
- ECP practice
- C/S amount.

**B TA Funds Need Estimate**

Along with the C/S funding summary, COC shall also include an estimate of TA funds needed. The TA funds need summary shall be by:

- county
- ECP practice
- TA amount.

**Note:** TA funds will not be allocated to the State or County Office.

**74 County C/S Allocation****A Funds Availability**

If funds are available and are approved for the county ECP implementation, the State Office Program Specialist will allocate C/S funds to County Offices through:

- CFLS, by disaster ID
- eFMS.

**75 Monitoring Funds****A Active ECP Implementations**

CED must:

- ensure that all FSA-848's are loaded in CSS
- ensure that all FSA-848A approvals are made in CSS as soon as funds are allocated to the County Office (subparagraph 175 B)
- track producer requests throughout the signup period and during performance to identify any unobligated funds, as soon as possible, that are available for return to the State Office
- determine the amount of funds, not needed for the disaster, that are available for return to the State Office.

**B Releasing Unused Funds**

COC's are **not** authorized to hold unused funds in reserve.

Because maintaining County Office reserves is not authorized, CED's shall return ECP funds to the State Office as soon as it is determined that the funds will not be needed for the disaster for which the funds were originally allocated.

CED's shall notify the State Office Program Specialist by e-mail of the amount available for release. State Offices will transfer funds to the State reserve.

**76-80 (Reserved)**

**Section 3 State C/S Funds Management****81 Funds Control and State C/S Allocations****A Notification of COC Funds Need Determination**

The county's initial ECP implementation request includes an estimate of C/S funds needed.

After the County Office enrollment period has ended, CED shall submit an updated C/S funding request and TA needs estimate to the State Office Program Specialist.

**B State C/S Allocation Request**

State Office Program Specialist shall review COC's updated C/S funds request and TA funds estimate and, if needed, revise as applicable before submitting the National Office.

After reviewing the COC's updated C/S funds request and TA funds estimate, State Office Program Specialist shall submit the funds needs request to the ECP-PM by e-mail.

ECP funds are held in reserve at the national level. C/S funds are allocated to States for county implementation after an:

- ECP designation is authorized
- assessment of funds needed is made by COC upon completion of the ECP enrollment period.

C/S funds will be allocated by the National Office to State Offices through:

- CFLS, by disaster ID
- eFMS.

**Note:** TA funds will be held in reserve at the National Office. See subparagraph 82 B.

## 81 Funds Control and State C/S Allocations (Continued)

### C State C/S Allocation to County

Once C/S funds are approved for the county implementation and are allocated from the national reserve to the State reserve, State Office Program Specialist will allocate C/S funds to County Offices through:

- CFLS, by disaster ID
- eFMS.

## 82 Reserves

### A C/S Reserve

State Offices may maintain small reserves, that are sufficient to cover needed adjustments.

C/S 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.

**Note:** State Specialist must submit a request to the ECP-PM to add the applicable county to the Disaster ID.

Unused ECP funds shall be returned to CEPD according to paragraph 83.

### B TA Reserve

Funds will be held in reserve at the National Office to reimburse NRCS for TA.

CED shall summarize TA funds needed and include the amount when submitting the C/S funds request to the State Office Program Specialist. The TA funds summary shall be by:

- county
- ECP practice.

State Offices shall provide the expected TA funds needed when updating the National Office of a county's C/S funds need.

## 83 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 in paragraph 82.

- CED shall notify the State Office Program Specialist by e-mail of the amount available for release.
- State Offices shall notify CEPD, Attention: ECP-PM and Planning and Analysis Branch, by e-mail of the amount to be released.

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

SED must:

- require timely loading of all FSA-848's in CSS
- track producer requests throughout the signup period and during performance to release any unobligated funds as soon as possible.

## 84 Expenditure Limitations

### A Authority

States do **not** have over obligation authority.

States may transfer funds among County Offices for the same disaster designations that have been approved to implement ECP.

## 85-90 (Reserved)



**Part 5 ECP Eligibility**

**Section 1 Person and Legal Entity Eligibility**

**91 Eligible and Ineligible Persons and Legal Entities**

**A Person and Legal Entity Eligibility**

See 5-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 paragraph 43.

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 approve C/S 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 paragraph 43.

**D Re-Evaluation of Drought Conditions**

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

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

**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 C/S.

**F Assistance in Organized Districts**

Assistance may be provided to participants individually in organized districts, such as irrigation districts, unless 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 Participants

### A Determining Eligibility

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

IF an applicant is a...	AND...	THEN the applicant...
farmer or rancher who has an interest in the farm and is either: <ul style="list-style-type: none"> <li>• an individual</li> <li>• a partnership member</li> <li>• an association</li> <li>• a corporation</li> <li>• an estate</li> <li>• a trust</li> <li>• a business enterprise</li> <li>• a legal entity</li> </ul> <b>Note:</b> Foreign nationals are eligible.	is an agricultural producer (see subparagraph B) who contributes part of the practice cost	is eligible for ECP benefits.
<ul style="list-style-type: none"> <li>• Federal agency</li> <li>• State</li> <li>• a political subdivision of a State</li> <li>• State agency</li> <li>• district with taxing authority</li> </ul>		is not eligible for ECP benefits.
minor		is only eligible if legally responsible and independently participating in the operation of a farm as an eligible person or legal entity. See 1-CM and 5-PL.

## 92 Determining Eligible and Ineligible Participants (Continued)

**B Agricultural Producer**

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

<b>IF the producer is...</b>	<b>AND...</b>	<b>THEN the producer is...</b>
an owner, landlord, tenant, or sharecropper of a farm or ranch	the farm or ranch is used to annually produce the following commercially: <ul style="list-style-type: none"> <li>• grains</li> <li>• row crops</li> <li>• seed crops</li> <li>• vegetables</li> <li>• hay</li> <li>• pasture</li> <li>• orchards</li> <li>• vineyards</li> <li>• flowers</li> <li>• bulbs</li> <li>• trees</li> <li>• field-grown ornaments</li> <li>• livestock</li> <li>• naval stores</li> <li>• other agricultural commodities</li> </ul>	considered an agricultural producer.
	animals only for recreational purposes	<b>not</b> considered an agricultural producer.

**Note:** See Exhibit 2 for eligible livestock for ECP purposes.

**93 Eligibility of Native Americans**

**A Native American Tribes**

A Native American tribe that owns eligible land is eligible for C/S.

**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.

**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 and are eligible for C/S.

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:

- qualified 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 Government Entities

### A State Government and Agencies

A State government, or any of its agencies, is not an eligible person or legal entity for C/S.

**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.

## 97 Organized Districts

### A Policy

Producers or groups that are eligible persons or legal entities 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 the district has both the:

- **legal obligation** to carry out the conservation improvement measures
- 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 C/S on farmland when it qualifies as an eligible person or legal entity according to paragraph 92.

**97 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.

97 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.

**Note:** The company is not obligated to improve the system.

A few individual members of XYZ collaborate on an effort to rehabilitate the company's earth ditches that service their cropland. If XYZ contributes to the costs of lining 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.

98-110 (Reserved)





**Section 2 Land Eligibility****111 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, 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
- used as grazing for commercial livestock production

## 111 Eligible Land (Continued)

### A General Provisions (Continued)

- where conservation structures are installed

**Example:** Examples of conservation structures include waterways, terraces, sediment basins, diversions, windbreaks.

- 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
- 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.

## 111 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.

<b>Example</b>	<b>Damaged Area or Structure</b>	<b>Eligibility</b>	<b>Reason for Ineligibility</b>
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 this paragraph.

## 111 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.	
13	Damaged fence, involving livestock.	Yes <b>Note:</b> 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.

**112 Ineligible Land****A General Provisions**

Land that is ineligible for ECP, includes land:

- owned or controlled by the United States

**Note:** See paragraph 115.

- owned or controlled by States, State agencies, or other political subdivisions of a State

**Note:** See paragraph 115.

- 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 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

**112 Ineligible Land (Continued)****A General Provisions (Continued)**

- damaged by wildfire started by other than natural causes
- devoted to trees for timber production
- 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, consider available options from FLP.

**B Frequent Damage Provisions**

When 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 that may include, but need not be limited to the following:

- location of the land
- history of damage to the land
- 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.

Land is considered as being subject to frequent damage when damaged to the extent rehabilitation is required 3 or more times in the last 10 years, including the current year, by the same type of disaster.

Further, when making determinations, information may be obtained and used from FEMA or other Federal, State, or local entity, which shows, for example, flood susceptibility for the land, soil surveys, aerial photographs, or flood plain data.

**112 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 (subparagraph E) to obtain the producer's written agreement.

**D C/S Authorization**

C/S 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.

## 112 Ineligible Land (Continued)

## E Example of CCC-170

The following is a completed example of CCC-170.

This form is available electronically.	
CCC-170 (06-03-94)	U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation
<b>AGREEMENT FOR ECP ASSISTANCE FOR LEVEES NOT YET REPAIRED TO CORPS OF ENGINEERS' SPECIFICATIONS</b>	
1. STATE NAME Pennsylvania	2. COUNTY NAME Lebanon
3. PRODUCER'S NAME James Michaels	4. FARM NUMBER A-45
<p>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:</p> <ul style="list-style-type: none"> <li>• restore the ECP practice or practices for which cost shares are paid, without the benefit of additional cost shares</li> <li>• refund cost shares as determined by the County FSA Committee for the county in Item 2 above</li> </ul>	
<p>/s/ <i>James Michaels</i></p> <hr/> <p>Signature</p>	
<p style="text-align: right;">XX-XX-XXXX</p> <hr/> <p>Date (MM-DD-YYYY)</p>	
<p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all 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, genetic information, political beliefs, 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, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.</small></p>	



## 113 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.

In order for the nondesignated ECP county to administer the C/S process for the eligible land physically located in the ECP designated county, the county must be added to the disaster ID. State Office Program Specialist must contact the ECP-PM requesting the disaster ID be updated to include the county.

## 114 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.

Farmland owned by a Native American or a Native American tribe if determined eligible for ECP will be included in the applicable Disaster ID, as being associated with the applicable county.

## 115 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 a C/S request for State-owned land and the...	THEN the land is...
<ul style="list-style-type: none"> <li>person or legal entity will directly benefit from the practice</li> <li>land will likely remain in agricultural production</li> </ul>	eligible for C/S.
practice is for the primary benefit of the State or State agencies	ineligible for C/S.
person is prohibited by the lease from accepting C/S	

## 115 Government-Owned Land (Continued)

**B Federally Owned Land**

The following table shows eligibility policies on Federally owned land.

<b>IF an eligible person or legal entity files C/S request on...</b>	<b>AND...</b>	<b>THEN the land is...</b>
Federally-owned farmland	<p>all of the following apply:</p> <ul style="list-style-type: none"> <li>• a private person or legal entity is farming the cropland</li> <li>• a person or legal entity has a lease that does not prohibit C/S</li> </ul> <p><b>Note:</b> Private persons or legal entities exclude Federal and State agencies.</p> <ul style="list-style-type: none"> <li>• the practice will primarily benefit nearby or adjacent privately owned farmland of person or legal entity performing the practice</li> <li>• a person or legal entity performing the practice has authorization from Federal agency to install and maintain the practice</li> <li>• the Federal land is the most practical location for the practice</li> </ul>	eligible.
	during a drought, the practice will primarily benefit the livestock owned or managed by the person or legal entity performing the practice	
	<p>the practices performed on these lands are for the benefit of land owned by a Federal agency</p> <p><b>Note:</b> See paragraph 45 for policy on easements, rights-of-way, etc.</p>	ineligible.

**C Land Temporarily Owned by the United States**

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

**116 Prohibition of Duplicate Benefits****A Land With Practices Approved Under Other C/S Programs**

C/S is not eligible to be earned for land on which the producer has or will receive funding from any other Federal or State C/S program that covers the same or similar expenses to create duplicate payments or, in effect, a higher rate of C/S than is allowed. Other C/S programs include but are not limited to:

- CRP
- EQIP
- EWP
- TAP
- WRP
- Emergency WRP.

**B Land With Practices Under Practice Maintenance From Other C/S Programs**

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

**C Determining Eligibility and Duplicate Benefit Applicability**

C/S is not eligible for rehabilitating land on which the producer is required to maintain the practice or the land is under any other Federal or State C/S program.

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

<b>IF...</b>	<b>AND...</b>	<b>THEN C/S may...</b>
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 performed utilizing C/S from another program	the component treats the same problem on the same land	<b>not</b> be authorized.
participants have or will receive funding on the same acreage under: <ul style="list-style-type: none"> <li>• CRP</li> <li>• WRP</li> <li>• EWRP</li> </ul>		
participants have or will receive funding for the same or similar expenses under EQIP, EWP, or other C/S so as to create duplicate payments, or, in effect, a higher rate of cost share than is allowed		

**116 Prohibition of Duplicate Benefits (Continued)**

**D Refund of ECP Payment**

Participants who receive any duplicate funds, payments, or benefits shall refund any ECP payments received if the ECP practice is still within its lifespan.

Refunds shall be processed according to 3-FI.

**117-130 (Reserved)**

### Section 3 Practice Eligibility

#### 131 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 12 for nationally approved practices.

#### 132 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.

#### 133 Practice Lifespans and Maintenance

##### A Natural Disaster

Practices 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.

**133 Practice Lifespans and Maintenance (Continued)****B Damage Occurring During Lifespan**

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

<b>IF the ECP C/S practice is...</b>	<b>THEN...</b>
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 12.

**C Requirements**

Producers shall maintain practices according to Exhibit 12.

**D Maintenance**

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

**Note:** County Offices shall advise producers of the requirement to maintain the practice for its useful lifespan.

**134 Size of Structures****A Determining Eligible Size of Structures**

COC shall limit C/S on any practice to the smaller of that which:

- existed before the disaster
- is needed to solve the conservation or environmental problem if different than prior existing size, and is according to NRCS standards and specifications.

**Note:** The costs of installing the part of a structure that is larger than the part that originally existed **and** beyond the minimum restoration needed is the participant's responsibility.

**135 C/S for Minerals and Seeds**

**A Authorized C/S**

C/S 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.

**Example:** Waterways, terraces, and spillways. C/S for re-establishing cover on fields is not authorized.

**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.

**136-149 (Reserved)**





**Part 6 Natural Disaster Event Occurrence and ECP Implementation**

**Section 1 ECP Action When Disaster Occurs**

**150 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 authorization to implement ECP.

- Include the policy, sign-up dates, and specific criteria for producer and farmland eligibility in the information release.

**Note:** See Exhibit 13 for information release examples.

- See paragraph 153 for enrollment period requirements.

**C Program Availability**

All producers, regardless of race, sex, religion, color, age, national origin, marital status, politics, or disability shall have an opportunity to request C/S.

**151 County or Area ECP Implementation Request****A Summary of Steps**

ECP requests shall be implemented according to the following steps.

<b>ECP Implementation Request</b>	
<b>Step</b>	<b>Action</b>
1	<p>COC determines to seek ECP implementation approval:</p> <ul style="list-style-type: none"> <li>• COC conducts immediate assessment of damage when disaster occurs. As needed, consult members of CEB to assist with conducting damage assessments.</li> <li>• CED convenes CEB to review potential losses. See 1-DIS.</li> <li>• CED completes Loss Assessment Report (STORM).</li> <li>• CED creates description of the disaster as it affects agricultural land in the county.</li> <li>• For drought requests, CED documents Drought Monitor or precipitation and hydrology data.</li> <li>• CED creates county map with damage site identified.</li> <li>• COC determines ECP practices needed based on damage assessments.</li> <li>• COC determines the number of farms expected to request C/S assistance.</li> <li>• COC determines C/S need estimate based on damage assessments.</li> <li>• CED consults NRCS about applicable TA needs.</li> <li>• CED obtains DD concurrence to request ECP implementation.</li> <li>• CED submits implementation request to State Office.</li> </ul>

**151 County or Area ECP Implementation Request (Continued)****A Summary of Steps (Continued)**

<b>ECP Implementation Request</b>	
<b>Step</b>	<b>Action</b>
2	<p>SED consults with and submits ECP implementation request to ECP-PM.</p> <ul style="list-style-type: none"> <li>• State Office may seek preliminary implementation concurrence by telephone or e-mail.</li> <li>• State Office shall review and forward COC documentation to ECP-PM as a formal request.</li> </ul>
3	<p>ECP-PM.</p> <ul style="list-style-type: none"> <li>• Evaluate request and its documentation.</li> <li>• Assign Disaster ID (event specific code for processing applications).</li> <li>• Prepare and issue response memo.</li> <li>• Earmark funds if available.</li> <li>• If no funds are available, advise State Office accordingly.</li> </ul>
4	<p>Upon receipt of implementation authorization:</p> <ul style="list-style-type: none"> <li>• COC shall establish the signup period.</li> <li>• Counties shall inform and educate producers about ECP by using press releases, radio spots, newsletters, and flyers.</li> <li>• County Offices shall copy applicable components from State list to their County list.</li> <li>• Provide an updated funds need to the state office after the enrollment period has ended and COC determines the amount to be approved.</li> </ul>

**151 County or Area ECP Implementation Request (Continued)****B 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 announcing the availability of C/S assistance.

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

- description of the disaster
- areas of county affected
- practices needed
- an estimate of funds needed
- a review of the policy about small payments according to paragraph 43.
- policy about frequent damage in paragraph 112.

**C Implementation Requirements for Damaged Farmland**

If new conservation problems are 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.

**Note:** See subparagraph 43 A.

For severe drought implementation requests, see subparagraph F.

**D 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.

**151 County or Area ECP Implementation Request (Continued)****E Written Documentation**

COC or designee must follow telephone concurrence with written documentation supporting the implementation request to the State Office. The State Office shall review and forward documentation to ECP-PM. See Paragraph 153.

The COC's documentation shall include, at the minimum, the following:

- the date and type of disaster and a description of the disaster as it affects agricultural land in the county
- names of the counties or parts of counties involved
- a copy of the Loss Assessment Report (STORM)

**Note:** See 1-DIS.

- map of affected area, including county names and boundaries
- 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 practice proposal.

- the number of farms expected to receive C/S assistance
- the estimated amount of C/S and TA funds needed to administer the program
- that ECP has been documented as 1 of the types of USDA assistance required
- any other pertinent information supporting request for funds, including documentation of any information supplied earlier by telephone or e-mail.

**151 County or Area ECP Implementation Request (Continued)****F Severe Drought Designation and Implementation Requests**

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

A severe drought condition exists when available water from sources currently being used for livestock or orchards and vineyard irrigation have been reduced below normal and survival is unlikely without additional water.

To qualify for an ECP drought designation, in addition to the documentation requirements in subparagraph E, COC shall provide STC a report of current conditions and evidence to support the implementation request.

ECP implementation for drought is based on COC submitting evidence that the county precipitation levels indicate an average of 40 percent or greater loss of normal precipitation for the 4 most recent months, plus the days in the current month before the date of request.

**Note:** Arid areas relying on snowpack, in addition to recurring precipitation, for surface water supplies can provide applicable snowpack data.

To document the county's precipitation data, County Offices shall complete CRP-42, items 1 through 7 and item 44. See 2-CRP.

**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.

The precipitation data collection requirement may be waived if the county has been designated as level "D3 Drought-Extreme" according to the U.S. Drought Monitor.

The U.S. Drought Monitor is available at <http://www.drought.unl.edu/dm/monitor.html>.

**G Other Available Funds**

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

For example, since ECP funds target a specific farmland rehabilitation need, EQIP funds may be utilized instead of ECP funds, to address land rehabilitation needs and additional resource enhancement measures.

**151 County or Area ECP Implementation Request (Continued)**

**H Coordinating ECP With Other Agencies**

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

**I COC Review of C/S Data**

COC shall annually review C/S data to ensure that practice establishment costs are updated. A review of supporting C/S data and documentation for average costs for implementing the applicable ECP practices shall be documented in the COC minutes. The C/S data shall be verified by the STC representative.

**152 State Office Submission of ECP Implementation Request**

**A ECP-PM Consultation**

For all natural disasters, 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 may request implementation for a single county or group of counties based on information received about the affected areas of the State.

**Note:** If warranted, SED may request implementation in a county where COC has not requested implementation.

SED shall:

- not delay consultation of a County Office's request for several days in anticipation of receiving other County Offices' requests

**Note:** However, SED may compile multiple counties' formal requests for submission to ECP-PM.

- notify County Offices of concurrence or nonconcurrence by telephone and follow up in writing.

**152 State Office Submission of ECP Implementation Request (Continued)****B Formal ECP Implementation Request**

SED or designee shall review COC's formal implementation request for completeness. If deemed acceptable, SED or designee shall e-mail formal implementation request to ECP-PM.

A formal implementation request must include all pertinent information about the disaster. In addition to the data provided by the County, the SED's formal implementation request must also include:

- a cover memo summarizing the ECP request, signed by SED or designee
- an estimate of funds, if needed, for all counties included in the implementation request

**Note:** If available, funds will be allocated after the County's enrollment period has ended and an updated funds request is submitted to the ECP-PM.

**C SED and STC Implementation 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.

**D 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 151 F:

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

When a county or multiple counties qualify for an ECP drought implementation, SED may submit a single or multiple county ECP implementation.

SED shall monitor designated counties to determine whether drought conditions still exist and whether the program is still required to solve drought-related problems

**Note:** If it is determined that ECP is no longer required, COC guidelines shall be provided to:

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



## Section 2 Accepting C/S Requests

## 153 Sign-up Period

## A Establishing a Signup Period

COC shall establish a signup period for filing C/S requests as soon as concurrence has been granted by the National Office 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.

**Note:** County Offices may allow a small amount of time before beginning sign-up, to allow for sufficient outreach activities.

ECP-PM may approve extensions of signup periods longer than 60 calendar days with adequate justification, such as the:

- county remains in D3 when implementing ECP for drought
- extent of damage is so widespread, the length of the sign-up period was **not** sufficient to accommodate all potential applicants and the County Office has reasonable expectations additional sign-up activity will occur.

## 154 Accepting ECP Applications

### A Summary of Steps

If ECP is determined an eligible solution to the producer's emergency, assist producer with filing the ECP request for C/S.

<b>ECP C/S Request Acceptance</b>	
<b>Step</b>	<b>Action</b>
1	<p>Producer's C/S request shall be completed using CSS.</p> <ul style="list-style-type: none"> <li>• Request data is entered into CSS.</li> <li>• FSN, Tract, Practice.</li> <li>• Assist the applicant in describing the disaster damage.</li> <li>• Print FSA-848 for producer signature.</li> <li>• Producer signs FSA-848, page 1.</li> <li>• Complete CCC-770 ECP-1 as determined by SED.</li> <li>• County Office assists with producer eligibility forms completion.</li> </ul>
2	<p>County Office reviews with applicant provisions associated with:</p> <ul style="list-style-type: none"> <li>• minimum cost of restoration (paragraph 43)</li> <li>• risk of initiating practice before approval: <ul style="list-style-type: none"> <li>• funding is not guaranteed</li> <li>• environmental and cultural resource compliance evaluations required</li> </ul> </li> <li>• needs determination process</li> <li>• application review process</li> <li>• minimum required lifespan for the practice</li> <li>• remaining steps in the application process.</li> </ul>

**154 Accepting ECP Applications (Continued)****B When to File Requests**

COC may accept requests for assistance on an ECP application before:

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

Producers **must** be advised that:

- filing an application does **not** imply funds are available
- the financial risk of beginning a practice without written approval from FSA will be the producer's responsibility.

**C FSA-848 Requirements**

ECP applications shall be filed on the automated FSA-848. Multiple practices may be requested on a single FSA-848.

**Note:** A manual FSA-848 may be accepted **only** when CSS is **not** available. However, all manual FSA-848's must be loaded in CSS once the system becomes available.

**D Number of ECP Applications**

The number of persons and legal entities involved in a practice has no bearing on the number of ECP applications created for that practice.

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

- prepare only one ECP application for the practice
- record the multiple producer data according to the CSS User Guide.

**154 Accepting ECP Applications (Continued)****E Assisting Applicants Filing ECP Applications**

When an applicant requests a practice, advise producers of ECP eligibility requirements. Take the following action to assist applicants in filing ECP applications.

<b>Step</b>	<b>Action</b>
1	Help the applicant describe the disaster damage.
2	Determine whether ECP is an eligible solution.
3	Advise applicant of responsibility for complying with ECP requirements.
4	Advise applicant of responsibility for complying with environmental and cultural resource compliance requirements.
5	Obtain and record any information needed to determine practice priority and eligibility.
6	Advise the applicant that funding approval is not guaranteed and initiating a practice before approval is a risk assumed by the applicant.
7	Advise the applicant of the minimum required lifespan for the practice.
8	Ensure that the applicant understands the meaning of the practice provision, “after the calendar year of installation”.
9	Have the applicant complete CCC-860 if the applicant requests consideration under limited resource provisions.

**F Late-Filed Requests**

COC may accept late-filed requests if justified.

Justification considerations may include:

- physical existence of the claimed damage, which still exists, and the impact on normal farming operations
- must be identifiable and verified by a farm visit
- documentation may be obtained by another governmental agency
- in cases of drought, the affected area remains in D3 on the U.S. Drought Monitor.

**154 Accepting ECP Applications (Continued)****G 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 161.

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 available. See subparagraph I.

If funds become available, process all applications for C/S.

**H 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 accepted, COC shall evaluate the request and determine whether ECP implementation is warranted. If COC determines to:

- request ECP implementation, proceed with the provisions of this section
- not request ECP implementation, inform the applicant, in writing, of the lack of program funds.

**Note:** See the example letter in subparagraph I.

**154 Accepting ECP Applications (Continued)****I Example Letter for Producers About Lack of Funds for ECP**

The following is an example letter to notify producers of lack of funds for ECP.

<p style="text-align: center;"><b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency (Insert county name, office address, and telephone number)</p> <p>(Insert applicant's name and address)</p> <p>Dear Mr. Smith:</p> <p>The _____ County Farm Service Agency 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.</p> <p>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.</p> <p>The damage assessment made on your land will help COC make a determination on your request if funds become available.</p> <p>_____ County Executive Director</p> <p><b>Note:</b> Letter may be adapted for drought situations.</p>
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**155 Obtaining Needed Information**

**A Obtaining Information From Producers**

Obtain necessary information from the producer when the ECP application is filed.

**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.

**156-160 (Reserved)**





## Section 3 Reviewing C/S Requests

## 161 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:

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

**Notes:** 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”.

Onsite inspections are required for USDA or County Office employees according to subparagraph 175 A. DD and SED shall be notified of a County Office employee’s request, and DD or State Office employee shall perform the inspection.

- determined whether:
  - the type and extent of damage qualified according to paragraph 151
  - applicant has started restoration work
  - the damage resulted from a type of disaster that does not occur frequently in the area as defined in paragraph 111
- documented damage with at least:
  - 1 dated photograph
  - GPS coordinates
  - description of magnitude of damaged or destroyed fencing, conservation structures, farmland, etc.

**161 Onsite Inspection (Continued)****A Documenting Damage (Continued)**

Although conducting onsite inspections is the preferred method for determining and documenting damage, to help reduce County Office travel and administrative expenses related to onsite inspections, initial onsite inspections are required for ECP applications where the estimated payment is higher than \$5,000. County Offices shall perform limited initial onsite inspections of 10 percent for those applications where the C/S payment is estimated to be less than \$5,000.

Although this allowance is intended to help reduce County Office travel and administrative expenses, the provision **does not apply** to environmental or cultural resource compliance reviews. See paragraph 162.

**Note:** Onsite inspections are required for USDA or County Office employees.

**B Inspection Waiver Request**

The requirement for onsite inspections will only be waived in dire circumstances when documentation shows the natural disaster 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.

**161 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.

**Note:** Waiver requests for County Office employees shall not be submitted.

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

- waiver requests
- the required documentation for waiver requests to 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 of waivers on 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.

**161 Onsite Inspection (Continued)****E 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 to use an approved waiver for a particular application or not.

**162 Environmental Compliance and Cultural Resource Protection****A Environmental and Cultural Resource Considerations**

COC shall not approve C/S when the potential exists to adversely affect endangered species, wetlands, or historic properties according to 7 CFR Part 799 and 1-EQ.

COC shall **not** approve C/S for practices that would drain or negatively affect the quality of any wetlands as defined in the NRCS Field Office Technical Guide.

**Note:** Consult SEC for guidance on environmental and cultural resource protection compliance.

**B Required Environmental and Cultural Resource Evaluations Before C/S Approval**

NEPA requires Federal agencies to consider the effect of its program activities on the environment.

For each C/S request, FSA or the assigned technical agency, shall complete an evaluation of the proposed practice or practices by successfully completing FSA-850 or NRCS-CPA-052 (or State equivalent), according to 1-EQ to determine whether the proposed practice would have any adverse impacts to the environment or cultural resources. The environmental evaluation shall be completed **before** COC approval.

**Note:** The State equivalent in this subparagraph is acceptable only if all Federal requirements are incorporated and met.

Follow guidance provided by the SEC and 1-EQ when completing or reviewing an environmental evaluation.

To ensure that compliance is achieved, FSA-848A approval date cannot be earlier than the FSA-850 preparer's signature date in item 19d. The FSA-850 preparer as well as the concurring official, if necessary, must sign FSA-850 before the environmental evaluation can be considered complete, according to 1-EQ, paragraph 23.

**162 Onsite Inspection (Continued)****C Action When Practice Is Initiated Before C/S Approval**

Because some disaster events necessitate the producer taking immediate rehabilitation steps, FSA-850 may not always be properly completed beforehand. The successful completion of FSA-850 with no adverse impacts identified, according to 1-EQ, is still required.

In cases when the ECP activity only involves debris removal and no ground disturbance is expected to result beyond any previous disturbance, such as disturbance below original plow zone, the environmental evaluation requirement remains. Agencies must still comply with NHPA Section 106 consultation requirements (which includes SHPO, THPO, and Tribal consultations), ESA Section 7 consultation requirements, and laws covering wetland protection.

Though completed after the rehabilitation activity was initiated, FSA-850 must document the producer's need to take the applicable necessary emergency actions. If it can be determined, the documentation on FSA-850 should reflect how the activity did not significantly affect the quality of the environment.

However if the rehabilitation activity results in unacceptable ground disturbance such as disturbance below the original plow zone, or a determination cannot be made because the activity did not significantly affect the quality of the environment, C/S cannot be approved.

**D Presidential Disaster Designations**

As provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93-288, as amended, 42 U.S.C. 5121-5207, and related authorities, agencies are exempt from NEPA requirements in certain emergency responses. Debris removal is 1 such emergency response the Stafford Act deems not an activity significantly affecting the quality of the environment.

However, agencies must still comply with NHPA Section 106 consultation requirements (which includes SHPO, THPO, and Tribal consultations), ESA Section 7 consultation requirements, and laws covering wetland protection.

Therefore, a completed FSA-850 is required for all ECP projects before C/S is approved, even those only involving debris removal when the debris results from a Presidential declared disaster.

**162 Onsite Inspection (Continued)****E Other Designated Disasters**

The successful completion of FSA-850 is required if the disaster is not a Presidentially declared disaster.

In cases when the ECP activity only involves debris removal and no ground disturbance is expected to result in disturbance beyond any previous disturbance, such as disturbance below original plow zone or burial of debris, the environmental evaluation requirement remains. Agencies must still comply with NHPA Section 106 consultation requirements (which includes SHPO, THPO, and Tribal consultations), ESA Section 7 consultation requirements, and laws covering wetland protection.

**163 Refusals to Permit Farm Entry or Inspection****A Producer Refuses USDA Representative Entry**

If a producer refuses to permit an FSA representative or other TA provider to enter the farm, the representative shall:

- immediately notify CED
- document the following on FSA-848, item 16 (Needs Determination):
  - refusal date
  - person who made the refusal
  - sign and date FSA-848, item 16 (Needs Determination).

**B County Office Action**

When advised of a refusal to permit entry, the County Office shall:

- immediately notify the producer of the following in writing:
  - refusal date
  - person who made the refusal
  - person who was refused entry
  - that FSA considers the land ineligible for ECP
  - if entry refusal is reconsidered by the producer, the County Office shall be informed in writing
- make no further effort to enter the farm after notifying the producer of the refusal, and until producer informs the County Office in writing otherwise.

## 164 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 their own resources
- approval of C/S 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
- environmental and cultural resource protection compliance is met.

### B Ineligible Practices

The practice is ineligible if any of the following apply:

- the practice was started **before** approval by COC

**Notes:** See subparagraph 171 C for an exception to this provision.

FSA-850, or NRCS-CPA-052 **must** be completed **before** COC determination of practice approval.

- the practice was started before request for ECP assistance was filed on the ECP application

**Notes:** See subparagraph 175 C for an exception to this provision.

FSA-850 or NRCS-CPA-052 **must** be completed **before** COC determination of practice approval.

- the work is considered normal upkeep, maintenance, or upgrading
- a water impoundment or improvement facility is primarily for household or recreational use

**164 Determining Eligibility (Continued)****B Ineligible Practices (Continued)**

- 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
- 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.

**165 Using Priorities****A Prioritizing All Requests**

All ECP applications shall be prioritized by COC before approval.

**B Prioritization Factors**

Prioritization factors to be considered when 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 TA
- environmental concerns
- welfare of eligible livestock
- status as limited resource producer
- practice lifespan.

**Note:** Practices with lifespans shall be given higher priority when considering application approvals.

**166-170 (Reserved)**



## Section 4 Approving C/S Requests

## 171 Approvals and Disapprovals

## A Reviewing Requests

An STC representative shall review a sample of ECP applications **before** COC approval to ensure that ECP applications reviewed meet ECP requirements.

At a minimum, the STC representative shall review the first five ECP applications accepted by the County Office, within 2 weeks of acceptance and **before** COC approval.

CCC-770 ECP-1 is an acceptable method of documenting this review.

## B COC Action

COC shall:

- advise applicants in writing of action taken, or to be taken, on ECP applications
- issue a practice approval only if **all** of the following are met:

- ECP application is eligible for C/S
- the damage was the result of a disaster not occurring frequently in the area

**Example:** Three or more occurrences in the last 10 years, including the current disaster.

- the estimated start date has been documented

**Note:** This information shall be documented on FSA-848, item 6, along with site and practice objectives.

- the producer filed the ECP application **before** starting the practice

**Note:** See subparagraph C for information on granting relief.

- 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 TA has made any necessary technical determinations
- funds have been allocated to the county

**171 Approvals and Disapprovals (Continued)****B COC Action (Continued)**

- complete CCC-770 ECP-1 (Exhibit 5) **before** approving the ECP application only if deemed necessary by COC, SED, or STC representative

**Note:** County Offices that have **not** implemented ECP within the last 5 years shall complete CCC-770 ECP-1 on its first 10 applications.

- complete FSA-23 (Exhibit 17) **before** approving the ECP application
- complete FSA-850 (Exhibit 18) or NRCS-CPA-052 (or NRCS State equivalent) **before** approving the ECP application.

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

**C Granting Relief for Starting an ECP Practice Before Filing Application**

In certain instances, producers must take immediate action and initiate restoration measures before filing an ECP application. With concurrence of STC or its representative, COC may waive the prior approval rule in subparagraph B, on a case-by-case basis, when a producer does not submit the ECP application before starting the practice, only 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 include emergency repair of:

- fences to contain livestock
- a dam that poses an immediate threat to life and property.
- ECP application was filed between the date of the disaster and the end of the signup period.

## 171 Approvals and Disapprovals (Continued)

**C Granting Relief for Starting an ECP Practice Before Filing Application (Continued)**

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

**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 about drilling for a well in March. 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.

COC may grant the prior approval rule relief without requiring a specific request from the applicant; COC may consider the filing of the producer's ECP application as the request for relief of the prior approval rule.

In certain instances, producers may need to start the ECP practice after filing the ECP application, but before the application can be approved. With concurrence of STC or its representative, COC may waive the prior approval rule in subparagraph B, on a case-by-case basis, if justified. Justification may include availability of contractor, or action needed to prevent further losses.

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.

COC may grant the prior approval rule relief without requiring a specific request from the applicant; COC may consider the filing of the producer's ECP application as the request for relief of the prior approval rule.

**172 Limited Resource Provisions****A Limited Resource Producer C/S Rate**

The maximum C/S level for limited resource producers is 90 percent. COC may authorize C/S up to 90 percent for limited resource producers only; this provision does not apply to underserved or beginning farmers.

**B Limited Resource Determinations**

Limited resource C/S level shall be approved only when the producer certifies on CCC-860. See 1-CM.

Make this determination before approving the related ECP application.

**C Limited Resource C/S**

If some eligible persons or legal entities contributing to a practice will qualify for limited resource level and others will qualify for regular levels, C/S will be automatically calculated with a limited resource C/S percentage for producers designated as limited resource.

**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/](http://www.lrftool.sc.egov.usda.gov/).

**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 is made available to limited resource producers. To assist in outreach efforts, consult with State Outreach Coordinator. Effective outreach is a result of identifying and informing the targeted producers of ECP.

**173 Disapprovals and Deferred Action****A Disapproving Requests**

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

- reason for disapproval, according to the CSS User Guide
- 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 or practices
- reason for disapproval.

**C Deferred Action**

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

**174 Pending Requests****A Maintaining Pending Requests**

Maintain a file of pending ECP applications that COC would be willing to approve if funds were available. See the CSS User Guide.

**Note:** The original request shall remain on file until approval or disapproval.

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 request amounts for ECP applications where needs change. Modify county funding request, if necessary.

## 175 Requests Requiring Special Approval

### A Reviewing and Approving Requests for ECP Assistance

STC or DAFP representative review is required for certain FSA-848's before approval. The following table shows required reviews, responsible review official, and responsible approval or disapproval official.

<b>A request for ECP C/S for...</b>	<b>MUST be reviewed by...</b>	<b>BEFORE FSA-848A approval or disapproval by...</b>
<ul style="list-style-type: none"> <li>• COC members</li> <li>• NIFA employees</li> <li>• FSA Service Center employees</li> <li>• other Service Center or county USDA employees</li> <li>• Conservation District board members</li> </ul>	STC or STC representative	STC or STC representative.
State Office employees	STC	STC.
STC members	DAFP	SED.
SED's	DAFP	STC.
other FSA employees	DAFP	STC.

**Note:** Reviews must be completed for an entity for which the employees, who are subject to a required review, have an interest, according to payment limitation rules currently in effect.

### B C/S Approval Authority

Approvals for total C/S per person or legal entity, per ECP-designated disaster, shall be as follows.

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

**175 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 approval considered
- ECP practices that are involved
- copies of FSA-848 and FSA-848A
- a completed copy of FSA-23 for each request submitted (Exhibit 17)

**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
- copy of FSA-850 or NRCS-CPA-052
- COC and STC recommendations, as applicable.

**176 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 C/S 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 C/S and justification for the recommended amount, shall be considered if STC or ECP-PM approval is required.

**177 Documenting COC Decisions****A Action**

COC shall review the ECP application and document the decision on the hard copy of FSA-848A.

**B COC Determinations**

All COC determinations involving action taken on all ECP applications **shall** be recorded in the COC minutes.

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

- producer's name and agent's name, if applicable
- control number
- FSN
- practice or practices
- C/S approval.

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



## 177 Documenting COC Decisions (Continued)

**C Notify Applicant**

Notify applicant of the practice extent and approved C/S with a copy of FSA-848A.

**Note:** Inform the producer that FSA-848A **must** be signed and returned to the County Office within 15 calendar days. If FSA-848A is not returned timely, contact producer to determine whether program participation is still desired.

Include the signed agreement and other explanatory information needed to help the applicant perform the practice or practices and qualify for C/S. Examples of this information include the following:

- practice specifications and any other information needed to comply with program requirements

**Note:** Include a reminder to consult TA provider as questions arise regarding practice specifications

- completing performance reports
- 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
- encouraging the applicant to complete the practice or practices at the earliest possible time
- advising the applicants of their responsibility to obtain necessary easements and permits.

**178 Setting Expiration Dates****A Practice Expirations and Extensions**

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 evaluated by COC and the request and recommendation forwarded to the STC representative
- shall be documented and approved by an STC representative.

STC or its representative may approve 2 extensions, totaling up to 1 year in length, beyond the initial 6 month expiration date, under unusual circumstances.

**C Drought Extensions**

COC's evaluation of drought practice extension requests, must include an assessment of current drought conditions and current availability of water.

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

**D Documenting Extensions in COC Meetings**

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

- producer or agent's name
- FSN, application, control number
- practice or practices
- reason for extension
- COC recommendation to STC
- STC or STC representative action
- ECP-PM action, if this action was required.

**179 Expiration Notice**

**A Preparing Practice Expiration List**

At least monthly, COC shall prepare the practice expiration list from CSS to identify those approved practices expiring within 30 calendar days.

**B Generating and Issuing Expiration Notice**

Generate practice expiration letters to participants with approved practices expiring within 30 calendar days.

**180 Canceling Approvals**

**A Canceling Approved ECP Agreements**

Cancel an approved ECP agreement when the performance report is not filed by the expiration date.

- Notify the assigned technical agency.
- Document the action taken on FSA-848A and notify the producer of the cancellation.

FSA-848A must be canceled using the agreement maintenance module as described in the CSS User Guide.

**180 Canceling Approvals (Continued)**

**B Suspending Cancellation**

If the County Office has a definite indication the practice was performed in a timely manner but the performance report on FSA-848B, page 1 is not filed promptly, cancellation may be delayed.

- Certification of performance on FSA-848B, page 2 and personal knowledge of a COC member or County Office employee are acceptable reasons for suspending cancellations.
- Immediate action shall be taken 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.

**Note:** See Exhibit 10 for an example of a completed FSA-848B.

**181-200 (Reserved)**

**Section Accepting Practice Performance Reports**

**201 Filing Performance Reports**

**A Summary of Steps**

When the participant completes the approved practice, the participant will then file the performance report.

Producer signs and returns FSA-848B to the County Office. The County Office shall complete the following steps:

- review the submitted bills for accuracy and eligible items
- enter producer certification data in CSS and print FSA-848B
- obtain TA provider agency certification on FSA-848B
- issue C/S payment once all requirements have been met and all signatures are obtained
- ensure that accounting records are passed to (NPS) where payment is issued and receivable is applied, as applicable.

**B Who May File**

Any eligible person or legal entity that paid a part of the eligible cost of a completed practice may sign the performance report. See subparagraph 92 A and 1-CM for provisions on determining eligibility for minors.

**201 Filing Performance Reports (Continued)****C Performance Reports**

To be eligible for C/S payments, participants who perform approved practices must report performance on FSA-848B, and provide any required supporting data by the practice completion date. See Exhibit 10 for a completed example of FSA-848B.

**D 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 FSA-848A. Mailed reports shall be date-stamped upon receipt.

The following provides guidelines for signatures on performance reports.

<b>IF...</b>	<b>THEN...</b>
FSA-848B, page 1 is signed by a person or legal entity other than the participant to whom FSA-848A was issued	determine whether the person or legal entity is authorized to file the report according to subparagraph A.
practice or practices were 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 FSA-848A accordingly.
practice, practices, component, or components were not completed	FSA-848B, page 3 shall 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	the person or legal entity are not required to sign FSA-848B.

**202 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 the STC representative.

**B Filing in Timely Manner**

FSA-848B, page 1 is filed in a timely manner when 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 FSA-848B, page 1 was received in a timely manner, do not question the producer's failure to date FSA-848B.

**C Not Filing in Timely Manner**

For reports not filed in a timely manner, enter either of the following on FSA-848B:

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

Cancel the ECP agreement to deobligate funds, and notify the participant with appeal rights.

**203 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 for reporting practice information.

<b>IF...</b>	<b>THEN...</b>
some or all aspects of performance shall be certified by another agency	do not process until FSA-848B, page 2 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 Another Agency**

If another agency certifies performance, obtain the practice extent from the assigned technical agency's certification on FSA-848B.

**204 Recording Practice Location****A Record Location**

Record the location of all practices performed for C/S payment on an aerial photo or photocopy or in GIS layer, as appropriate.

Use GIS, 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.



## 205 Supporting Data

### A Obtaining Evidence

In all cases, obtain evidence to determine whether practice requirements are met and to determine proper payment. This includes the following:

- necessary invoices
- canceled checks
- paid receipts
- analysis tags
- other similar evidence to document the costs incurred.

### 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 table.

Step	COC Action
1	Applicant must provide satisfactory evidence to determine whether practice requirements were satisfied, which may include: <ul style="list-style-type: none"> <li>• invoices</li> <li>• canceled checks</li> <li>• paid receipts.</li> </ul>
2	Enter the actual, eligible cost of performing the components of the practice in CSS.
3	If a discount was applied, use the sale price minus the discount to compute C/S. If items were purchased in the past, but were still on hand and used in completing the ECP practice, use the sale price of the items at the time of purchase.
4	Consider costs reported paid by ineligible persons or legal entities.
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 their own labor, equipment, or materials, the producer shall submit signed, itemized statements. <p>Statements shall include the following:</p> <ul style="list-style-type: none"> <li>• dates of work performed</li> <li>• cost per hour charged for labor</li> <li>• type of equipment used</li> <li>• charge for equipment</li> <li>• type and cost of materials used</li> <li>• other applicable information.</li> </ul> <p>Costs allowed in these cases shall not exceed the prevailing current commercial rates determined by COC.</p>

**205 Supporting Data (Continued)****C Retaining Invoices and Documentation**

Keep supporting evidence for percent of cost not to exceed 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 not to exceed 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.

**206 Maintenance and C/S Refund Responsibility****A Producer Certification**

Ensure that the participant is aware of the practice maintenance and C/S refund responsibilities when certifying practice performance.

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 the ECP agreement, the practice is destroyed or not properly maintained.

**206 Maintenance and C/S Refund Responsibility (Continued)****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 either 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:
  - the written statement must be attached to the original FSA-848B
  - if a written statement is obtained from the new owner, operator, or both:
    - the original participant is no longer responsible for practice maintenance or refund of any C/S as determined by COC
    - the person signing the written statement is responsible for practice maintenance and refund of 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.

**207-220 (Reserved)**



## Section 6 Certifying Performance

## 221 Certification on FSA-848B for Practices Assigned to FSA

**A FSA Assigned Practice**

See Exhibit 10 for a completed example of FSA-848B. The participant's certification on FSA-848B, page 1, for practices assigned to FSA, may be accepted without on-farm verification if COC determines a measurement or inspection is not required. The producer must certify extent and sign FSA-848B, page 2.

**B FSA Verification of Performance**

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

<b>IF...</b>	<b>AND...</b>	<b>THEN...</b>
a performance certification is assigned to FSA	it is determined that a participant cannot reasonably be expected to determine: <ul style="list-style-type: none"> <li>the extent performed</li> <li>whether specifications have been satisfied</li> </ul>	inspection will be required to verify performance.

**C Measurements Required**

Measure amount, 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.

**D Expressing Measurements**

Determine and express fractions for measurements according to the following table.

<b>IF measurement is...</b>	<b>THEN express in...</b>
acreage	whole and fractions of acres in tenths.
<ul style="list-style-type: none"> <li>miles</li> <li>tons</li> <li>cubic yards of concrete or rubble masonry</li> </ul>	whole numbers and fractions to the nearest tenth.
<ul style="list-style-type: none"> <li>linear feet</li> <li>pounds</li> <li>cubic yards of material other than concrete or rubble masonry</li> </ul>	whole numbers.

**222 Certification on FSA-848B 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 FSA-848B, page 2 is required.

- Notify the assigned technical agency when FSA-848B, page 1 is filed if certification of the assigned technical agency performance on FSA-848B, page 2 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 FSA-848B, page 2:

- 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.

**223 Technical Practices Performed Without Technical Agency Assistance**

**A Technical Practices Performed Without Technical Agency Assistance**

Participants that proceed on a technical practice before needs are determined by a technical agency assume the risk that the practice may not be eligible for C/S.

<b>IF...</b>	<b>THEN...</b>
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: <ul style="list-style-type: none"> <li>• it is determined the practice was needed</li> <li>• practice was performed according to specifications or is qualified under the provisions of Section 7</li> <li>• all other program requirements have been satisfied</li> </ul>	practice may be eligible for C/S.

**224-230 (Reserved)**





**Section 7 Reporting Contributions****231 Multiple Persons or Legal Entities Who Share Cost of Practice****A List Persons or Legal Entities Who Share Cost of Practice**

FSA-848B 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 5-PL
- each contributor is eligible to receive C/S
- any contributors are ineligible according to paragraph 235.

**232 (Reserved)**



**233 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.

**234 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 FSA-848B. 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.

**235 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.

**Note:** See paragraph 92 to determine whether a contributor may qualify as an eligible person or legal entity.

**B Example 1**

Total cost of the ECP practice was \$5,000. Producer A, an eligible participant, incurs \$4,000 in eligible costs for the practice. Producer B, an ineligible participant, incurs and contributes \$1,000 for the practice. C/S level for the practice is 75 percent of the total eligible costs.

The ineligible contribution (\$1,000) shall be deducted from the total practice cost (\$5,000) to compute eligible C/S. C/S paid to the eligible participant shall be based on the eligible participant's contribution to the practice, which was \$4,000. Therefore, Producer A will earn a C/S payment of \$3,000 (75 percent of \$4,000).

**235 Computing C/S if Ineligible Participants Contributed (Continued)****C Example 2**

Total cost of the ECP practice was \$8,000. 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. C/S level for the practice is 75 percent of the total eligible costs.

The ineligible contribution (\$2,000) shall be deducted from the total practice cost (\$8,000) to compute eligible C/S. C/S paid to the eligible participant will be based on the eligible participant's contribution to the practice, which was \$6,000. Therefore, Producer A will earn a C/S payment of \$4,500 (75 percent of \$6,000).

**236-250 (Reserved)**



**Section 8 Change in Extent Performed****251 Changing Extent Performed as Reported by Participant****A Technical Agency's Certified Extent Less Than Participant's Reported Extent**

If assigned technical agency's certification on FSA-848B, page 2 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 FSA-848B.

**B Technical Agency's Certified Extent Greater Than Participant's Reported Extent**

If the assigned technical agency's certification on FSA-848B, page 2 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, the C/S agreement shall be modified, according to the CSS User Guide, to reflect the increased extent if **all** the following conditions exist:

- 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.

**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 for Greater Extent at No Cost**

If all conditions in subparagraph B exist, enter the units approved on FSA-848B. Do not prorate the cost and C/S based on 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. Use the agreement modification process as provided in the CSS User Guide.

**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. Use the agreement modification process as provided in the CSS User Guide.

**C Documenting Adjustment**

Signature on the revised FSA-848A is required for all adjustments.

**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. However, for agreements in CSS, use the agreement modification process as provided in the CSS User Guide.

**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**

Signature on the revised FSA-848A is required for all adjustments.

**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**

Signature on the revised FSA-848A is required for all adjustments.

**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.

**257-270 (Reserved)**



**Section 9 Miscellaneous Situations****271 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 FSA-848B that the practice will be maintained for the required lifespan or C/S will be refunded
  - assigned technical agency's certification has been considered.

**272 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.

**B COC Actions**

COC shall determine whether the producer must perform other needed measures as a condition for C/S.

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.

**273 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 table.

<b>IF materials are not applied at a specified rate and...</b>	<b>THEN...</b>
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	to determine C/S, limit C/S to the smaller of the: <ul style="list-style-type: none"> <li>• amount originally approved on the ECP agreement</li> <li>• result of multiplying the authorized amount times C/S rate per unit of material</li> <li>• result of multiplying the actual cost times the C/S percentage.</li> </ul>

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

**274 Practice Performed With Material Not on ECP Agreement****A Material Not on ECP Agreement**

A practice performed with material that was not approved on the ECP agreement 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.

**B Documenting Additional Material**

The assigned technical agency must concur. For agreements in CSS, the agreement must be modified to reflect additional components, as necessary, as provided in the CSS User Guide.

**275 Practice Completed by Successor****A Determining Payment Shares**

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

<b>WHEN a participant starts a practice and...</b>	<b>AND...</b>	<b>THEN...</b>
discontinues farming operations	the practice is completed by a successor	<ul style="list-style-type: none"> <li>the original participant or participant's estate may be paid any C/S attributable to the participant</li> <li>successor, if an eligible producer who completes the practice, may be paid and C/S attributed to the successor's contribution.</li> </ul>
sells the farm		
dies before the practice is completed		

**276-299 (Reserved)**





**Part 7 Payments**

**Section 1 (Reserved)**

**300-310 (Reserved)**



**Section 2 Computing C/S Earned****311 C/S Payments****A Issuing Payments**

Payments shall be issued according to 63-FI and the CSS User Guide. Currently, payments are automatically issued through the CSS/accounting interface when performance is recorded on FSA-848B. All of the following must be complete before performance is recorded in the system and payments are issued:

- Participant Certification (FSA-848B, page 1)
- Performance Certification (FSA-848B, page 2)
- Performance Approval (FSA-848B, page 3).

**Note:** The person authorizing the payment shall review the financial assistance details and sign FSA-848B, page 3, item 18 only if the payment is approved.

**B Payment Review**

STC representative shall:

- be responsible for ensuring that payments are justified
- provide a written report of the findings to SED.

**C Ineligible Contributions**

Ineligible contributions shall be handled according to paragraph 235.

**D Producer Maximum**

The producer shall receive no more than 75 percent of out-of-pocket costs. See paragraph 46 for bartering.

**311 C/S Payments (Continued)****E Completing CCC-770 ECP-2**

COC or designee may complete CCC-770 ECP-2 before an ECP payment is made. See Exhibit 6.

**F Making Program Payments and Reporting Data**

All allocations for ECP designations will be recorded in CFLS and eFMS. If sufficient funds are **not** available in either system, the payment request will fail.

**G 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.

**312 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 41.

**313 Computing C/S****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

**Note:** The Participant Certification (FSA-848B, page 1), Performance Certification (FSA-848B, page 2), and Performance Approval (FSA-848B, page 3) must have been reviewed, approved, and documented in CSS.

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

**Note:** C/S earned will be automatically calculated by CSS after all of the information in this subparagraph is complete.

**B Rounding**

CSS will 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 and contributions equal those estimated at approval in CSS, the C/S approved will equal C/S earned.

## 313 Computing C/S (Continued)

**D Extent Performed Less Than Extent Approved**

Use the following table when extent performed is less than extent approved.

<b>IF the extent performed is less than the extent approved, and the rate is a...</b>	<b>THEN...</b>
percent of cost not to exceed	<p>the lesser of the following will be earned:</p> <ul style="list-style-type: none"> <li>• C/S approved</li> <li>• C/S rate percentage multiplied times the total eligible cost</li> <li>• maximum “not to exceed” rate per unit multiplied times extent performed.</li> </ul> <p><b>Example:</b> 75 percent of the actual cost, not to exceed \$_____ per unit.</p>

**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 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; however, restriction of \$100 per acre applies.

## 313 Computing C/S (Continued)

**E Extent Performed Greater Than Extent Approved**

Use the following table when extent performed is greater than extent approved.

<b>IF the extent performed is greater than the extent approved, and the rate is a...</b>	<b>THEN...</b>
percent of cost not to exceed	<p>the lesser of the following will be earned:</p> <ul style="list-style-type: none"> <li>• C/S approved</li> <li>• C/S rate percentage multiplied times the total cost</li> <li>• maximum “not to exceed” rate per unit multiplied times extent performed.</li> </ul> <p><b>Example:</b> 75 percent of the actual cost, not to exceed \$_____ per unit.</p>

**314 Computing Limited Resource Payments**

**A Using Limited Resource Provision**

Ensure that qualified producers are designated limited resource, according to the CSS User Guide. The limited resource C/S percentage designated in the Program Provisioning software will automatically be used to compute C/S approved and C/S earned for producers designated as limited resource. Limited resource producers may be included on the same FSA-848A as producers not designated as limited resource.

**315-320 (Reserved)**



**Section 3 Issuing Final Payments****321 When Partial C/S 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 C/S, 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 payments only when all of the following conditions are satisfied:

- an application is made on FSA-848B, page 1
- COC and assigned technical agency determine that the completed components are a reasonable attainment toward completion of the practice
- all completed components are listed on FSA-848B, page 1
- the participant agrees to complete the practice on FSA-848B, page 1.

## 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 413 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 4 Issuing Payments****331 Issuing Program Payments****A CFLS**

All allocations for ECP designations on or after December 6, 2010, will be recorded in the web-based CFLS. If sufficient funds are not available, the payment request will fail.

**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 CFLS and electronic funds control.

The State Office will allocate funds to the County Office for a specific disaster ID. These allocations will be available for obligation at agreement approval. Payments above the obligation amount will **not** be approved.

### 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 the ECP agreement 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.

#### 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 table.

<b>IF the lease or other agreement indicates that the...</b>	<b>THEN consider...</b>
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 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, according to the CSS User Guide, when all of the following have been satisfied:

- performance was appropriately certified on FSA-848B, page 2
- producer certifies practice completion on FSA-848B, page 1 according to paragraph 221
- supporting documentation is submitted according to paragraph 205
- current AD-1026 is on file according to paragraph 5
- current FSA-902 is on file according to paragraph 6
- other pertinent information is received, if applicable.

**B Reviews Before Payment**

FSA-848B shall be reviewed by an employee who is not the employee entering the performance data. The reviewer:

- may be CED, designated employee, or COC member
- shall sign and date FSA-848B, page 3
- shall **not** have an interest in the farm involved.

**C Payments Due Deceased, Missing, or Incompetent Persons**

Prepare payments due persons who are deceased, missing, or incompetent according to 1-CM.

**335 Refunds, Priority of Offsets, Withholdings, and Assignments****A Handling Refunds**

Handle refunds according to 3-FI.

**B Offset Applicability**

Offsets apply to ECP.

**C Assigning Program Payments**

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

**D Determining Priority**

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

**336 TA Reimbursements****A TA Billing Policy**

A national Interagency Agreement (Form-7600) has been developed to establish the financial relationship between FSA and NRCS for ECP TA.

Execution of AD-672 by SED and State Conservationist is not necessary for their respective States' TA funds.

FSA State Offices will no longer maintain TA funds reserves.

**B TA Actual Costs**

The NRCS State Office shall:

- continue to provide the FSA State Office billings for TA expenses incurred
- bill the FSA State Office for the actual cost of ECP services performed, consistent with terms and conditions described in the MOA, but not to exceed 10 percent of the amount of funds allocated to counties.

**C TA Billing Frequency and Details**

No more than quarterly, the NRCS State Office submits to the FSA State Office (by an agreed upon documented source such as e-mail, memorandum, etc.) a statement of costs incurred providing ECP TA. The statement shall include the following:

- FY and quarter
- disaster ID
- County Office name where service was provided
- itemization of charges, such as number of personnel hours by employee and dates of service provided
- dollar amount of reimbursement.

**336 TA Reimbursements (Continued)****D Billing Verification**

After receiving the statement of costs incurred providing TA and before payments are processed, the FSA State Office shall forward a copy of the statement to the applicable County Office for CED and DD review. CED shall verify that the charges for ECP TA reimbursement are reasonable. If necessary, CED shall coordinate reviewing charges with the applicable NRCS field office.

After completing the ECP TA billing review and resolving any issues, CED shall notify SED through DD of the verification results. **Before** forwarding to SED, DD shall review CED's results and make any necessary comments or revisions.

**E TA Payment Notification**

Once the confirmation process in subparagraph D is complete, the FSA State Office shall:

- approve the invoice
- notify the submitting NRCS State Office of approval.

The NRCS State Office will then notify the NRCS National Accounts Receivable Servicing Team of the pending TA payment due.

The NRCS National Accounts Receivable Servicing Team initiates the payment process through IPAC.

**F Correcting Payments**

State Offices shall contact their NRCS point of contact for TA payment corrections.

**337-350 (Reserved)**





**Section 5 Adjustment Applications****351 When Adjustment Application Is Required****A Conditions Requiring Adjustment Applications**

An adjustment on additional FSA-848B certification 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 FSA-848B, the applicant must sign a corrected FSA-848B, page 1 to receive the additional payment or credit.
- the County Office made the error in the data, the applicant's signature is not required.
- penalty is erroneously assessed, which applies if the data and computations on the original FSA-848B are correct and the penalty was deducted in error.

**B Correction Process**

See the CSS User Guide to generate additional FSA-848B's and, as applicable, issue additional payments or create a receivable.

**352-399 (Reserved)**



**Part 8 Compliance**

**Section 1 Spot Checks**

**400 Lifespan and Maintenance Policy**

**A Practice Lifespan**

The practice lifespan is a period of time for which the practice is subject to spot checks to verify that the property is being maintained and used for the purpose designated.

**Note:** Lifespans begin on 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 write-up in Exhibit 12.

**Note:** COC's shall advise producers that they are required to maintain the practice for its useful lifespan.

**401 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 to 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.

USDA employees as well as FSA employees, including STC and COC members, shall be spot-checked.

**Exception:** This spot-check requirement does not apply to CMC members.

## 402 Extent of Spot Checks

### A Performing Spot Checks

Perform spot checks according to the following tables.

Current Year Practices	
Step	Action
1	Obtain report on ECP practices 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 completed during the current FY.
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 21 for each farm.

Prior Year Practices	
Step	Action
1	Prepare or obtain a list of all prior year ECP practices still within their active lifespan not listed on the current year report.  <b>Note:</b> Select EC1 from only the current year minus 1.
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 21 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 for practices performed (including required spot checks) during the current program implementation.

**Note:** These reviews on completed practices are in addition to the applications reviewed before COC approval according to paragraph 175.

For County Offices that receive:

- less than 1,000 applications, the greater of 10 ECP applications or 10 percent of ECP applications
- greater than or equal to 1,000 applications, 5 percent of ECP applications.

**403 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 according to subparagraph 205 B.

**404 Follow-Up 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**

The amount of the underpayment shall be paid if an incorrect payment was made.

**D Violations**

See Section 2 or 4-CP when a discrepancy or a violation has been determined.

**405-409 (Reserved)**

**Section 2 Violations****410 Failure to Maintain and Use Practices****A Policy**

A practice must be maintained and used throughout its normal lifespan for the purposes for which C/S 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 and/or 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 the following:

- 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.

**410 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 or legal entities 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.



**411 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 ECP are:

- failing to maintain practices performed with C/S under a previous program
- failure to use a practice for the purpose 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
- 5-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.

## 412 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. When there are 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 involving infractions of personnel from other Government agencies.

## 413 Withholdings and Late Payment and Refund Interest

### A Refunds

Refunds on pending cases shall be handled according to 4-CP.

### B Statutory Civil Remedies

Statutory civil remedies for damages for filing false claims shall be handled according to 4-CP.

### C Late Payment and Refund Interest Policy

Late payments and refund interest rates apply to C/S refunded according to 58-FI.

## 414 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.

## 415 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.

## 416-420 (Reserved)



## 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
AD-245	Request for Cost Shares		Ex. 21
AD-672	Reimbursement or Advance of Funds Agreement		50, 61, 336
AD-1026	Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification		3, 5, 334
CCC-170	Agreement for ECP Assistance for Levees Not Yet Repaired to Corps of Engineers' Specifications	112	
CCC-770 ECP-1	ECP Checklist Before Approval Is Made	Ex. 5	12, 154,171
CCC-770 ECP-2	ECP Checklist Before Payment Is Made	Ex. 6	12, 311
CCC-860	Socially Disadvantaged, Limited Resource, and Beginning Farmer or Rancher Certification		30, 154, 176
CCC-902	Farm Operating Plan for Payment Eligibility 2009 and Subsequent Program Years		6, 334
CRP-42	County Precipitation and Feed and Forage Loss Report		151
Form 7600	Interagency Agreement		50, 61, 336
FSA-23	Determining Agricultural Market Value and Cost Share Per Acre Worksheet	Ex. 17	171, 175
FSA-276	On-Farm Spot Check Record	Ex. 21	402, 403
FSA-357	State Program Allocation		83
FSA-848	Cost-Share Request	Ex. 8	Text
FSA-848-1	Continuation Sheet for Cost-Share Request		11

## Reports, Forms, Abbreviations, and Delegations of Authority (Continued)

## Forms (Continued)

Number	Title	Display Reference	Reference
FSA-848A	Cost-Share Agreement	Ex. 9	Text
FSA-848A-1	Continuation Sheet for Cost-Share Agreement		11, Ex. 9
FSA-848B	Cost-Share Performance Certification and Payment	Ex. 10	Text, Ex. 29
FSA-848B-1	Continuation Sheet for Cost-Share Performance Certification and Payment		11, Ex. 10
FSA-850	Environmental Evaluation Checklist	Ex. 18	Text, Ex. 12
NRCS-CPA-052	Environmental Evaluation Checklist		162, 164, 171, 175

## Abbreviations Not Listed in 1-CM

The following table lists all abbreviations not listed in 1-CM.

Approved Abbreviation	Term	Reference
CEB	County Emergency Board	151
CFLS	Conservation Funds Ledger System	71, 74, 81, 331, 332
CSS	Cost Share Software	Text
ECP-PM	Emergency Conservation Program - Program Manager	Text, Ex. 12
eFMS	electronic Funds Management System	71, 74, 81, 331,
IPAC	Intra-Governmental Payment and Collection (IPAC) System	62, 336
MOA	Memorandum of Agreement	50, 51, 61, 336
SEC	State Environmental Coordinator	20, 162
TA	technical assistance	Text

## 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

**Note:** As determined by STC or COC, horse breeding operations in the business of producing horse breeding stock for commercial use as a part of their farming operation and they claim the horse breeding stock for tax purposes with the IRS may be eligible.

**Example:** Schedule F (Form 1040), Profit or Loss From Farming.

- 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.

**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 water from sources currently being used for livestock or orchards and vineyard irrigation 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**

By statute, 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”.

The producer must have sustained an estimated minimum of \$1,000 in damages to qualify for ECP.

A limited resource producer must have sustained an estimated minimum of \$250 in damages to qualify for ECP.

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.



**Example of CCC-770 ECP-1**

The following is an example of CCC-770 ECP-1. This form is available from the FFAS Employee Forms/Publications Online Website at <http://intranet.fsa.usda.gov/dam/ffasforms/forms.html>.

<b>CCC-770 ECP-1</b> (09-10-15)		<b>U.S. DEPARTMENT OF AGRICULTURE</b> Commodity Credit Corporation		1. Producer's Name	
<b>ECP CHECKLIST BEFORE APPROVAL IS MADE</b>		2. State Office Name		3. County Office Name	
		4. Agreement No.		5. FSN	
		6. Disaster Type, Disaster ID		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.					
<b>Verification</b>		<b>Handbook or Other Applicable References</b>		<b>YES</b>	<b>NO</b>
8. Onsite inspection has been completed.		1-ECP, paragraph 161			
9. Needs determination on FSA-848, page 2, complete.		1-ECP paragraph 163			
10. Practice(s) was started after the producer requested ECP assistance. If "NO", see paragraph 175.		1-ECP, paragraph 175			
11. STC representative has reviewed sample ECP requests before COC approval.		1-ECP, subparagraph 175A			
12. All easements, permits, rights-of-way, water rights are in order.		1-ECP, paragraph 45			
13. FSA-850, NRCS CPA-052 or State equivalent is on file.		1-ECP, paragraph 162, 1-EQ			
14. Land is not enrolled in WRP, EWP or any other C/S program.		1-ECP, subparagraph 6C			
15. ECP application has been entered in CSS.		CSS User Guide			
16. For drought, ECP drought designation approved by ECP PM before signup period is approved.		1-ECP, subparagraphs 35D, E, and H			
17. Remarks					
Certification: I (we) the undersigned certify the above items have been verified or updated accordingly.					
18A. Signature of Preparer				18B. Date (MM-DD-YYYY)	
19A. I concur/do not concur the above items have been verified and updated.				<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur	
19B. CED Signature for Spotcheck				19C. Date (MM-DD-YYYY)	
20A. I concur/do not concur the above items have been verified and updated.				<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur	
20B. DD Signature for Spotcheck				20C. Date (MM-DD-YYYY)	
<small>         The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).       </small>					
<small>         If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at <a href="http://www.ascr.usda.gov/complaint_filing_cust.html">http://www.ascr.usda.gov/complaint_filing_cust.html</a>, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider and employer.       </small>					



## Example of CCC-770 ECP-2

The following is an example of CCC-770 ECP-2. This form is available from the FFAS Employee Forms/Publications Online Website at <http://intranet.fsa.usda.gov/dam/ffasforms/forms.html>.

<b>CCC-770 ECP-2</b> (09-10-15)		<b>U.S. DEPARTMENT OF AGRICULTURE</b> Commodity Credit Corporation		1. Producer's Name	
<b>ECP CHECKLIST BEFORE PAYMENT IS MADE</b>		2. State Office Name		3. County Office Name	
		4. Agreement No.		5. FSN	
		6. Disaster Type, Disaster ID		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.					
<b>Verification</b>		<b>Handbook or Other Applicable References</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>8. Approval:</b>					
A. COC has approved the FSA-848A and documented it in the COC minutes.		1-ECP, paragraph 181			
B. Participant has been notified of approved extent and cost shares with copy of the FSA-848A and letter.		1-CONSV, paragraph 290 and 1-ECP paragraph 181			
C. Participant signed FSA-848A.		1-ECP, subparagraph 181C			
<b>9. Computation</b>					
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 included in C/S computation.		1-ECP, paragraphs 46 and 293			
D. List of all eligible persons or legal entities to receive an ECP payment.		1-ECP, Part 3, Section 5			
E. STC representative has reviewed any request from COC, County Office or State Office personnel.		1-ECP, subparagraph 179A			
F. Approval is within authorized approval authority.		1-ECP, subparagraph 179B			
<b>10. Payments:</b>					
A. FSA-848B, page 1 has been signed by the producer.		1-ECP, subparagraph 211C			
B. FSA-848B, page 1 has been timely filed – before practice expiration date.		1-ECP, paragraph 212			
C. Practice completed by eligible person or legal entity on eligible land.		1-ECP, Part 1, Sections 7 and 8			
D. FSA-848B, page 2 completed and signed by responsible technical agency.		1-ECP, paragraphs 225 and 226			
E. Practice location is recorded on aerial photography/imaging.		1-ECP, paragraph 214			
F. FSA-848B is updated with final performance data.		1-ECP, subparagraph 211B			
G. Payment does not exceed 75 percent of the producer's actual costs.		1-ECP, subparagraph 41A			
H. Payment does not exceed 50 percent of the agricultural market value of the land.		1-ECP, subparagraph 41B			
I. Has county office made second party review?		1-CONSV, paragraph 194 and 1-ECP, paragraph 334			
J. Payments are issued timely. See 61-FI for prompt payment provisions.		1-ECP 61-FI			
11. Remarks					
<b>Certification:</b> <i>I (we) the undersigned certify the above items have been verified or updated accordingly.</i>					
12A. Signature of Preparer				12B. Date (MM-DD-YYYY)	
<b>13A. I concur/do not concur the above items have been verified and updated.</b>				<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur	
13B. CED Signature for Spotcheck				13C. Date (MM-DD-YYYY)	
<b>14A. I concur/do not concur the above items have been verified and updated.</b>				<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur	
14B. DD Signature for Spotcheck				14C. Date (MM-DD-YYYY)	
<small>The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).</small>					
<small>If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at <a href="http://www.ascr.usda.gov/complaint_filing_cust.html">http://www.ascr.usda.gov/complaint_filing_cust.html</a>, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider and employer.</small>					





## Completing FSA-848

### A Completion Instructions

Following is an explanation of entries on a completed FSA-848.

Item	Instructions
1	Enter the State and county codes.
2	Enter the name, address, and telephone number of the County Office.
3	Enter the C/S application number.
4	Enter the program code.
5	Enter the contract ID, if applicable.
6	Enter the description of the site and practice objectives and estimated start date.
7	Enter the primary disaster type for this application.
8	Select 1 or more of the listed crops.
9	Select 1 or more listed livestock and enter the amount in units.
10A	Enter FSN.
10B	Enter the tract number.
10C	Enter the field number.
10D	Enter the practice control number.
10E	Enter the practice title.
10F	Enter the practice unit.
10G	Enter the practice acres.
10H	Enter the extent requested that corresponds to items 10A through 10F.
10I	Enter the requested C/S that corresponds to items 10A through 10H.
10J	Enter the total requested C/S that corresponds to the sum of item 10I.
11A	Enter the applicant's name, address, and telephone number.
11B	Enter the applicant's estimated percent share.
11C	Check the box to indicate whether the applicant is a limited resource producer.
11D	Check the box to indicate whether the applicant is a beginning farmer, if applicable.
11E	Check the box to indicate whether the applicant is socially disadvantaged, if applicable.
11F	The applicant or signing authority shall sign.
11G	Enter the title/relationship that corresponds to the signing authority in item 11F.
11H	Enter today's date. If there are additional applicants, complete FSA-848-1, item 4.
12A	Enter the program code.
12B	Enter the program year.
12C	Enter the State and county codes that correspond to item 1.
12D	Enter the hydrologic unit code.
12E	Enter the application number that corresponds to item 3.
12F	Enter the contract ID that corresponds to item 5, if applicable.
12G	Enter the disaster ID.
13A	Enter FSN.
13B	Enter the tract number.
13C	Enter the field number.

**Completing FSA-848 (Continued)**

**A Completion Instructions (Continued)**

<b>Item</b>	<b>Instructions</b>
13D	Enter the practice control number.
13E	Enter the primary purpose code.
13F	Enter the practice unit.
13G	Enter the practice extent requested that corresponds to item 10H.
13H	Enter the practice extent needed that corresponds to items 13A through 13F.
13I	Enter the requested C/S rate and type that correspond to item 10I, if the practice control number has a flat rate.
13J	Enter the requested C/S that corresponds to items 10I and 14 J, as applicable. If there are additional practices, complete FSA-848-1, item 6.
13K	Enter the sum of all requested C/S from item 13J and continuation pages.
14A	Enter FSN.
14B	Enter the tract number.
14C	Enter the field number.
14D	Enter the practice control number.
14E	Enter the component number.
14F	Enter the component title.
14G	Enter the component unit.
14H	Enter the component extent requested that corresponds to items 14A through 14G.
14I	Enter the component extent needed that corresponds to items 14A through 14G.
14J	Enter the requested C/S rate and type that correspond to items 14A through 14C.
14K	Enter the requested C/S rate and type that correspond to items 14A through 14C. If there are additional components, complete FSA-848-1, item 7.
15A	Enter FSN.
15B	Enter the tract number.
15C	Enter the field number.
15D	Enter the practice control number.
15E	Enter the technical practice code.
15F	Enter the technical practice title.
15G	Enter the technical practice unit.
15H	Check the box indicating if the technical practice is cost-shared.
15I	Enter the technical practice extent planned that corresponds to items 15A through 15G. If there are additional technical practices, complete FSA-848-1, item 8.
16A	The signing authority shall sign, such as FSA, Forest Service, NRCS, or other technical service provider.
16B	Enter today's date.
16C	Enter the affiliation that corresponds to item 16A.
16D	Enter the practice control number.
16E	Enter the date referred for needs determination.
16F	Enter the date the referral expires.
16G	Enter the needs statement. If there are additional practices with needs determinations, complete FSA-848-1, item 9.

## Completing FSA-848 (Continued)

## B Example of FSA-848

Following is an explanation of entries on a completed FSA-848.

This form is available electronically.

**FSA-848**  
(09-10-15)

**U.S. DEPARTMENT OF AGRICULTURE**  
Farm Service Agency

**COST-SHARE REQUEST**

THIS REQUEST is submitted by the undersigned owners, operators, tenants, and/or producers (who individually may be referred to as "the Applicant"). By signing this form, the Applicant agrees to the following: 1) the Applicant is requesting cost-share assistance to perform a practice(s) designed to meet the objectives of the program referenced in Box 5; 2) the Applicant agrees that this practice(s) would not be performed without Federal cost-sharing; and, 3) if cost-sharing is approved for the practice(s) requested, the Applicant agrees to refund all or part of the funds paid to him/her, as determined by the Approving Official, (f) before expiration of the lifespan of the specified practice(s), the Applicant (a) destroys the approved practice(s), or (b) voluntarily relinquishes control of or title to, the land on which the approved practice(s) has been established, and the new owner and/or operator of the land does not agree in writing to properly maintain the practice(s) for the remainder of its life span. The Applicant further agrees that if he or she begins the practice(s) before receiving written approval, he or she may be denied cost-share funding. Further, the Applicant hereby authorizes a representative of USDA to have access to the practice site area(s). Further, the applicant understands that form FSA-848-1 is by reference incorporated herein. BY SIGNING THIS APPLICATION, THE APPLICANT ACKNOWLEDGES RECEIPT OF THE FOLLOWING FORMS: FSA-848 AND ANY ADDENDUM THERETO.

6. Description of Site and Practice Objectives  
Floodwaters have impacted multiple fields with debris and damage to fences.

**EMERGENCY PROGRAMS ONLY**

7. Disaster Type: FLOOD

8. Crop(s) (Select):  
☐ Flowers or Bulbs ☐ Vegetables or Fruits ☐ Field Grown Ornamentals  
☐ Seed Crops ☒ Grain or Row Crops ☐ Other:  
☐ Orchards or Vineyards ☐ Hay Forage or Pasture

9. Livestock(s) (Select and list amount with units):  
☐ Cattle: ☒ Buffalo/Beefalo: 100 ☐ Sheep:  
☐ Fish: ☐ Goats: ☐ Poultry:  
☐ Swine: ☐ Horses, Mules or Donkeys:  
☐ Other animals raised exclusively for commercial food or fiber:

**10. PRACTICES REQUESTED**

A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Practice Title	F. Practice Units	G. Practice Acres	H. Extent Requested	I. Requested Cost-Share
5854	16614	1	2010_0009_01_EC1	EC1 Removing Debris from Farmland	Acres	10.00	15.00	\$1,500.00
5854	16614	5				50.00		
5854	16635	10	2010_0009_01_EC3	EC3 Restoring Permanent Fences	Feet	5.00	5.00	\$100.00
J. Total Requested Cost-Share:								\$1,600.00

**11. APPLICANT'S REQUEST**

I (We) request cost-share assistance under the program to meet the objective(s) described above. The practice(s) on this request would not be performed without Federal cost-sharing. If cost-sharing is approved for the practice(s) requested, I agree to refund all or part of the funds paid to me as determined by the Approving Official, (f) before expiration of the specified practice lifespan(s) I, (a) destroy the approved practice(s), or (b) voluntarily relinquish control or title to, the land on which the approved practice has been established and the new owner and/or operator of the land does not agree in writing to properly maintain the practice(s) for the remainder of the lifespan(s). I understand that if I begin the practice before receiving written approval I may be denied funding.

A. Applicant's Name, Address and Telephone Number	B. Percent Share	C. Limited Resource	D. Beginning Farmer	E. Socially Disadvantaged	F. Signature (By)	G. Title/Relationship of the Individual if Signing in a Representative Capacity	H. Date (MM-DD-YYYY)
COSTSHARE APPLICANT 2519 SOUTHWEST AVE. HARLAN, IA 51537 (123) 456-7890	60.00%	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			10-04-XXXX

**NOTE:** The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 701, 7 CFR Part 1410, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and 16 U.S.C. § 2201-2206. The information will be used to determine eligibility to participate in and receive benefits under a cost-share assistance program through documentation of the applicant's agreement to comply with the terms and conditions contained in the cost-share request. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Users identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to participate in and receive benefits under a cost-share assistance program.

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 0550-0082. The time required to complete this information collection is estimated to average 4 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.

By signing this form, the Applicant acknowledges and understands that any false representation or claims are subject to civil and criminal penalties including, but not limited to those under 18 U.S.C. 1001.

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Completing FSA-848 (Continued)

B Example of FSA-848 (Continued)

FSA-848 (09-10-15)										Page 2	
12. APPLICATION INFORMATION										EMERGENCY PROGRAMS ONLY	
A. Program Code	B. Program Year	C. ST. & CO. Code	D. Hydrologic Unit Code	E. Application Number	F. Contract ID	G. Disaster ID					
ECP	2011	19 165	160300030101	19_165_2010_0009		1471					
13. PRACTICES REQUESTED AND NEEDED											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Primary Purpose Code	F. Practice Units	G. Practice Extent Requested	H. Practice Extent Needed	I. Requested Cost-Share Rate and Type	J. Requested Cost-Share		
5854	16614	1	2010_0009_01_EC1	G	Acres	15.00	10.00		\$1,125.00		
5854	16614	5									
5854	16635	10	2010_0009_01_EC3		Feet	5.00	0.00		\$300.00		
K. TOTALS:									\$1,425.00		
14. COMPONENTS REQUESTED AND NEEDED											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Component No.	F. Component Title	G. Component Units	H. Component Extent Requested	I. Component Extent Needed	J. Requested Cost-Share Rate and Type	K. Requested Cost-Share	
5854	16614	1	2010_0009_01_EC1	R500	Heavy Debris Removal	Acres	15.00	10.00	75% of Cost - Not to Exceed \$75.00/unit	\$1,125.00	
5854	16614	5									
5854	16635	10	2010_0009_01_EC3	B50	Barbwire Fence	Feet	5.00	0.00	75% of Cost - Not to Exceed \$60.00/unit	\$300.00	
15. TECHNICAL PRACTICES PLANNED											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Technical Practice Code	F. Technical Practice Title	G. Technical Practice Units	H. Technical Practice Cost-Shared	I. Technical Practice Extent Planned			
5854	16614	1	2010_0009_01_EC1	500	Obstruction Removal	Acres	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	10.00			
5854	16614	5					<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
5854	16635	10	2010_0009_01_EC3	362	Fence	Feet	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	0.00			
16. Needs Determination											
A. Signature of Technical Service Provider				B. Date	C. Affiliation	D. Practice Control No.	E. Date Referred	F. Referral Expiration	G. Needs Statement		
				10-05-10	FSA	2010_0009_01_EC3			The fence damage was due to poor maintenance.		
				10-09-10	NRCS	2010_0009_01_EC1	10-04-2010	10-19-2010	Only 10 acres needed and feasible.		

## Completing FSA-848A

### A Completion Instructions

Following is an explanation of entries on a completed FSA-848A.

Item	Instructions
1	Enter the State and county codes.
2	Enter the name, address, and telephone number of the County Office.
3	Enter the C/S application number.
4	Enter the agreement number.
5	Enter the program year.
6	Enter the disaster ID number, if applicable.
7	Enter the program code.
8	Enter the contract ID, if applicable.
9A	Enter FSN.
9B	Enter the tract number.
9C	Enter the field number.
9D	Enter the practice control number.
9E	Enter the program accounting code.
9F	Enter the fund code.
9G	Enter the practice unit.
9H	Enter the practice extent approved that corresponds to items 9A through 9G.
9I	Enter the practice expiration date.
9J	Enter the practice life span.
9K	Enter the approved C/S rate and type that correspond to items 9A through 9J, if the practice control number has a practice rate.
9L	Enter the approved C/S that corresponds to items 9A through 9K and items 10A through 10I, as applicable. If there are additional approved practices, complete FSA-848A-1, item 2.
9M	Enter the sum of all C/S requested that corresponds to the sum of item 9L.

**Completing FSA-848A (Continued)**

**A Completion Instructions (Continued)**

<b>Item</b>	<b>Instructions</b>
10A	Enter FSN.
10B	Enter the tract number.
10C	Enter the field number.
10D	Enter the practice control number.
10E	Enter the component number.
10F	Enter the component title.
10G	Enter the component unit.
10H	Enter the component extent approved that corresponds to items 10A through 10G.
10I	Enter the approved C/S rate and type that correspond to items 10A through 10H.
10J	Enter the approved C/S rate and type that correspond to items 10A through 10I. If there are additional approved components, complete FSA-848A-1, item 3.
11A	The FSA representative shall sign.
11B	Enter today's date.
11C	Enter C/S willing to approve.
11D	Enter the C/S approved amount.
12A	Enter the participant's name, address, and telephone number.
12B	The participant or signing authority shall sign.
12C	Enter the title/relationship that corresponds to the signing authority in item 12B.
12D	Enter the date.
13A	Enter the program code.
13B	Enter the program year.
13C	Enter the State and county codes that correspond to item 1.
13D	Enter the agreement number that corresponds to item 4.
13E	Enter the contract ID that corresponds to item 8.
13F	Enter the disaster ID that corresponds to item 6.
14	Enter any applicable remarks.

## Completing FSA-848A (Continued)

## B Example of FSA-848A

The following is an example of FSA-848A.

FSA-848A (09-10-15)										U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency				Form Approved - OMB No. 0560-0082			
COST-SHARE AGREEMENT (See Page 2 for Privacy Act and Burden Statements)										1. ST. & CO. Code: 19 165				2. County Office Name, Address and Telephone Number Example County FSA 2519 SOUTHWEST AVE HARLAN, IA 61537-2378 (712) 755-5516			
THIS AGREEMENT is entered into between the Farm Service Agency (referred to as "FSA") and the undersigned owners, operators, tenants, and/or producers (who individually will herein be referred to as "the Participant"). By signing this form, the Participant agrees to the following: 1) the Participant requested cost-share assistance to perform a practice(s) designed to meet the objectives of the program referenced on FSA-848; 2) the Participant agrees that this practice(s) would not be performed without Federal cost-sharing; and, 3) for the practice(s) approved, the Participant agrees to refund all or part of the funds paid to him/her, as determined by the Approving Official, if, before expiration of the lifespan of the specified practice(s), the Participant (a) destroys the approved practice(s), or (b) voluntarily relinquishes control of or title to, the land on which the approved practice(s) has been established, and the new owner and/or operator of the land does not agree in writing to properly maintain the practice(s) for the remainder of its life span. The Participant further agrees that if he or she began the practice(s) before receiving written approval, he or she may be denied cost-share funding. Further, the Participant hereby authorizes a representative of USDA to have access to the practice site area(s). Further, the participant understands that form FSA-848A-1 is by reference incorporated herein. BY SIGNING THIS AGREEMENT, THE PARTICIPANT ACKNOWLEDGES RECEIPT OF THE FOLLOWING FORMS: FSA-848A AND ANY ADDENDUM THERETO.										3. Application Number 19 165 2010 0009				4. Agreement Number 19 165 2010 0009			
										5. Program Year 2011				6. Disaster ID Number 1471			
										7. Program Code ECP				8. Contract ID (if applicable)			
9. PRACTICES APPROVED																	
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Program Accounting Code	F. Fund Code	G. Practice Units	H. Practice Extent Approved	I. Practice Expiration Date	J. Practice Life Span	K. Approved Cost-Share Rate and Type	L. Approved Cost-Share						
5854	16614	1	2010_0009_01-EC1	4040		Acres	10.00	02-09-2010			\$800.00						
5854	16614	5															
5854	16635	10	2010_0009_10-EC3	4040		Feet	0.00		15.00		0.00						
M. TOTALS:																	
10. COMPONENTS APPROVED																	
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Component No.	F. Component Title		G. Component Units	H. Component Extent Approved	I. Approved Cost-Share Rate and Type	J. Approved Cost-Share							
5854	16614	1	2010_0009_01-EC1	R500	Heavy Debris Removal		Acres	10.00	75% of Cost - Not to Exceed \$80.00/unit	\$800.00							
5854	16614	5															
5854	16635	10	2010_0009_01-EC3	B50	Barbwire Fence		Feet	0.00		\$0.00							
11. USDA USE ONLY - Application Approval			A. Signature of FSA Representative			B. Date (MM-DD-YYYY) 10-10-2010		C. Cost-Share Willing to Approve \$300.00		D. Cost-Share Approved \$300.00							
12. PARTICIPANT APPROVAL ACKNOWLEDGEMENT																	
Your request for program cost-sharing to perform the practice(s) shown above is approved for the farm(s) identified above. By signing below, you agree to complete the specified practice(s) and components on or before the practice expiration date(s). To receive payment or credit for any cost-shares earned on these practice(s), report performance on the FSA-848B and file with the issuing office by the practice expiration date(s) listed above. If you decide not to perform this practice, or if you cannot complete it by the practice expiration date, please notify the Approving Official's office in writing at once.																	
A. Participant's Name, Address and Telephone Number COSTSHARE APPLICANT 2529 SOUTHWEST AVE. HARLAN, IA 51537 (123) 456-7890				B. Signature (By)				C. Title/Relationship of the Individual If Signing in a Representative Capacity				D. Date (MM-DD-YYYY)					

# Completing FSA-848A (Continued)

## B Example of FSA-848A (Continued)

FSA-848A (09-10-15)					Page 2
13. AGREEMENT INFORMATION					EMERGENCY PROGRAMS ONLY
A. Program Code ECP	B. Program Year 2011	C. ST. & CO. Code 19 165	D. Agreement Number 19_165_2010_0009	E. Contract ID	F. Disaster ID 1471
14. REMARKS					
Remarks on the agreement.					
<p><b>NOTE:</b> The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 701, 7 CFR Part 1410, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and 16 U.S.C. § 2201-2206. The information will be used to determine eligibility to participate in and receive benefits under a cost-share assistance program through documentation of the participant's agreement to comply with the terms and conditions contained in the cost-share agreement. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to participate in and receive benefits under a cost-share assistance program.</p> <p>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 3 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.</p> <p><b>RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE</b></p> <p>By signing this form, the Participant acknowledges and understands that any false representation or claims are subject to civil and criminal penalties including, but not limited to those under 18 U.S.C. 1001.</p> <p>The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotope, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).</p> <p>If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at <a href="http://www.ascr.usda.gov/complaint_filing_cust.html">http://www.ascr.usda.gov/complaint_filing_cust.html</a>, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider and employer.</p>					



## Completing FSA-848B

### A Completion Instructions

Following is an explanation of entries on a completed FSA-848B.

Item	Instructions
1	Enter the State and county codes.
2	Enter the name, address, and telephone number of the County Office.
3	Enter the C/S application number.
4	Enter the C/S agreement number.
5	Enter the program year.
6	Enter the disaster ID number, if applicable.
7	Enter the program code.
8	Enter the contract ID, if applicable.
9A	Enter FSN.
9B	Enter the tract number.
9C	Enter the field number.
9D	Enter the practice control number.
9E	Enter the practice unit.
9F	Enter the practice extent approved that corresponds to items 9A through 9E.
9G	<p>If the practice in item 9D is:</p> <ul style="list-style-type: none"> <li>• complete, ENTER “Yes”</li> <li>• not complete, ENTER “No”.</li> </ul>
9H	Enter the acres served.
9I	Enter the approved C/S that corresponds to items 9A through 9F.
9J	If the practice is complete, enter the total installation cost that corresponds to items 9A through 9I.
9K	If the practice is not complete and C/S is still requested for this practice, list codes for completed components for that practice.
9L	Enter the total approved C/S that corresponds to the sum of item 9I and the total installation cost that corresponds to the sum of item 9J. If there are additional practices, complete FSA-848B-1, item 2.
10A	Check the boxes indicating whether any participants on the contract bear all expenses for performing a practice. If the answer was “No”, give all pertinent information about other persons/agency who bore any part of the expenses.
10B	Check the boxes indicating whether any participants on the contract have received or will receive a C/S payment under the same program during the current FY. If the answer was “Yes”, enter the State, county, and amount by farm.
10C	The producer or signing authority shall sign.
10D	Enter the title/relationship that corresponds to the signing authority in item 10C.
10E	Enter today’s date.
11A	Enter the program code.
11B	Enter the program year.
11C	Enter the State and county codes.
11D	Enter the C/S agreement number.
11E	Enter the contract ID, if applicable.

**Completing FSA-848B (Continued)**

**A Completion Instructions (Continued)**

<b>Item</b>	<b>Instructions</b>
11F	Enter the disaster ID.
12A	Enter FSN.
12B	Enter the tract number.
12C	Enter the field number.
12D	Enter the practice control number.
12E	Enter the practice unit.
12F	Enter the practice extent approved that corresponds to items 12A through 12E.
12G	Enter the practice extent performed that corresponds to items 12A through 12F.
12H	Enter the acres served that correspond to items 12A through 12G.
12I	Enter the approved C/S that corresponds to items 12A through 12H.
12J	Enter the total installation cost that corresponds to items 12A through 12I.
12K	Enter the total C/S earned that corresponds to items 12A through 12J.
12L	Enter the sum of all approved C/S from item 12I and continuation pages, the sum of the total installation cost from item 12J and continuation pages, and the total C/S earned from item 12K and continuation pages. If there are additional practices, complete FSA-848B-1, item 4.
13A	Enter FSN.
13B	Enter the tract number.
13C	Enter the field number.
13D	Enter the practice control number.
13E	Enter the component number.
13F	Enter the component title.
13G	Enter the component unit.
13H	Enter the component extent approved that corresponds to items 13A through 13G.
13I	Enter the approved C/S that corresponds to items 13A through 13H.
13J	Enter the component extent performed that corresponds to items 13A through 13I.
13K	Enter the C/S earned that corresponds to items 13A through 13J. If there are additional components, complete FSA-848B-1, item 5.
14A	Enter FSN.
14B	Enter the tract number.
14C	Enter the field number.
14D	Enter the practice control number.
14E	Enter the technical practice code.
14F	Enter the technical practice title.
14G	Enter the technical practice unit.
14H	Check the box indicating if the technical practice is cost-shared.
14I	Enter the technical practice extent planned that corresponds to items 14A through 14H.
14J	Enter the technical practice extent applied that corresponds to items 14A through 14I. If there are additional technical practices, complete FSA-848B-1, item 6.

**Completing FSA-848B (Continued)**

**A Completion Instructions (Continued)**

<b>Item</b>	<b>Instructions</b>
15A	The technical service provider or participant shall sign, if applicable.
15B	Enter today's date.
15C	Enter the affiliation.
15D	Enter the practice control number.
15E	Enter the performance statement. If there are additional practices with performance certifications, complete FSA-848B-1, item 7.
16A	Enter the program code.
16B	Enter the program year.
16C	Enter the State and county codes.
16D	Enter the C/S agreement number.
16E	Enter the contract ID, if applicable.
16F	Enter the disaster ID.
17A	Enter FSN.
17B	Enter the tract number.
17C	Enter the field number.
17D	Enter the practice control number.
17E	Enter the component number.
17F	Enter the participant's name.
17G	Enter the program accounting code.
17H	Enter the partial or final payment for the practice.
17I	Enter the partial or final payment for the agreement.
17J	Enter the C/S earned.
18A	The FSA representative shall sign to approve performance.
18B	Enter today's date.
18C	Enter the total approved C/S for the agreement.
18D	Enter the current amount earned.
18E	If final payment, enter the total C/S earned on the agreement.

## Completing FSA-848B (Continued)

### B Example of FSA-848B

The following is an example of FSA-848B.

This form is available electronically.		Form Approved - OMB No. 0560-0082	
<b>FSA-848B</b> (09-10-15)		<b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency	
<b>COST-SHARE PERFORMANCE CERTIFICATION AND PAYMENT</b>		1. ST. & CO. Code: 19 165 2. County Office Name, Address and Telephone Number Example County FSA 2519 SOUTHWEST AVE HARLAN, IA 51537-2378 (712) 755-5116	
(See Page 3 for Privacy Act and Burden Statements.) THIS CERTIFICATION AND REQUEST FOR PAYMENT is submitted by the undersigned owners, operators, tenants, and/or producers (who individually will herein be referred to as "the Participant"). By signing this form, the Participant agrees to the following: 1) the Participant requested cost-share assistance to perform practice(s) designed to meet the objectives of the program referenced on FSA-848; 2) the Participant agrees that this practice(s) would not be performed without Federal cost-sharing; and, 3) for the practice(s) approved, the Participant agrees to refund all or part of the funds paid to him/her, as determined appropriate by the Approving Official, if, before expiration of the lifespan of the specified practice(s), the Participant (a) destroys the approved practice(s), or (b) voluntarily relinquishes control of or title to, the land on which the approved practice(s) has been established, and the new owner and/or operator of the land does not agree in writing to properly maintain the practice(s) for the remainder of its life span. The Participant further agrees that if he or she began the practice(s) before receiving written approval, he or she may be denied cost-share funding. Further, the Participant hereby authorizes a representative of USDA to have access to the practice site area(s). Further, the participant understands that form FSA-848B-1 is by reference incorporated herein. BY SIGNING THIS CERTIFICATION, THE PARTICIPANT ACKNOWLEDGES RECEIPT OF THE FOLLOWING FORMS: FSA-848B AND ANY ADDENDUM THERETO.			
<b>NOTE:</b> To receive payment or credit for any cost-shares earned on these practice(s), report performance below, by completing Items 9 and 10, and file with the issuing FSA county office by the practice expiration date(s) listed on the FSA-848A.		3. Application Number 19 165 2010 0009 4. Agreement Number 19 165 2010 0009 5. Program Year 2011 6. Disaster ID Number 1471 7. Program Code ECP 8. Contract ID (if applicable)	
<b>9. PRACTICES PERFORMED</b>			
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.
5854	16614	1	2010_0009_01_EC1
5854	16614	5	
			E. Practice Units Acres
			F. Practice Extent Approved
			G. Is the Practice Complete? (YES or NO)
			H. Acres Served
			I. Approved Cost-Share
			J. Total Installation Cost
			K. If practice is not complete and cost-share is still requested for this practice, list codes for completed components.
			L. TOTALS: \$800.00 \$700.00
<b>INSTRUCTIONS TO PARTICIPANT</b> To receive payment or credit for any cost-shares earned on this agreement, report performance on page 1, and file with the issuing FSA county office by the practice expiration dates.			
10. CERTIFICATION BY PARTICIPANT: I certify that the above information is true and correct. I further certify that the entry(ies) in Item 9G show that the practice(s) was performed in accordance with the practice specifications and other requirements. If Item 9G indicates that the practice is not complete, I request cost-share for the completed components shown in Item 9K. I agree to complete the remaining components approved on the FSA-848A, for this practice(s), by the practice expiration date, regardless of whether or not cost-share assistance is approved. I agree to refund any cost-share assistance paid to me under this practice(s), if I fail to complete it. I hereby apply for payment to the extent that the Approving Official has determined that the practice has been performed and further certify that this payment is not a duplicate of any other earned by me. I agree to maintain and use the practice(s) for the minimum maintenance period established for the practice(s). I agree to refund all or part of the cost-share assistance paid to me, as determined by the Approving Official, if before expiration of the practice lifespan specified above, (a) I destroy the practice installed, or (b) voluntarily relinquish control or title to the land on which the installed practice(s) have been established and the new owner and/or operator of the land does not agree in writing to properly maintain the practice(s) for the remainder of these lifespan. I understand that FSA-848 and FSA-848A and any addendum thereto are by reference incorporated herein and with this form constitutes the entire agreement between the parties.			
A(1) Did you and the other participants on this agreement bear all the expense (except for program cost sharing) for performing this practice?  <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		B(1) During the current fiscal year Oct. 1 – Sep. 30, have you received or will you or any participant on this agreement receive a cost-share payment under the same program on this or any other farm other than through this FSA-848B?  <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
A(2) If "NO", report name(s) and addresses of other person(s) or agency who bore any part of the expenses. Also, show kind, extent and value of their contribution.		B(2) If "YES", report State, County, and amount by farm.	
C. Participant Signature (By)		D. Title/Relationship of the Individual if Signing in a Representative Capacity	
E. Date (MM-DD-YYYY)			

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6726 (in Spanish).  
  
 If you wish to file a Civil Rights program complaint or discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider and employer.

**Completing FSA-848B (Continued)**

**B Example of FSA-848B (Continued)**

FSA-848B (09-10-15)											Page 2
11. AGREEMENT INFORMATION										EMERGENCY PROGRAMS ONLY	
A. Program Code ECP		B. Program Year 2011		C. ST. & CO. Code 19 165		D. Agreement Number 19_165_2010_0009		E. Contract ID		F. Disaster ID 1471	
12. PRACTICE EXTENT PERFORMED											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Practice Units	F. Practice Extent Approved	G. Practice Extent Performed	H. Acres Served	I. Approved Cost-Share	J. Total Installation Cost	K. Cost-Share Earned	
5854	16614	1	2010_0009_01_EC1	Acres	10.00	10.00	10.00	\$800.00	\$700.00	\$525.00	
5854	16614	5									
L. TOTALS:								\$800.00	\$700.00		
13. COMPONENT EXTENT PERFORMED											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Component No.	F. Component Title	G. Component Units	H. Component Extent Approved	I. Approved Cost-Share	J. Component Extent Performed	K. Cost-Share Earned	
5854	16614	1	2010_0009_01_EC1	R500	Heavy Debris Removal	Acres	10.00	\$800.00	10.00	\$525.00	
5854	16614	5									
14. TECHNICAL PRACTICE EXTENT APPLIED											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Technical Practice Code	F. Technical Practice Title	G. Technical Practice Units	H. Technical Practice Cost-Shared	I. Technical Practice Extent Planned	J. Technical Practice Extent Applied		
5854	16614	1	2010_0009_01_EC1	500	Obstruction Removal	Acres	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	10.00	10.00		
5854	16614	5					<input type="checkbox"/> YES <input type="checkbox"/> NO				
							<input type="checkbox"/> YES <input type="checkbox"/> NO				
15. Performance Certification		A. Signature of Technical Service Provider or Participant		B. Date	C. Affiliation	D. Practice Control Number	E. Performance Statement				
					NRCS	2010_0009_01_EC1	10 acres of debris removed.				



**National ECP Practices**

The following table lists the nationally approved practices that are described in this exhibit.

<b>Code</b>	<b>Practice</b>	<b>Page</b>
EC1	Removing Debris From Farmland	2
EC2	Grading, Shaping, Releveling, or Similar Measures	4
EC3	Restoring Permanent Fences	6
EC4	Restoring Conservation Structures and Other Installations	9
EC5	Emergency Wind Erosion Control Measures	11
EC6	Drought Emergency Measures	13
EC7	Other Emergency Conservation Measures	18
EC8	Field Windbreaks and Farmstead Shelterbelts Emergency Measures	19

## **National ECP Practices (Continued)**

### **EC1 Removing Debris From Farmland**

#### **A Purpose**

This practice:

- removes debris from farmland deposited by a natural disaster which may:
  - include woody material, sand, rock, trash, and personal property
  - be material deposited by wind or water
- returns the land to agricultural use.

Examples of debris removal methods include:

- carrying by hand or snaring, and dragging by light equipment
- excavation, burning, chipping, shredding, hauling, burying at approved locations.

**Note:** Recycling or reuse of materials should be considered as the first option for material disposal.

**Example:** Woody debris recycled into mulch.

#### **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.

**Note:** Successful completion of an Environmental Evaluation is required, even if the ECP activity only involves debris removal. See paragraph 162.



National ECP 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: <ul style="list-style-type: none"><li>materially affects the productive capacity of the land</li><li>prevents carrying out effective conservation measures</li><li>prevents returning the land to productive agricultural use</li><li>is of a magnitude that requires the use of hired or personal:<ul style="list-style-type: none"><li>labor not normally required in the operation of the farm or ranch</li><li>equipment that would not normally have been required in the operation of the farm or ranch</li></ul></li></ul> <p><b>Note:</b> Debris must be disposed of in a way that will not:</p> <ul style="list-style-type: none"><li>interfere with existing conservation facilities</li><li>create a health hazard or an environmental problem, on or off-site.</li></ul>	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.	<b>not</b> authorized.

**National ECP 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 Lifespan**

For lifespan and spot checking, consider EC1 as similar in nature to a temporary practice and shall be maintained for at least 1 year after the calendar year of completion.

**F 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.

Additional guidance on determining debris volume can be found in the FEMA Debris Estimating Field Guide (FEMA 329 / September 2010).

National ECP 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.

**Note:** Activities related to land management or production improvement measures needed when extent of damage is less severe are not eligible for C/S.

**Example:** Land smoothing.

**B Practice Policy**

Apply this practice to farmland that has been seriously damaged by flood, hurricane, or other eligible natural disasters.

**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 <b>all</b> of the following are present:	
<ul style="list-style-type: none"><li>• grading and shaping is required for rehabilitation of the area</li><li>• the pre-existing permanent vegetative cover was destroyed</li><li>• the area involved would be subject to critical wind or water erosion unless the cover is re-established</li></ul>	
<b>Note:</b> COC or an FSA employee must determine the need for an extent of permanent vegetative cover re-establishment.	

**National ECP Practices (Continued)**

**EC2 Grading, Shaping, Releveling, or Similar Measures (Continued)**

**C C/S Policy (Continued)**

<b>IF component is...</b>	<b>THEN C/S is...</b>
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	<b>not</b> 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	

**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 ECP 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.

Regardless of the type of fence (barbed wire, high tensile wire, woven wire) requiring rehabilitation or replacement, materials and design must restore the fence function to a condition and function similar to that existing before the natural disaster; however, at a minimum, the fence restoration must conform to current NRCS standards and specifications.

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

**Note:** COC shall consider the following before making approvals:

- if fence was used for purpose of excluding or enclosing livestock
- if fence was used to exclude wildlife from agricultural land
- type of fence existing before disaster
- agricultural function of fence before disaster
- extent of damage to fence.

#### **Fencing of Public Land**

Fencing of public land is eligible only if:

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

#### **Boundary Fences**

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

**National ECP Practices (Continued)**

**EC3 Restoring Permanent Fences**

**C C/S Policy**

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

COC shall establish a maximum C/S rate per foot for restoring fences, regardless of the type of fence to be restored.

The COC established C/S rate shall apply to fence restoration or replacement.

The COC established C/S rate shall be limited to the average cost of fence construction performed in the county, including the prevailing labor rate in the county

**Note:** COC shall use the same rate for boundary fences, cross fences, corrals, feed lots, and holding pens.

The following provides authorized and unauthorized C/S policy.

<b>IF request is for</b> restoring or replacing...	<b>THEN C/S is...</b>
fences needed to return the land to productive agricultural use	authorized.
livestock inclusion or wildlife exclusion fence	
cross fences	
boundary fences	
cattle gates	
the simple fence reconstruction with minor damage when materials from the previous fence are used	
reusable material from the fence damaged by the disaster	not authorized.
the following types of fences:	
<ul style="list-style-type: none"><li>• ornamental fences</li><li>• temporary fences</li><li>• fences not for the purpose of enclosing or excluding livestock, or excluding wildlife from agricultural land</li></ul>	

**National ECP 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 Lifespan**

When restored to specifications, the practice shall be maintained for at least 10 years following the calendar year of installation.

**National ECP Practices (Continued)**

**EC3 Restoring Permanent Fences (Continued)**

**F Specifications**

The practice shall conform to NRCS standard or specification requirements, such as size and type of posts and wire, spacing, bracing, and placement.

Note: County Offices can obtain NRCS standard or specification guidelines for their applicable county/area.



**National ECP Practices (Continued)**

**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.

<b>IF component is...</b>	<b>THEN C/S is...</b>
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	
windmills or solar units for livestock water damaged by wildfire	
springs	
pipelines	
buried mainlines	
ditches and other permanently installed systems	
permanent vegetative cover including re-establishment where needed in conjunction with:	
<ul style="list-style-type: none"> <li>• eligible structures</li> <li>• installations to prevent critical erosion and siltation</li> </ul>	
animal waste lagoons repaired or replaced outside the 100-year floodplain	

**National ECP Practices (Continued)**

**EC4 Restoring Conservation Structures and Other Installations (Continued)**

**C C/S Policy (Continued)**

<b>IF component is...</b>	<b>THEN C/S is...</b>
silt removal	<b>not</b> authorized.
animal waste lagoons repaired or replaced within the 100-year floodplain	
irrigation wells	
portable pumps	
Motors	
portable pipe	
roadways including field roads	
wheel move systems	
hand move systems	
center pivot systems	

**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 ECP 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.

<b>IF component is...</b>	<b>THEN C/S is...</b>
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	<b>not</b> authorized.

**National ECP 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 ECP 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.

**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.

**National ECP Practices (Continued)**

**EC6 Drought Emergency Measures (Continued)**

**D Practice Policies (Continued)**

- 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 ECP Practices (Continued)**

**EC6 Drought Emergency Measures (Continued)**

**E C/S Policies**

The following provides C/S policy.

<b>IF component is...</b>	<b>THEN C/S is...</b>
installing pipe to an existing or newly developed source of water because the primary source is inadequate	authorized.
<b>Note:</b> One-time connection fee to public rural water utility lines charged by the water service authority, limited to labor, equipment, and materials, is authorized. Charges for water service must be wholly borne by the producer.	
storage facilities, including tanks incorporated into a new or existing water distribution systems, 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 ECP Practices (Continued)**

**EC6 Drought Emergency Measures (Continued)**

**E C/S Policies (Continued)**

<b>IF component is...</b>	<b>THEN C/S is...</b>
water hauling	<b>not</b> authorized.
silt removal from water impoundments	
constructing pipelines to supply water for vegetable or other short-term crops	
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	
<b>Note:</b> 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:	
<ul style="list-style-type: none"> <li>• hay</li> <li>• silage</li> <li>• field chopped and hauled to headquarters for feeding</li> </ul>	
dry well	
pumps or motors not permanently installed in wells	

**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.



**National ECP Practices (Continued)**

**EC6 Drought Emergency Measures (Continued)**

**G C/S Rate**

C/S rate is 50 percent of the actual cost for all temporary practices.

C/S rate is 75 percent of the actual cost for all permanent 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.

**I Permanent and Temporary Measures**

The following shows examples of permanent measures and temporary measures.

<b>Permanent Measures</b>	<b>Temporary Measures</b>
buried pipelines	temporary pipelines
irrigation tailwater recovery systems for orchards and vineyards	spring or seep developments
construction and deepening of wells	portable water troughs, stock tanks, or tubs
livestock fountains, waterers, or troughs, when mounted on a concrete platform, or similar foundation	

**National ECP Practices (Continued)**

**EC7 Other Emergency Conservation Measures**

**A Authority**

Other emergency conservation practices may be approved by ECP-PM. Submit a copy of practice description for approval to ECP-PM for each applicable ECP implementation, regardless of a prior year's approval.

**B General Policies**

ECP practices must meet the requirements in this handbook.

**C C/S Policies**

The following provides C/S policy.

<b>IF the component is...</b>	<b>THEN C/S is...</b>
replacing or restoring a conservation or pollution abatement practice damaged by the natural disaster	authorized.
restoring eligible land to its normal production capacity	
returning eligible 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	<b>not</b> authorized.
an activity normally performed by producers independently of an ECP designation	

**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 ECP Practices (Continued)**

**EC8 Field Windbreaks and Farmstead Shelterbelts Emergency Measure**

**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 policy to field windbreaks and farmstead shelterbelts that have been seriously damaged by natural disaster.

**C C/S/ Policy**

The following provides C/S policy.

<b>IF the component is...</b>	<b>THEN C/S is...</b>
removing debris from field windbreaks or farmstead shelterbelts replacing	authorized.
planting field windbreaks or farmstead shelterbelts	authorized.
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: <ul style="list-style-type: none"><li>• only where needed to establish trees for the windbreak</li><li>• only during the first 24 months after planting</li></ul>	
windbreaks or shelterbelts that: <ul style="list-style-type: none"><li>• were not pre-existing</li><li>• were not damaged by the disaster</li><li>• are in CRP</li></ul>	<b>not</b> authorized.
planting orchard trees or ornamental plantings	

**D Lifespan**

The practice shall be maintained for at least 10 years after the calendar year of installation.

**National ECP Practices (Continued)**

**EC8 Field Windbreaks and Farmstead Shelterbelts Emergency Measure**

**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.

**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. All practices must specify a minimum lifespan.

## **Example Formats for Providing Disaster Information to News Media**

### **A Natural Disaster Announcement**

The following is an example format for 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.

## Example Formats for Providing Disaster Information to News Media (Continued)

### B Severe Drought Announcement

The following is an example format for a 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.

**Example of FSA-23**

The following is a completed example of FSA-23, which determines the agricultural market value and C/S per acre.

<p><b>This form is available electronically.</b></p> <p><b>FSA-23</b> (09-10-15)</p> <p align="center"><b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency</p> <p align="center"><b>DETERMINING AGRICULTURAL MARKET VALUE AND COST SHARE PER ACRE WORKSHEET</b></p>					
<p><b>INSTRUCTIONS:</b> Complete the following to determine the agricultural market value and C/S (cost share) per acre.</p>					
<p>1. Producer's Name and Address (Include Zip Code)</p> <p>A. Bush 9876 Back St. Smalltown, MD 98765</p>			<p>2. State and County Name</p> <p>Jackson County MD</p>		<p>3. Farm Number(s)</p> <p>F-135</p>
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					
<p><b>NOTE:</b> 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.</p>					
15. Prepared by			16. Title		17. Date Prepared (MM-DD-YYYY)
/s/ C. Furcollar			PT		XX-XX-XXXX

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## Example of FSA-850

The following is an example of FSA-850. This form is available from the FFAS Employee Forms/Publications Online Website at <http://intranet.fsa.usda.gov/dam/ffasforms/forms.html>.

<b>This form is available electronically.</b> <b>FSA-850</b> U.S. DEPARTMENT OF AGRICULTURE (06-14-02) Farm Service Agency  <b>ENVIRONMENTAL EVALUATION CHECKLIST</b>		<b>1. PROJECT INFORMATION</b> <b>1A. PRODUCER or APPLICANT NAME</b>  <b>1B. PROJECT NUMBER</b> <b>1C. STATE &amp; COUNTY CODE</b>		
<b>1D. TYPE OF PROJECT</b> LOAN <input type="checkbox"/> CRP <input type="checkbox"/> ECP <input type="checkbox"/> OTHER <input type="checkbox"/>	<b>1E. PROJECT OR DESCRIPTION</b>  	<b>1F. GENERAL LOCATION</b>  		
<b>2. BACKGROUND</b> 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.				
<b>3. PROTECTED RESOURCES</b> 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.		<b>A</b> Located on the site of the proposed action	<b>B</b> Located within the proposed action area of environmental impact	<b>C</b> 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
<b>a. Wetlands</b> 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>b. Floodplains - Flood Map Panel #</b> _____ For projects involving construction/development in floodplains, attach applicable floodplain development permits.				
<b>c. Sole Source Aquifer Recharge Area (Designated by Environmental Protection Agency)</b> 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.				
<b>d. Critical Habitat or Endangered/Threatened Species (listed or proposed)</b> 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.				
<b>e. Wilderness</b>				
<b>f. Coastal Barrier in Coastal Barrier Resources System or Approved Coastal Zone Management Area</b>				
<b>g. Wild or Scenic River</b>				
<b>h. Natural Landmark</b>				
<b>i. Historical, Archeological Sites</b>				

**Example of FSA-850 (Continued)**

<b>FSA-850 (Page 2) (06-14-02)</b>	
<b>4. WATER QUALITY</b>	
<p>a. Will the proposed action adversely affect the quality of surface and/or ground water?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>b. Will the proposed action comply with the requirements of the Clean Water Act and any applicable State water quality laws?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>If Item 4a is answered "YES," attach as Exhibit 4, a discussion of any impacts to water quality.</p>	
<b>5. AIR QUALITY</b>	
<p>Will the proposed action produce air emissions or odors that will violate any Federal, State, or local laws or standards?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>If "YES," attach as Exhibit 5, a discussion of any impacts to air quality.</p>	
<b>6. NOISE</b>	
<p>Will the proposed action result in permanent increases in noise levels?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>If "YES," attach as Exhibit 6, a discussion of any noise impacts.</p>	
<b>7. IMPORTANT LAND RESOURCES</b>	
<p>Will the proposed action result in the conversion of important farmland, prime forest land, or prime rangeland to a nonagricultural use?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>If "YES," attach as Exhibit 7, a discussion of which land resources would be affected along with any alternatives to the proposed action.</p>	
<b>8. UNIQUE NATURAL FEATURES AND AREAS</b>	
<p>a. Will the project be located near natural features (i.e. bluffs, caves, or cliffs) or near public or private scenic areas?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>b. Are other natural resources visible on the site or in the vicinity?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>c. Will any such resources be adversely affected or will they adversely affect the project?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>If Item 8c is answered "YES," attach as Exhibit 8, a discussion of such natural features or areas and potential adverse impacts.</p>	
<b>9. ENVIRONMENTAL JUSTICE</b>	
<p>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"?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>If "YES," attach as Exhibit 9, a discussion of any adverse effects.</p>	
<b>10. SOCIAL AND ECONOMIC IMPACTS</b>	
<p>Will the proposed action have any negative impacts on the local social and economic conditions? YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>If "YES," attach as Exhibit 10, a discussion of any negative impacts.</p>	
<b>11. STATE ENVIRONMENTAL POLICY ACT</b>	
<p>Is the proposed project subject to a State NEPA? YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>If "YES," attach as Exhibit 11, a discussion of the results of compliance with these requirements.</p>	
<b>12. PUBLIC REACTION</b>	
<p>Have there been any negative reactions from the public related to the proposed project? YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p>If "YES," attach as Exhibit 12, a discussion of any associated comments and related correspondence.</p>	

**Example of FSA-850 (Continued)**

<b>FSA-850 (Page 3) (06-14-02)</b>					
<b>13. CUMULATIVE IMPACTS</b>					
Are there any cumulative impacts resulting from the proposed project?				YES <input type="checkbox"/>	NO <input type="checkbox"/>
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.					
<b>14. ALTERNATIVES</b>					
Based on the answers provided in this form, will alternatives have to be considered?				YES <input type="checkbox"/>	NO <input type="checkbox"/>
If "YES," attach as Exhibit 14, a discussion of the feasibility of alternatives to the project and their environmental impacts.					
<b>15. MITIGATION MEASURES</b>					
Based on the answers provided in this form, will mitigation measures have to be considered?				YES <input type="checkbox"/>	NO <input type="checkbox"/>
If "YES," attach as Exhibit 15, a discussion of any measures which will be required to avoid or mitigate the identified adverse impacts.					
<b>16. COMMENTS</b>					
<b>17. CHECKLIST</b>					
<b>Permits</b>			<b>Forms</b>		
	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					
<b>Letters and Other Requirements</b>					
	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		
<b>NOTE:</b> 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.					
<b>18. FINDING</b>					
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. <input type="checkbox"/> 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. <input type="checkbox"/> 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.					
<b>19A. NAME OF PREPARER</b>			<b>19B. TITLE OF PREPARER</b>		
<b>19C. SIGNATURE OF PREPARER</b>			<b>19D. DATE (MM-DD-YYYY)</b>		
<b>19E. SIGNATURE OF CONCURRING OFFICIAL</b>			<b>19F. TITLE OF CONCURRING OFFICIAL</b>		



## Completing FSA-276

### A Completion Instructions

Complete FSA-276 according to the following table.

Item	Instructions
1	Enter the farm number.
2	Enter the producer's name and address.
3 and 4	<b>To be completed by spot checker.</b> Enter the name and telephone 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	<b>To be completed by spot checker.</b> Enter the location of the practice spot-checked.
12 A	Enter the practice extent performed reported on AD-245 or FSA-848B.
12 B	<b>To be completed by spot checker.</b> 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.
13	<b>To be completed by spot checker.</b> Check "Yes" or "No", as appropriate, to indicate satisfactory or unsatisfactory maintenance.
14	<b>To be completed by spot checker.</b> Check "Yes" or "No", as appropriate, to indicate whether producer supplied proof of payment of practice to support C/S payments.
15	<b>To be completed by spot checker.</b> Document any discrepancies or other notes in the "Remarks" section.
16	<b>To be completed by spot checker.</b> Spot checker shall sign when spot check is completed.
17	<b>To be completed by spot checker.</b> Spot checker shall date when spot check is completed.

## Completing FSA-276 (Continued)

## B Example of FSA-276

The following is a completed example of FSA-276.

This form is available electronically.

<b>FSA-276</b> (09-10-15)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		1. FARM NO. A-45	2. PRODUCER'S NAME AND ADDRESS James Michaels 100 School House Rd. Lebanon, PA 17345				
<b>ON-FARM SPOT CHECK RECORD</b>									
Completed form contains information that protected from unauthorized use/unauthorized disclosure by Federal statutes to include the Privacy Act (5 U.S.C. 552a - as amended) and the Freedom of Information Act (5 U.S.C. § 552 - as amended). USDA disclosure of the completed form is restricted to only the individual(s) to whom the information on the form pertains and to authorized personnel who have (1) the appropriate access clearances/permissions and (2) a demonstrated business need to know the information in order to perform their assigned official duties.									
3. NAME OF PERSON CONTACTED ON FARM			4. TELEPHONE NO. (Include Area Code) 123-987-8546	5. STATE PA	6. COUNTY Lebanon		7. FISCAL YEAR 2015		
8. YEAR PRACTICE COMPLETED	9. PRACTICE NO.	10. DESCRIPTION	11. LOCATION (Field No. or Other)	12. EXTENT		13. SATISFACTORY MAINTENANCE		14. PROOF OF PAYMENT SUPPORTING COST-SHARE	
				A. REPORTED ON AD-245	B. SPOT CHECK UNITS	YES	NO	YES	NO
2014	300	Fencing	120 D	1,000 ft.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. REMARKS: (Describe any discrepancies - use separate sheet(s) of paper)									
16. SIGNATURE OF SPOT CHECKER /s/ Spot Checker						17. DATE OF SPOT CHECKER (MM-DD-YYY) 09-10-2015			

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If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider and employer.