

FSA
HANDBOOK

**Emergency Conservation Program –
Beginning September 16, 2021**

For State and County Offices

SHORT REFERENCE

**1-ECP
(Revision 7)**

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

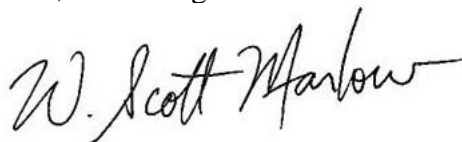
UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Emergency Conservation Program –
Beginning September 16, 2021
1-ECP (Revision 7)

Amendment 2

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraph 37 A has been amended to:

- require SED's establish a monthly State plan to monitor ECP
- add a bullet to report all COC decisions on situations related to paragraph 399.

Subparagraph 98 A has been amended to allow the eligibility of State-owned land with specific parameters.

Subparagraph 98 B has been amended to allow the eligibility of federally owned land with specific parameters.

Subparagraph 98 C has been added to further clarify policy in subparagraph 98 B.

Subparagraph 99 A has been amended to:

- remove the word "State" program as being ineligible for duplicate benefits
- remove Example 3.

Subparagraphs 99 B and C have been amended to remove the word "State" program as being ineligible for duplicate benefits.

Subparagraphs 147 B and 149 B have been amended to reference subparagraphs 153 A and 203 A.

Subparagraphs 153 A and 203 A have been amended to add that fence repair **does not** have to meet NRCS technical practice standards.

Subparagraphs 228 A and B have been amended to add "with the exception of fence repair".

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraph 301 E has been amended to:

- remove “EC3 – Restoring Permanent Fences”
- add “all ECP practices”.

Subparagraph 301 G has been amended to correct the location of the lack of funds letter to Exhibit 83.

Subparagraph 326 B has been amended to clarify FSA responsibility for completing NRCS-CPA-52.

Subparagraphs 399 C and E have been amended to add that COC decisions must be documented in the COC minutes and reported back to the State Office. The decisions are required to be included in a monthly plan according to subparagraph 37 A.

Subparagraph 576 A has been amended to:

- remove all references to “EC3”
- add “all ECP practices” or “any ECP practice”.

Subparagraph 599 A has been amended to remove “for practice EC3”.

Exhibit 43:

- subparagraph A has been amended to:
 - add “EC5 – Emergency Wind Erosion Control Measures” as an eligible ECP practice
 - add “with the exception of fence repair”
 - update the example reference guide of ECP Practice Scenarios to reflect current changes
- subparagraph C has been amended to update technical practices
- subparagraph D has been amended to clarify types of fences authorized for financial assistance
- subparagraph F has been added to include “EC5 – Emergency Wind Erosion Control Measures” as an eligible ECP practice
- subparagraph G has been amended to change the wording from “original approval date” to “original practice expiration date”
- subparagraph H has been amended to express the C/S rate as a flat rate
- subparagraph I has been amended to update technical practices.

Exhibit 61, subparagraph A has been amended to correct instructions for completing FSA-23.

Amendment Transmittal (Continued)

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Part 1 General Information

Section 1 General Provisions

1 Overview

A Handbook Purpose

This handbook provides procedures for STC's, COC's, and State and County Offices administering ECP disasters that occurred on or after September 16, 2021.

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
- processing 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 Agriculture Improvement Act of 2018 (2018 Farm Bill), Section 2403, 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 emergency conservation practices to:

- rehabilitate farmlands and conservation structures damaged by natural disasters such as:
 - drought
 - earthquake
 - explosion
 - flood
 - high water
 - high winds, including micro-bursts
 - hurricane
 - landslide
 - mudslide
 - severe snowstorm
 - storm, including ice storms
 - tidal wave
 - tornado
 - typhoon
 - volcanic eruption
 - wildfire by lightning or when exacerbated by natural conditions
 - wind-driven water
 - other natural phenomena
- 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:
 - ditches
 - other permanently installed systems.

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

2 ECP Authorization (Continued)

C Entitlement to Payment

To qualify for assistance under CFR § 701.103(a), the eligible damage must be so costly that Federal assistance is or will be required to return the land to productive agricultural use or to provide emergency water for livestock.

All ECP payments are subject to eligibility provisions and the availability of funds, therefore ECP is:

- **not** an “entitlement” program
- **not** intended to fully compensate everyone who suffers a loss.

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

3 Related Handbooks

A Handbooks Related to ECP

The following table lists handbooks related to ECP.

IF the questions or concern is about	THEN see...
audits and investigations	9-AO.
State and county organization and administration	16-AO.
appeals, mediation, and litigation	1-APP.
directives management	1-AS.
forms and graphics management	3-AS.
records management	32-AS.
FSA File Maintenance and Disposition Manual	32-AS Supplement.
common management and operating provisions	1-CM.
common payment system related to direct attribution	9-CM.
farm records and reconstitutions	10-CM.
quality control	1-COR.
acreage and compliance determinations	2-CP.
AD-1026 requirements	6-CP.
equitable relief and finality	7-CP.
CRP	2-CRP.
Loss Assessment Reports	1-DIS.
Cost Share Software automation	2-ECP.
Emergency Forest Restoration Program	1-EFRP.
environmental compliance	1-EQ.
making payments or assignment of payments	1-FI.
establishing claims	58-FI.
withholding non-resident alien income tax	62-FI.
assignments and joint payments	63-FI.
reporting receipts and establishing receivable	64-FI.
determining eligible persons, legal entities, and payment limitation	6-PL.

4 Relief Actions

A Waiver Authority

Any procedural provision in this handbook may be waived by DAFP after being submitted to the 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 \$500,000. The payment limitation will be applied based on the disaster ID code assigned by ECP-PM.

B Program Payment Information

Direct attribution provisions apply to ECP. CCC-902 completed within Business File (with an accompanying CCC-901 when any first level member is not an individual person) is required for persons and legal entities requesting ECP benefits. See 9-CM, Part 3 for additional information on direct attribution.

6 Payment Limitation (Continued)**C Additional Information About Filing CCC-902**

See 6-PL for additional information about filing CCC-902.

D Limited Resources, Socially Disadvantage, and Beginning Farmer or Rancher

Ensure qualified producers are designated limited resource, socially disadvantaged, and beginning farmer or rancher according to 1-CM. The limited resource, socially disadvantaged, and beginning farmer or rancher C/S percentage designated in the Program Provisioning software will automatically be used to process C/S approved and C/S earned for producers designated as limited resource, socially disadvantaged, and beginning farmer or rancher on CCC-860. Limited resource, socially disadvantaged, and beginning farmer or rancher producers may be included on the same FSA-848A as producers not designated as limited resource, socially disadvantaged, and beginning farmer or rancher.

Note: The socially disadvantaged producer definition as defined in the 1990 Farm Bill applies to ECP. Gender is not a covered group under the 1990 Act definition.

If the producer claims limited resource, socially disadvantaged, or beginning farmer or rancher status, it is recommended the CCC-860 be completed and entered in Subsidiary prior to submitting an application for C/S to ensure C/S is calculated in CSS at the higher percentage rate prior to COC approval.

See 1-CM for additional information about filing CCC-860.

7 AGI Compliance

A AGI Requirement

Unless a certain appropriation specifically identifies AGI as a requirement, AGI provisions do not normally apply to ECP. See 6-PL.

8 Assigning Program Payments

A Earned Payments

Payments earned may be assigned or be issued jointly according to 63-FI.

9 Record of Natural Disasters

A Maintaining County History

County Offices must maintain a permanent file (hard copy or electronic) on all 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 must include at a minimum:

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

Note: File with other ECP documents according to 32-AS.

10 Program Year

A Fiscal Year

The ECP program year is the FY the disaster starts.

11 Forms and Supplementation

A National Forms

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

The following ECP forms will be automatically generated through CSS:

- FSA-848 (Cost-Share Request)
- FSA-848-1 (Continuation of FSA-848)
- FSA-848A (Cost-Share Agreement)

Note: FSA-848A becomes the ECP agreement when signed by COC and participant signs within 15 calendar days of the COC decision.

- FSA-848A-1 (Continuation Sheet of FSA-848A)
- FSA-848B (Cost-Share Performance Certification and Payment)
- FSA-848B-1 (Continuation of FSA-848B)

Note: If the form is not available through CSS, forms may be accessed online at the FFAS Employee Forms/Publications Online Website. Any forms not generated through CSS must be entered in CSS within 5 workdays of receipt of the form.

11 Forms and Supplementation (Continued)**B Adding, Modifying, or Withdrawing Provisions**

State supplements to the handbook must **not** be less restrictive than the provisions of this handbook. State-specific amendments may be made that are consistent with ECP provisions. For permanent directives, the following guidelines **must** be followed:

- submit to CD for review and approval before issuance to the Service Centers within the State
- issue **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: The national ECP-PM may periodically select State Office amendments for review.

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

The CCC-770 ECP-1 (Exhibit 5) must 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 payments.

County Offices that have not implemented ECP within the last 2 years must complete CCC-770 ECP-1 on the first 10 applications per Service Center.

B CCC-770 ECP-1 Information

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

- use CCC-770 ECP-1 as a reminder of the most frequently “erred” determinations and certifications
- recognize that the questions asked on CCC-770 ECP-1 are very general in nature.

12 CCC-770 ECP-1

C Completing CCC-770 ECP-1

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

- if additional CCC-770 ECP-1 should be completed for review when apparent internal control deficiencies are found during any CED, STC-delegated representative, or DD reviews
- when additional internal controls are necessary to reduce improper payments.

Note: CCC-770 ECP-1 developed by the National Office is the **only** authorized ECP checklist. State Offices may approve supplemental checklists used by County Offices; however, these do not replace CCC-770 ECP-1, are not an official form, and must not contain producer signature.

13-33 (Reserved)

Section 2 ECP Administration and Responsibilities

34 National Office Responsibilities

A Annual Program Administration Activities

FSA National Office is responsible for reviewing:

- program oversight and implementation
- implementation requests
- sign up extensions
- practice extension requests
- approval authority over \$250,000
- waiver approvals
- ECP payment scenario and components
- requested changes to ECP payment scenarios with NRCS.

NRCS National Technical Discipline Leads are responsible for developing all ECP payment scenarios used for ECP at the request of and with input and direction provided by FSA.

35 ECP Annual Program Administration Activity**A Action**

At the beginning of each FY:

- SED will consult with SEC, STC, and, as applicable, SEB, NRCS, FS, and other technical service providers about any areas of concern within the State or the implementation of ECP practices
- State Offices must review ECP payment scenarios and descriptions for all ECP practices.

Notes: It is recommended this review process include the State technical committee.

State Office must submit any suggested changes to the ECP-PM for review and consideration.

- State Offices will copy ECP payment scenarios and costs in Program Provisioning

Notes: County Offices will copy applicable ECP payment scenarios from the State list to their county list in the event of a disaster.

Only National Office approved ECP Payment scenarios will be used.

- SED and CED will consult with NRCS to establish TA needs.

Note: See Part 5 for additional guidance about TA.

36 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
- is responsible for annually reviewing the agricultural market values established by COC's in each county.

Example: If DD is designated by STC, then DD could act for STC as their designee.

B STC Action

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

- direct the implementation and administration of ECP
- document STC actions and delegations in minutes, according to 16-AO.

37 SED Responsibilities

A Program Oversight

SED must:

- 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, procedures, and responsibilities, including those related to ECP payment scenarios
- ensure correct ECP payment scenario rates are reflected in CSS
- ensure information submitted is complete and supports requests for implementation and funds
- *--establish a monthly State plan to monitor ECP that must provide:--*
 - for the STC-delegated representative to:
 - review a sampling of FSA-848's filed in each County Office as required in paragraph 399
 - ensure that action is taken for review and approval of certain FSA-848's as required according to paragraph 399
 - *--report all COC decisions on situations related to paragraph 399--*
 - the sampling and monitoring needed for ECP implementation and assistance
 - spot check completed practices as required in paragraph 682.

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

38 COC Responsibilities**A ECP Administration**

COC must 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. See 16-AO.

Note: COC may delegate authority to an individual COC member or CED according to paragraph 41.

C Documenting COC Determinations

Written documentation is required for determinations made by COC or designee. Routine COC determinations may be documented by its delegate signing a form for COC.

D Acceptable Documentation

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

- annotation on the document of the COC determination that is 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 COC document must be cross-referenced to COC minutes and the COC minutes must reflect COC action.

38 COC Responsibilities (Continued)**E Required COC Minutes Documentation**

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

- producer's name
- application number
- practice or practices
- 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.

39 CED Responsibilities**A ECP Administration**

CED is responsible for the day-to-day administration of ECP in the county as directed by COC according to national and State policy and procedure. Authority is limited only to those provided in national and State policy.

B CED Actions

CED must:

- ensure that current versions of both 1-ECP and 2-ECP are available and are reviewed by County Office employees
- ensure that county practice data is updated in CSS
- issue FSA-848 (Exhibit 16), FSA-848A (Exhibit 17), and FSA-848 B (Exhibit 18) 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
- process C/S for payee
- approve payments to producers
- ensure that appropriate review and approval of specific FSA-848's is performed according to paragraph 399
- perform spot checks.

Note: CED may designate the program technician to perform these and other functions, with the exception of approval of payments to producers, without formal delegation.

40 County Office Employee Action

A Documenting Action

In addition to COC minutes, County Office employees must ensure that the facts obtained and the actions taken are made a matter of written record by recording the facts on either of the following:

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

Note: The County Office employee must sign or initial and date the documentation.

B Additional Payment Scenario Responsibilities

In addition to the responsibilities listed above, County Office employees must follow these policy guidelines when utilizing payment scenarios:

- use only ECP payment scenarios.
- ensure correct payment scenario rates are reflected in CSS
- collect and date stamp C/S documentation and receipts
- inform participant receipts must be retained for the lifespan of the practice scenario.

41 Delegations of Authority**A COC Delegated Authorities**

Authorities that may be delegated to CED or an individual COC member include determining the following:

- the amount COC is willing to approve (according to needs and feasibility determination)
- the sufficiency of signatures and authority of persons signing in a representative capacity
- the value of:
 - ineligible contributions by producers
 - the contributions of each person or legal entity who contributed to performing a practice
- whether completing only a specific component of a practice is a reasonable attainment toward completing the practice and prescribing the time for practice completion
- 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
 - changes in the needed extent, C/S, or both, as supported by the needs determination on FSA-848A, page 2
- whether ECP should be requested.

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

STC authorities may be delegated to SED or DD only for 1st extension request. All County Office employees' applications must be submitted to STC for approval.

C Limitations on Delegations

The following are limitations on delegations:

- COC must establish and specify determinations described in subparagraph A, if any, that will be delegated to CED, recorded in COC minutes, and filed according to 32-AS
- authority cannot be delegated to CED to act on matters involving the farms of STC or COC members or a CED-owned farm
- CED must carry out responsibilities according to COC delegations
- COC must review delegated authorities annually to ensure that the authorities are being followed.

D Authorities Not to Delegate

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

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

42 Arbitrary Hold Downs

A Responsibilities

Arbitrary hold downs are **not** authorized.

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

A Persons or Legal Entities Responsible for Obtaining Easements and Permits

Persons 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 will:

- not pay C/S if necessary easements, permits, or other necessary permission have not been obtained by the participant
- indicate on the ECP agreement in the “Remarks” section whether necessary authorization has been obtained
- confer with the responsible technical agency to ensure that necessary easements, permits, or other necessary permission have been obtained by the participant.

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

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.

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.

44 Bartering

A 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** the following apply:

- bartering directly relates to the ECP practice

Example: Participant exchanges 1,000 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

Note: Bartering statements must provide the terms of the agreement complete with values for goods and services. If selected for spot check, producers must be able to provide the bartering agreement. If selected for payment scenario cost review, bartering agreements must be submitted with other supporting documentation.

- ECP C/S payment will not be issued until bartered goods have been received or until the bartered service has actually been rendered.

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

B Record of Barter

The ECP participant must present a signed document that provides the details of the barter agreement before C/S is processed. The documentation must 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 will be required to refund any C/S paid for the bartered services or goods.

44 Bartering (Continued)

C Legality

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

D Spot Checks

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

45-65 (Reserved)

Part 2 ECP Eligibility

Section 1 Person and Legal Entity Eligibility

66 Eligible and Ineligible Persons and Legal Entities

A Person and Legal Entity Eligibility

See 6-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 204.

COC must determine:

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

C Assistance Not Needed

To qualify for assistance under CFR § 701.103(a), the eligible damage must be so costly that Federal assistance is or will be required to return the land to productive agricultural use or to provide emergency water for livestock. See paragraph 204.

66 Eligible and Ineligible Persons and Legal Entities (Continued)

D 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.

E 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.

67 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"> • an individual • a partnership member • an association • a corporation • an estate • a trust • a business enterprise • a legal entity Note: Foreign nationals are eligible.	is an agricultural producer (see subparagraph B) who contributes part of the practice cost	is eligible for ECP benefits.
<ul style="list-style-type: none"> • Federal agency • State • a political subdivision of a State • State agency • district with taxing authority 		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 6-PL.

67 Determining Eligible and Ineligible Participants (Continued)

B Agricultural Producer

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

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

Note: See Exhibit 2 for the definition of eligible livestock for ECP purposes.

68 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 Non-Tribal Lands

Individual Native Americans on non-Tribal lands must meet the requirements in paragraph 67 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.

69 Cooperative Grazing Associations and Districts

A Eligibility for C/S Assistance

Cooperative grazing associations and districts that meet the requirements in paragraph 67 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 will **not** be issued to both the association or district, and the individual members for practices to be performed on this land.

70 Clubs and Organizations

A Eligibility

Youth clubs and organizations such as 4-H clubs, FFA chapters, and scout troops are eligible for C/S assistance if:

- qualified as an eligible person or legal entity according to paragraph 67
- the necessary ECP forms are signed by an adult who officially represents the organization
- the land meets land eligibility requirements and is privately owned.

B Sports Clubs

A sports club is eligible for C/S if it qualifies as an eligible person or legal entity according to paragraph 67.

71 Government Entities

A Federal or State Government and Agencies

A Federal or 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 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.

72 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 members' 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 must include those formal and informal organizations that have all the following characteristics:

- are formed under State law to either:
 - 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 its members' 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 paragraphs 66 and 67.

72 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 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 DAFP Waiver Authority

DAFP may grant waivers on an individual basis with proper documentation.

Waivers may be granted when State law or similar statute restricts 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.

72 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 while also operating and maintaining the ditch system.

- XYZ will annually assess members an amount set by XYZ and approved by XYZ's members holding the majority of water shares.
- If the assessment is not paid within 30 to 60 calendar days, 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 paragraphs 66 and 67.

73-93 (Reserved)

Section 2 Land Eligibility**94 Eligible Land****A General Provisions**

The provisions in this subparagraph apply to specific land for which an ECP application is or has been filed.

Land eligible under ECP includes land:

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

Note: Property damaged by a natural disaster which is physically located in one county, but administered in a different county, is eligible for ECP. Applications for ECP must be completed in the administrative county of the farm. The National Office ECP approval memo must be included as part of all applications with different physical and administrative counties.

- normally used for farming or ranching operations
- privately owned facilities
- 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 and groves
- used for producing agricultural commodities
- used as grazing for commercial livestock production
- used for aquaculture facilities

94 Eligible Land (Continued)**A General Provisions (Continued)**

- where conservation structures are installed

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

- devoted to nursery stock (including, but not limited to, ferneries) including container-grown plants, if the nursery grows stock commercially or stock is grown on land in containers for at least one year.
- used for commercial Christmas tree production
- 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
- when a landslide/mudslide deposits debris on agriculturally productive land.

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.

94 Eligible Land (Continued)

B Eligible and Ineligible Land Examples

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

Example	Damaged Area or Structure	Eligibility	Reason for Ineligibility
1	Debris from collapsed barn in the building's footprint or on farmstead.	No.	Structures are primarily a capital investment and not agricultural land.
2	Debris from collapsed poultry house in the building's footprint or on farmstead.		
3	Damaged land around the farmstead.	No, except for removal of debris that interferes with normal farming operations.	Nonagricultural land.
4	Buried Mainline.	No.	Not conservation use.
5	Center pivot irrigation system.	No.	Because of portable nature.
6	Recreational fishpond, including fence.	No.	Primarily non-agricultural 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 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.

94 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	Debris in field ditch.	Yes, if it interferes with normal farming operations.	
14	Damaged fence, involving livestock.	Yes. Note: Fence must have been damaged by an eligible natural disaster.	
15	Damaged waterway.	Yes.	
16	Damaged terraces.	Yes.	
17	Field not subject to frequent damage and not damaged more than 2 times in the last 10 years by the same type of disaster (see subparagraph 95 B for additional clarification and examples).	Yes.	
18	Damaged levee.	No.	Nonagricultural land.
19	Damaged land between levee and a stream.	No.	Land subject to frequent damage.
20	Damaged fence on public land.	No.	Public land ineligible for ECP.

95 Ineligible Land**A General Provisions**

Land that is ineligible for ECP includes land:

- owned or controlled by the Federal Government (see paragraph 98)
- owned or controlled by States, State agencies, or other political subdivisions of a State (see paragraph 98)
- 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
- 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, including land above or below the reservoir
- between any levee or dike and stream, river, or body of water, including land between 2 or more levees or dikes which are providing flood protection from the same water source

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

- 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 submitted to ECP-PM and approved by DAFP if the canal is not a channel subject to flooding
- located under greenhouses, hoop houses, and high tunnel structures
- where poor farming practices, such as failure to farm on the contour, have materially contributed to damaging the land
- sinkholes unless associated with severe land scouring except as submitted to ECP-PM and approved by DAFP on a case-by-case basis
- road culverts
- damaged by wildfire started by other than natural causes

Note: ECP-PM may waive this requirement if extreme or abnormal damaging weather conditions such as drought or high winds exacerbate the fire.

- devoted to trees for timber production (see 1-EFRP)
- not considered to be in agricultural production, 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.

95 Ineligible Land (Continued)

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 these determinations on consideration of all factors considered 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 cost shared rehabilitation is required more than 2 times in the last 10 years, including the current year, by the same type of disaster on the same CLU.

Example 1: Hurricanes cause damage on the same CLU in 2015, 2019, and 2022. The damage in 2022 is not eligible for ECP C/S unless a waiver is submitted to the ECP-PM and approved by DAFP.

Example 2: Hurricane causes damage on the same CLU in 2015 and in 2019. In 2022, an ice storm causes damage the same CLU. Even though there were 3 disasters in 10 years on the same CLU, the 2022 disaster was different from 2015 and 2019. Therefore, all three occurrences are eligible for ECP C/S.

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.

COC may submit frequent damage waiver requests, with STC approval, to the ECP-PM for DAFP approval.

Frequent damage waiver requests must include:

- historical list of damage and ECP implementation for damaged land area during previous ten-year period
- county maps of previous damage
- number of producers and farms affected by natural disaster
- map of affected farmland.

95 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 and has supporting documentation that the levee will be restored in a timeframe supplied to COC by the U.S. Army Corps of Engineers. The restoration of the levee must meet the standards and specifications of the U.S. Army Corps of Engineers.

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 will 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 (Exhibit 31) to obtain the producer's written agreement.

D C/S Authorization

C/S is not authorized for:

- rehabilitating streambanks, channels, levees, and dikes
- land between levee and stream.

96 Administrative State and County Offices

A Farmland Eligibility

Land eligible for ECP C/S assistance will include any farmland physically located in **only** an ECP-approved county. This includes land that is physically located in the ECP-approved county, but which is administratively located in a non-approved ECP county.

For the non-approved ECP county to administer the C/S process for the eligible land physically located in the ECP-approved county, the administrative county for the farm 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.

Example: Tornado happens in County A. County B is the administrative county for a farm with damage in County A. Even though County B is the non-approved county, County B must:

- be added to the applicable disaster ID
- request funds
- process the C/S request based on physical location and respective regional payment scenario rates and NRCS standards and specifications
- process approval
- process payment.

Note: This example would also be true across State lines. Payment scenario rates as well as NRCS standards and specifications will be based on the physical location of the damage.

Applications for ECP must be completed in the administrative county of the farm. The National Office ECP approval memo must be included as part of all applications with different physical and administrative counties.

97 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.

98 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"> person or legal entity will directly benefit from the practice land will likely remain in agricultural production 	eligible for C/S.
practice is for the primary benefit of the State or State agencies	ineligible for C/S.
person is prohibited by the lease from accepting C/S	

B Federally Owned Land

The following table shows eligibility policies on federally owned land.

IF an eligible person or legal entity files a C/S request on...	AND...	THEN the land is...
federally owned farmland	<p>all of the following apply:</p> <ul style="list-style-type: none"> a private person or legal entity is farming the cropland a person or legal entity has a lease that does not prohibit C/S <p>Note: Private persons or legal entities exclude federal and State agencies.</p> <ul style="list-style-type: none"> the practice will primarily benefit nearby or adjacent privately owned farmland of the person or legal entity performing the practice a person or legal entity performing the practice has authorization from the federal agency to install and maintain the practice the federal land is the most practical location for the practice 	eligible.
	during a drought, the practice will primarily benefit the livestock owned or managed by the person or legal entity performing the practice	
	practices performed on these lands are for the benefit of land owned by a federal agency	ineligible.
	Note: See paragraph 43 for policy on easements, rights-of-way, etc.	

--*

98 Government-Owned Land (Continued)***--C Land Temporarily Owned by the United States**

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

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

C/S may not be earned on the same piece of land, which the producer has or will received funding from any other Federal * * * 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
- EFRP
- EQIP
- EWP
- TAP
- WRP
- Emergency WRP.

All cost share assistance must be marked on a map to show area of ECP C/S and outside assistance. In addition, receipts detailing cost must be submitted separately for each program.

Example 1: Cross fence and boundary fence were destroyed by wildfire. The participant could install cross fence using EQIP funds, and the boundary fence could be eligible for ECP assistance as long as they are on two different areas of land, and are denoted as two separate expenses on the producer's receipts.

Example 2: Fence was initially installed using EQIP funds but destroyed by a tornado. If the fence is still within the EQIP lifespan, the fence is not eligible for ECP C/S.

* * *

99 Prohibition of Duplicate Benefits (Continued)**B Land With Practices Under Practice Maintenance From Any Other Federal * * * C/S Program**

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 enrolled in any other Federal * * * 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 * * * C/S program.

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

IF...	AND...	THEN C/S may...
measures will accomplish the purpose of the practice	the practice will not be C/S under another Federal program	be authorized.
a component of a practice is performed using C/S from another *--Federal program--*	the component treats the same problem on the same land	not be authorized.
participants have or will receive funding on the same acreage under: <ul style="list-style-type: none"> • CRP • EFRP • EQIP • EWP • TAP • WRP • Emergency WRP 		
participants have or will receive funding for the same or similar expenses under EQIP, EWP, or other C/S programs to create duplicate payments, or, in effect, a higher rate of C/S than is allowed		

99 Prohibition of Duplicate Benefits (Continued)

D Refund of ECP Payment

Participants who elect to receive other Federal C/S assistance are obligated to refund ECP C/S payments, plus interest.

Refunds must be processed according to 64-FI.

100-120 (Reserved)

Section 3 Practice Eligibility

121 COC-Approved Practices

A County Program

COC will use the nationally approved ECP practices according to national policy and procedure.

See Exhibit 43 for nationally approved practices.

122 Practices Requiring DAFP Approval

A Practices Requiring Special Approval

Approval authority for ECP Practice EC7 must be sent to ECP-PM for DAFP approval **before** practice implementation.

Note: ECP Practice EC6 requires additional documentation and review by ECP-PM according to paragraph 277.

123 Practice Lifespans and Maintenance

A Natural Disaster

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

B Damage Occurring During Lifespan

Follow instructions in this table for practices damaged during lifespan.

IF the ECP C/S practice is...	THEN...
later damaged by a subsequent natural disaster during the practice lifespan	the practice may be considered eligible for additional ECP assistance 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 must follow practice maintenance procedure in Exhibit 43.

C Maintenance

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

Note: County Offices must advise producers of the requirement to maintain the practice for its useful lifespan prior to approval of the FSA-848A.

124 Size of Conservation Structures**A Determining Eligible Size of Conservation Structures**

COC will limit C/S on any practice to the smaller of either of the following:

- the size of the conservation structure before the disaster
- materials needed to solve the conservation or environmental problem if different than prior existing size and according to current NRCS standards and specifications.

Note: The cost of installing a conservation structure that is larger than the original conservation structure and exceeds the minimum standards for restoration of the original conservation structure is the financial responsibility of the participant.

125 C/S for Minerals and Seeds on Eligible Conservation Structures**A Authorized C/S**

C/S for minerals and seeds is authorized **only** for establishing or re-establishing permanent vegetative cover on eligible conservation structures or installations where needed to prevent critical erosion and siltation.

Example: C/S is authorized to establish or re-establish waterways, terraces, and spillways.
C/S is not authorized to re-establish cover on fields.

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 grass-legume practice under normal conditions.

126-146 (Reserved)

Part 3 ECP Payment Scenarios**147 Background****A Introduction of ECP Payment Scenarios**

FSA is authorized to set C/S rates at a total allowable cost for each practice in ECP. FSA uses the NRCS technical determination of incurred costs associated with practice implementation to set total allowable cost for ECP. This affords the agency the ability to:

- issue payments for ECP practices based upon payment scenarios representing the typical cost of implementing the practice
- document costs for practice implementation.

Beginning August 2021, FSA has utilized ECP payment scenarios to document cost of ECP practice implementation and provide public transparency in determination of payment rates to support program payments administered through conservation CSS. The methods for development of ECP payment scenarios must include assurances that payments meet program authority, reduce potential for improper payments, provide adequate C/S assistance to encourage implementation of practices, and other positive benefits.

B ECP Payment Scenario Methodology

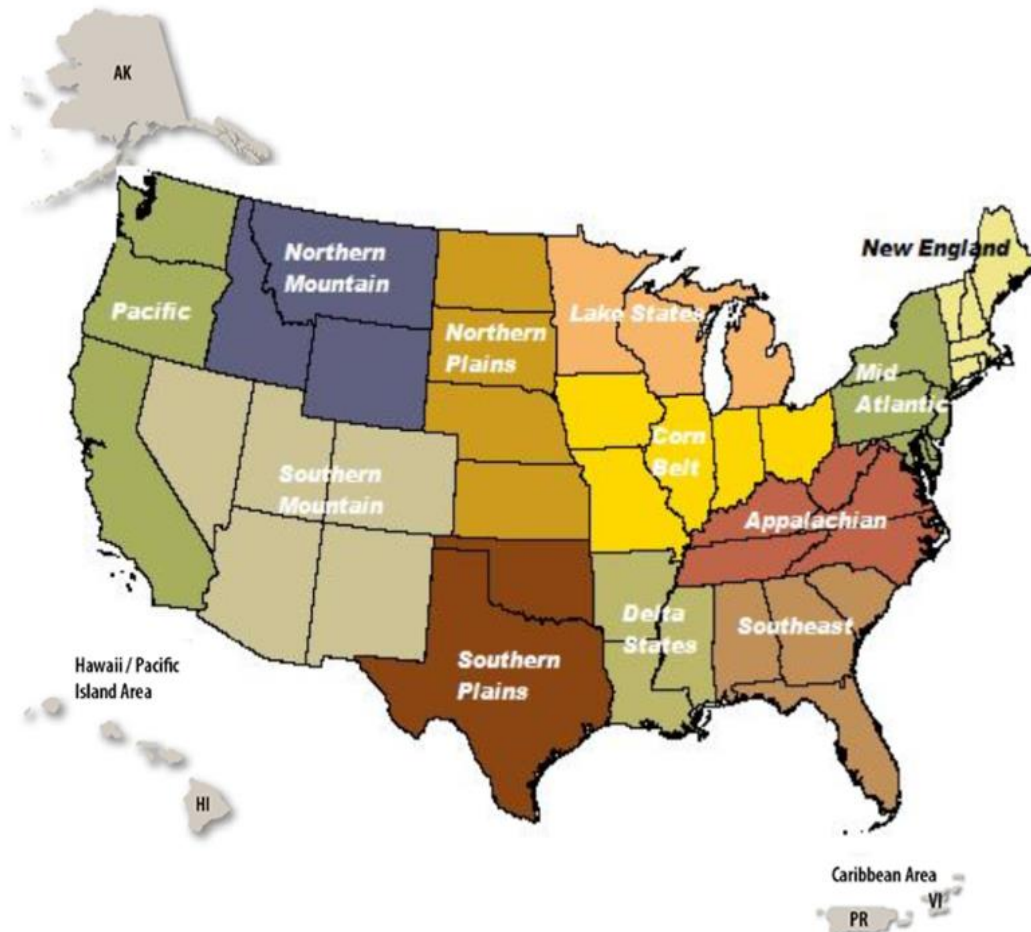
The methodology and process used by NRCS to develop ECP payment scenarios is consistent with NRCS Handbook Title 300-Payment Schedule Handbook Part 600-Payment Schedules and NRCS Conservation Programs Manual. FSA will utilize ECP payment scenarios to:

- achieve transparent and timely payment rate information for program applicants and agency partners
- ensure that payment rates are consistent with program authority
- provide flexibility that reflects cost variation across the nation
- use established and accepted economic geographic areas aligned with States and payment scenario regions based on farm employment data, crop costs, and other economic factors

147 Background (Continued)

B ECP Payment Scenario Methodology (Continued)

Note: The following map provides payment scenario regions.



- ensure C/S is consistent with the definition, purpose, and requirements of approved
*--ECP practice and associates NRCS technical practice standards, as applicable

Note: See subparagraphs 153 A and 203 A.--*

- simplify program application, administration, and payments
- support agency efforts to reduce overall workload.

148 ECP Payment Scenario Applicability

A ECP Payment Scenarios are all Inclusive

ECP payment scenarios are used to document all authorized costs and payment rates used to calculate C/S for ECP payment scenarios.

B Publishing Fiscal Year Rates

To make program opportunities available to eligible participants at the beginning of any new program year, the agency has established that all activities, procedures, and actions needed to publish final payment rates must be completed by the beginning of each fiscal year.

149 Incurred Cost Determination Process

A Determining Estimated Incurred Costs

ECP Payment scenarios are used to document appropriate estimated incurred costs to arrive at a payment rate for program C/S payments. Program legislation requires that program payments be based on the estimated incurred costs with practice implementation to replace or restore farmland, fences, or conservation structures after being damaged or destroyed by a natural disaster. Program payments are not to reimburse producers completely for all costs associated with practice implementation.

It is not appropriate to use ECP payment scenarios as estimated total cost associated with projects since the ECP payment scenario process only includes eligible cost authorized by ECP and omits certain cost such as operation and maintenance, risk, administrative/permits, opportunity costs, etc.

The applicant is responsible for making the final decision whether the program payment from FSA will provide sufficient C/S to warrant continuing with the application/agreement.

Both personal and hired labor are included in the individual landowner/producer's actual cost but are not used for the determination of ECP C/S payment. ECP payment scenario rates and extent approved are used for the determination of ECP C/S payments.

B Process to Determine Estimated Incurred Costs

The process of determining the estimated incurred costs for individual ECP practice implementation is an annual process involving both FSA and NRCS.

The following provides a summary of the process.

- ECP payment scenario development begins at the national level by FSA requesting scenario development, or utilization of existing scenarios NRCS has created, based on NRCS conservation practice standards, as applicable. See subparagraphs 153 A and 203 A.--*
- A national ECP payment scenario with regionally adjusted costs is developed to ensure that the ECP payment scenarios C/S rates reflect the economic variations in all 15 regions.
- ECP-PM identifies acceptable ECP payment scenarios to be associated with each ECP practice.

Notes: States may **not** establish any additional policy or guidance regarding administration or development of ECP payment scenarios.

See Exhibit 51 for flow chart of scenario development.

150 Cost Categories for Payment Scenarios

A Eligible Cost Categories

For the purpose of cost documentation in ECP payment scenarios, only the following cost categories are authorized to be used:

- materials
- equipment for installation
- labor
- mobilization.

B Ineligible Cost Categories

Since ECP payment scenarios are not used as a basis to determine total estimated project cost, the following categories are not included or documented in ECP payment scenarios:

- O&M
- risk
- administrative and permit costs.

151 ECP Payment Scenario Typical Installation

A Typical Practice Scenario Installation

The ECP payment scenario is:

- a general description of a typical practice installation under the conditions typical of ECP
- initially established by NRCS national discipline leads with responsibility for each practice to address common application for typical practice installation.

B Included in Payment Scenarios

At a minimum, ECP payment scenarios must include:

- brief description of the location and site setting
- typical installation extent (acres, square feet, etc.)
- reference to commonly associated or facilitating practices.

151 ECP Payment Scenario Typical Installation (Continued)**C Payment Scenario Purpose and Function**

The ECP payment scenario **does**:

- determine the commonly used components and activities associated with a practice
- assist the County Office staff in selecting the most appropriate ECP payment scenario for the producer regardless of the final payment rate
- document the estimated incurred costs and the allowable payment rate
- broadly approximate the typical implementation of ECP practices.

The ECP payment scenario **does not**:

- dictate the technical requirements or design of a practice
- develop a description of every situation that may exist where the practice is applied.

D Unique Situations

There may be situations in EC7 where the site settings or the typical application of a practice is truly unique. This situation may require additional ECP payment scenarios to be developed that represent an area smaller than the established regional geographic area. These exceptions will only be considered by the ECP-PM when all the following conditions are met:

- the resource setting requires that additional or unique components (material, labor, equipment, etc.) be considered
- the final payment rate is significantly different than what is provided based on the other payment scenarios.

152 Components and Practices**A Payment Scenario Components**

ECP payment scenarios may not include payments for a stand-alone component or item that does not meet the design requirements of the complete practice. ECP payment scenarios only establish payment rates for the estimated incurred costs associated with practice implementation that are certified as meeting NRCS practice standard and specifications requirements.

B Typically Needed to Meet Minimum Practice Scenario Requirements

The selection of components is based on what is typically needed to meet the minimum requirements of the practice scenario standard, accomplish practice installation and also represents the least-costly alternative.

153 Practice Standards and Lifespan Maintenance**A Practice Scenario Standards**

ECP practices implemented with program C/S assistance must meet the NRCS standards and specifications of the associated technical practice(s). Costs documented in the ECP payment scenario must only address those activities necessary to implement the practice.

***--Note:** Fence repair **does not** have to meet NRCS technical practice standards.--*

B Practice Scenario Lifespan Maintenance

Practices must be maintained for the lifespan of the practice. Refer to O&M plan provided by NRCS for practice maintenance requirements. All cost associated with maintenance activities are borne by the participant.

154 Receipt Collection for Cost Review

A Receipt Collection

Although cost data was previously based upon receipts, invoices, and local evidence of actual cost of practice implementation, ECP payment scenarios support a methodology that estimates costs.

This methodology substantially reduces the workload associated with collecting specific actual cost data by using information previously collected by NRCS from consolidating data sources.

B County Office Receipt Review

County Offices are no longer required to review receipts for eligible and ineligible material costs. However, County Offices are required to collect and date-stamp all receipts, invoices, etc. associated with the practice.

155 Component and Cost Review Process

A FSA Internal Audit Team

FSA will complete an internal review at least annually to ensure producer costs are consistent with ECP payment scenario rates. State Offices will submit cost documentation to the ECP-PM by county as requested for review.

FSA's internal audit team will be composed of at least 5 people including 1 representative from the Northeast, Southeast, Midwest, Southwest, and Northwest areas.

Note: In a more active year with more disasters, up to 10 representatives may be needed on the team.

Team training will be completed annually prior to the start of the review to ensure consistency across the review of the date-stamped receipts and documentation collected by County Office.

B Submission of Documentation

All cost documentation related to agreement will be scanned to assigned reviewer through a SharePoint site. Documents must be submitted as one file and include:

- application
- map
- needs determination/job sheets
- agreement
- per practice receipts with notation of use in practice installation for items on receipt.

At least a 10 percent review (including the first 5 agreements accepted by the service center) not to exceed 10 agreements received in the service center for each implemented practice.

Review will be completed in no longer than three weeks, including audit of agreement documentation for ECP eligible items/equipment/labor, cost evaluation, and component eligibility and use.

Example: Tractor listed on ECP payment scenario, but skid steer used by producer.

If a producer's receipts are not complete, denote reason sample is not valid and request additional random sample.

155 Component and Cost Review Process (Continued)**C Auditor's Report**

Auditor's report will include:

- date of review
- State, county, agreement number, EC practice(s) being reviewed, EC payment scenario units, and EC practice extent
- component variation from ECP payment scenario

Example: Skid steer used instead of tractor

- costs associated with variations in materials, equipment, labor, or mobilization at the component level
- costs differences in component

Example: Producer took 25 hours on tractor to move 10 acres of debris and ECP payment scenario uses 10 hours to move 10 acres. (These differences will be important when “validating” the ECP payment scenarios equate to the cost of installing typical EC practices.)

- total cost comparison versus total cost share paid using— ECP payment scenario.

156-178 (Reserved)

Part 4 State and County ECP Establishment

Section 1 Cost Share (C/S) Policies

179 Maximum C/S Levels

A Maximum C/S Payment Levels

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

ECP C/S approvals or payments **must not** exceed 75 percent of the producer's total allowable cost to perform the practice. As a limited resource, socially disadvantaged, or beginning farmer or rancher, C/S approval **must not** exceed 90 percent of the producer's total allowable cost to perform the practice. If the producer claims limited resource, socially disadvantaged, or beginning farmer or rancher status, it is recommended that the CCC-860 be completed and entered in Subsidiary before submitting a C/S application to ensure that C/S is calculated in CSS at the higher percentage rate before COC approval.

Example 1: If total allowable costs of all practices caused by the disaster are \$210,000, then maximum C/S allowance is calculated as $\$210,000 \times 75\% = \$157,500$.

Example 2: If the producer is approved as a limited resource, socially disadvantaged, or beginning farmer or rancher by COC, the maximum C/S allowance is calculated as $\$210,000 \times 90\% = \$189,000$.

Notes: See 1-CM for limited resource, socially disadvantaged, or beginning farmer or rancher provisions.

The socially disadvantaged producer definition as defined in the 1990 Farm Bill applies to ECP. Gender is not a covered group under the 1990 Act definition.

B ECP Payment Scenario C/S Levels Reviewed by State Committees

State Committees must review ECP payment scenarios and descriptions for all ECP practices.

STC suggested changes must be submitted to the ECP-PM for review and consideration. Suggestions will be submitted for review and future development.

179 Maximum C/S Levels (Continued)**C C/S Limits Based on Land Value**

ECP C/S approvals or payments **may not** exceed 50 percent of the agricultural market value of the affected land as determined by COC, unless waived by DAFP. NASS land values, land appraisals, or comparable sales from local realtors are resources from which to determine the agricultural market value of the affected land.

There can and will sometimes be great variances in the agricultural market value of land between counties in a State. STC's are responsible for making certain that the agricultural market value determined for land in a county is relative to that county and not all counties in the State.

Waiver Request Example: A hurricane caused extensive damage to a pond. To rebuild the practice to current NRCS standards and specifications, C/S to restore the pond dam will exceed 50 percent of the agricultural market value.

COC must determine applicable farmland value from NASS data or other credible resources as determined by STC. NASS land value data can be found at <https://www.nass.usda.gov>. Other credible sources may include the State university, local land taxing authority, etc. STC is responsible for annually reviewing the agricultural market values established by COC's in each county.

Using FSA-23 (Exhibit 61), apply land value limitations according to the acres served by the total affected land's rehabilitation. Consider acres served for practice:

- EC1 as the field acreage requiring 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.

180 C/S Levels With Limitations

A Documenting C/S Levels With Limitations

Maximum C/S levels are established for all practices using 75 percent or 90 percent of the total allowable cost on the ECP payment scenario. ECP payment scenarios are based on the most economically responsible use of funds to resolve the conservation issues.

181-201 (Reserved)

Section 2 General C/S Eligibility**202 Items Considered Eligible and Ineligible for C/S****A Items Considered Eligible for C/S**

Items considered eligible for C/S assistance are included in the ECP payment scenario and include the cost of any direct and significant factors necessary for performing the practice to rehabilitate the damaged land or conservation structures, such as:

- materials
- services
- labor
- equipment
- sales tax.

Note: If approved by COC, incorporating used materials must:

- meet NRCS standards and specifications
- be approved for use by the NRCS State Conservation Engineer
- be documented in COC minutes.

202 Items Considered Eligible and Ineligible for C/S (Continued)**B Items Considered Ineligible for ECP C/S**

Items considered ineligible for ECP C/S include:

- mowing pastures
- measures to control insects or rodents
- measures to treat plant diseases or nematodes
- engineering charges
- permit or connection fees
- project manager or consultant's fees
- chopping or shredding residues from crops for insect control
- all practices on Federal and State land (see paragraph 95)
- right to use land or water
- fuel
- meeting supplemental requirements, such as abstaining from harvesting
- producer's own transportation costs
- weed control measures unless specifically included in NRCS standards and specifications
- 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 or spring development during drought emergencies
- wells that do not produce sufficient water
- donated material
- enhancing acreage or structures not affected by natural disaster
- machinery or equipment repair or maintenance
- buried mainlines.

203 Eligible Restoration Cost Considerations**A Restoring to Current NRCS Standards and Specifications**

C/S may be offered for ECP practices to replace or restore farmland, fencing, and conservation structures after being damaged or destroyed by a natural disaster.

Current NRCS standards and specifications must be met for each ECP practice by using the minimum performance necessary to replace or restore damaged or destroyed conservation structures and farmland.

***--Note:** Fence repair **does not** have to meet NRCS technical practice standards.--*

C/S will be limited to restoring conservation structures and all other installations to a similar type and function before the disaster that meets current NRCS technical standards and specifications. ECP participants must pay the additional cost incurred to improve land and conservation structures beyond the minimum NRCS technical standards and specifications.

Example: A producer applies for ECP assistance to rebuild barbed wire fences destroyed by an ice storm. However, the producer chooses to rebuild the destroyed barbed wire fence with a woven wire fence and agrees to meet current NRCS standards and specifications. C/S will be paid based on the cost to rebuild a barbed wire fence and the additional cost of woven wire fence will be the producer's sole financial responsibility.

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

203 Eligible Restoration Cost Considerations (Continued)

B Safety Requirement

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

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

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

204 Qualifying Minimum Cost of Restoration

A Minimum Cost of Restoration

To be eligible for ECP assistance, the eligible damage must be so costly that Federal assistance is or will be required to complete the ECP practice.

Based on the needs determination and the producer's total allowable cost of all practices for the same disaster event, the minimum qualifying cost of restoration at the time of application approval is set at \$1,000 per participant receiving a share on FSA-848, or \$250 if certifying as limited resource, socially disadvantaged, or beginning farmer or rancher.

Example: Minimum cost of restoration: Producer has an approved contract for 1000 linear feet of terrace at a total contract cost of \$1001 and the producer turns in documentation for certification of practice completion showing the total cost incurred by the participant for completing the 1000 linear feet of terraces is \$800. The producer would still be eligible for payment. The minimum cost is based on the original contract extent needed.

Example: Minimum cost of restoration per participant at time of application: Producers Rod and Brandon submit an application for EC3 on 50/50 shares. Their minimum cost of restoration is \$1,500. This is producer Brandon's only ECP application. Producer Rod has another ECP application for EC1 by himself. The minimum cost of restoration on the EC1 application is \$750. Because this is Producer Brandon's only application, he does not meet the minimum cost of restoration for ECP. Producer Rod has the application for \$750 for EC1 and 50 percent of the \$1,500 application for EC3. Producer Rod meets the minimum cost for restoration and is eligible to receive C/S.

Example: Approved change of extent: Producer has an approved contract for 1000 linear feet of terrace at a total contract cost of \$1001 and the producer turns in documentation for certification of practice completion showing 800 linear feet. TSP certifies practice is complete and the 800 linear feet is the correct extent to complete the practice. The minimum cost is based on the original contract extent needed. However, C/S will be paid based on the TSP certification of 800 linear feet.

204 Qualifying Minimum Cost of Restoration (Continued)**A Minimum Cost of Restoration (Continued)**

Example: Change of extent not approved: Producer has an approved contract for 1000 linear feet of terrace at a total contract cost of \$1001 and the producer turns in documentation for certification of practice completion showing 800 linear feet. TSP certifies practice is not complete and 800 linear feet is not the correct extent to complete the practice. C/S will not be paid based on the TSP certification. However, if the producer chooses to complete the remaining 200 linear feet, and the TSP certifies the practice is complete and within standards and specifications, the producer is eligible to receive C/S.

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 must be in writing and 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 will be recorded in the COC minutes.

205-225 (Reserved)

Part 5 ECP TA**Section 1 Providing TA****226 ECP TA Memorandum of Agreement****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 DAFP can provide ECP TA.

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

Note: Per the MOA, technical responsibility for practice EC4 is assumed by NRCS. However, States are encouraged to use NRCS TA services for additional ECP practices EC2 and EC6 as agreed to by both State Agencies' leadership.

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

B TA Guidelines

Details of the operational agreement are included in the MOA between FSA and NRCS. The MOA functions at the National level and eliminates the need for a State-level agreement. For a current copy of MOA, see Exhibit 76.

226 ECP TA Memorandum of Agreement (Continued)**C Determining TA Needs**

SED and NRCS State Conservationist will determine and document:

- additional ECP practices (in addition to the MOA required EC4) for which NRCS will provide TA
- the format for which NRCS will provide a statement of actual costs incurred in providing TA, if considered necessary
- any other provision considered necessary by FSA State Office, State Technical Committee, or 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 SEB, STC, etc.

227 Major Responsibilities for ECP TA

A TA

The assigned technical agency will ensure that TA is provided to producers according to the MOA.

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 must use technical information provided by 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 subparagraph D.

227 Major Responsibilities for ECP TA (Continued)**D Phases of Reimbursable TA**

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

- determining whether the practice is needed and feasible
- performing an environmental assessment, cultural resource review, and archaeological surveys
- verifying site of original structure or damage

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 the practice conforms with specifications
- inspecting practices to determine whether specifications have been met and the extent performed.

228 Outside Assistance**A Agencies Using Outside Assistance**

Assigned technical agencies may use assistance from private, State, or Federal sources when the assistance does 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 must certify that C/S practices were performed according to standards and *--specifications, with the exception of fence repair.--*

B Producers Using Outside Assistance

A producer is not required to use TA available through ECP, and instead may choose to use outside assistance.

Using outside assistance for practices will qualify for C/S if the assigned ECP technical agency:

- determines that the practice was needed
- certifies that the practice was performed according to NRCS standards and specifications, *--with the exception of fence repair.--*

Note: A producer that uses outside assistance is required to keep sufficient records to permit the technician to make the necessary determinations.

229 TA Cost to Participants

A Agency Provided TA

A producer who uses TA provided by NRCS and FSA does not 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.

230 Assigned Technical Agency Responsibilities and COC Action**A Needs Determination**

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

FSA-848, page 2 will 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 must consult the State Office if unable to perform needs determination on practices for which FSA is assigned technical responsibility.

B Required Action for Assigned Technical Agency

When making a determination, the assigned technical agency must take the following actions.

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.

If TSP recommends a change of practice, payment scenario, or extent prior to approval, immediately send the producer the change of practice or change of extent letter before the application is presented to COC for approval. See subparagraph C for adverse determinations.

230 Assigned Technical Agency Responsibilities and COC Action (Continued)**C Additional Action When Determination Is Adverse**

The following actions are additionally required when an adverse or questionable determination is received by COC.

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

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

A Practice Performance Verification

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

232-252 (Reserved)

Section 2 Transfer of Funds for TA**253 Billing TA Expenses****A Providing Reimbursement to NRCS for TA**

In conjunction with the MOA, FSA sets aside funding for TA according to funding appropriations.

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

B Actual Costs

NRCS State Offices must 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 C/S funds allocated to counties, unless otherwise noted.

253 Billing TA Expenses (Continued)**C TA Billing Frequency and Details**

No more than quarterly, NRCS State Offices must 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 must include the following:

- FY and quarter
- disaster ID
- County Office name where service was provided
- itemization of charges, including but not limited to:
 - number of personnel hours by employee
 - dates of service provided
 - employee lodging
 - personal vehicle mileage
 - government vehicle fuel
 - M&IE
- dollar amount of reimbursement.

D Billing Verification

Before payments are processed, the FSA State Office will receive a statement of costs incurred by the NRCS State Office for providing TA and forward a copy of the statement to the applicable County Office for CED and DD review. CED must verify that charges for ECP TA reimbursement are reasonable. If necessary, CED will coordinate review of charges with the applicable NRCS Field Office.

After completing the ECP TA billing review and resolving any issues, CED will forward the results to DD. DD must review CED's results and make any necessary comments or revisions before forwarding to SED.

254 Processing TA Reimbursement by IPAC

A Billing Approval

Once the verification process in paragraph 253 is complete, the FSA State Office must:

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

B NRCS Processing

Upon notification from FSA, 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.

255-275 (Reserved)

Part 6 Natural Disaster Event Occurrence and ECP Implementation

Section 1 ECP Action When Disaster Occurs

276 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 will notify affected producers after receiving authorization to implement ECP.

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

Notes: See Exhibit 95 for information release examples.

See paragraph 300 for signup period requirements.

C Program Availability

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

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

ECP requests must be implemented according to the following steps.

ECP Implementation Request	
Step	Action
1	<p>COC requests ECP implementation approval as quickly as possible, but no later than 6 months of the ending date of the disaster.</p> <p>ECP implementation steps for the County Office are as follows.</p> <ul style="list-style-type: none"> • COC must make an overall initial assessment of damage within 5 workdays after a disaster occurs to ensure that the resulting damage meets the minimum ECP requirements. As needed, consult members of County Emergency Board to assist with conducting damage assessments. • CED convenes or polls County Emergency Board to review potential losses. See 1-DIS. • CED completes Loss Assessment Report. • CED creates description of the disaster as it affects agricultural land in the county. • For drought requests, CED documents Drought Monitor or precipitation and hydrology data. • CED creates county map with damage site identified. • COC determines if ECP is or is not warranted. • COC determines ECP practices needed based on damage assessments. • COC determines the number of farms expected to request C/S assistance. • COC determines C/S need estimate based on damage assessments. • CED consults with NRCS about applicable TA needs. • CED obtains DD concurrence to request ECP implementation. • CED submits implementation request to State Office (see subparagraph 277 B).

277 County or Area ECP Implementation Request (Continued)

A Summary of Steps (Continued)

ECP Implementation Request	
Step	Action
2	<p>SED submits ECP implementation request to ECP-PM.</p> <p>ECP Implementation steps for the SED and State Office are as follows.</p> <ul style="list-style-type: none"> • State Office may seek preliminary implementation concurrence by SharePoint, telephone, or e-mail. However, signup must not be conducted until the formal implementation request has been submitted and approval has been received by the ECP-PM. • SED informs State Emergency Board of submitted ECP implementation request. • State Office must review and forward COC documentation to ECP-PM as a formal request (see subparagraph 278 B).
3	<p>ECP-PM will:</p> <ul style="list-style-type: none"> • evaluate request and its documentation • assign disaster ID (event specific code for processing applications) • prepare and issue response memorandum • advise State Office accordingly if no funds are available.
4	<p>Upon receipt of formal implementation approval from the ECP-PM:</p> <ul style="list-style-type: none"> • County Offices: <ul style="list-style-type: none"> • must inform and educate producers about ECP through press releases, radio spots, newsletters, and flyers • will copy applicable payment scenario components in Program Provisioning to their county list • will hold a signup for producers • will enter results in CSS upon completion of needs determinations and environmental evaluations • COC will: <ul style="list-style-type: none"> • review all applications and determine willing to approve applications • will submit a funding request memo with an updated Extent Needed Summary report to the State Office.

277 County or Area ECP Implementation Request (Continued)**B Immediate Assessment of Damages**

COC must make an overall assessment of damage within 5 workdays after a disaster occurs to ensure that the resulting damage meets the minimum ECP requirements. COC or CED will consult with STC or SED to obtain implementation approval from the National Office before announcing the availability of C/S funds.

Note: See subparagraph F for additional instruction on implementing a severe drought designation request.

Upon damage assessment, CED must submit an implementation request to the State Office. The request must include the following:

- description of the disaster
- areas of county affected
- practices needed
- an estimate of funds needed
- a review of the policy regarding minimum cost of restoration according to paragraph 204
- policy about frequent damage in paragraph 95.

Note: Once ECP-PM provides a formal implementation decision, it must be recorded in the COC minutes.

277 County or Area ECP Implementation Request (Continued)**C Implementation Requirements for Damaged Farmland**

If new conservation problems are created because of a disaster, the resulting damage to farmland must:

- 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 that Federal assistance is or will be required to return the land to productive agricultural use or to provide emergency water for livestock.

Note: See paragraph 204.

For severe drought implementation requests, see subparagraph F.

D Primary Consideration

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

277 County or Area ECP Implementation Request (Continued)

E Written Documentation

COC or designee must follow up telephone concurrence with written documentation supporting the implementation request to State Office. State Office must review and forward documentation for each qualifying county to ECP-PM.

COC's documentation will include, at the minimum, the following:

- the COC recommendation and minutes
- the date, 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 LAR generated by STORM software
- map of affected area, including county names and boundaries
- sufficient number of photographs of typical damage in each eligible county
- the practices requested

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

- the number of farms expected to receive C/S assistance
- the estimated amount of C/S funds needed to administer the program
- the expected ECP signup beginning and end date
- any other pertinent information supporting request for funds, including documentation of any information supplied earlier by telephone or e-mail.

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

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.

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

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 and recurring precipitation for surface water supplies can provide applicable snowpack data.

To document the county's precipitation data, County Offices must 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" or worse according to the U.S. Drought Monitor.

277 County or Area ECP Implementation Request (Continued)

G Coordinating ECP With Other Agencies

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

H COC Review of C/S Data

COC will annually review and update program provisioning to reflect applicable ECP Payment Scenario rates.

Example: A hurricane makes landfall on September 15, 2019 (date of disaster). Application is received from producer on October 30, 2019, and funding was received January 2, 2020. Producer completes practice in 2021. County Office will issue payment using 2019 rates which are based on the date of the disaster.

278 State Office Submission of ECP Implementation Request**A ECP-PM Consultation**

For all natural disasters, SED or designee must consult ECP-PM by using SharePoint, telephone, or e-mail after 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 must:

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

Note: SED may compile multiple counties' formal requests for submission to ECP-PM. However, counties need to be entered in SharePoint on an individual basis for tracking and funding purposes.

- ensure that ECP implementation requests are submitted as quickly as possible, but no later than, 6 months of ending date of disaster
- notify County Offices of concurrence or non-concurrence by telephone and follow up in writing.

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

SED or designee must review COC's formal implementation request for completeness. If considered acceptable, SED or designee will e-mail the 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 (see subparagraph 277 E), SED's formal implementation request must also include:

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

Notes: If available, funds will be allocated after needs determinations are completed and an updated funds request is submitted to ECP-PM.

While the use of Preliminary Implementation Requests are allowed, a Formal Implementation Request must be approved before conducting signup.

278 State Office Submission of ECP Implementation Request (Continued)**C ECP-PM Approval Required**

ECP-PM's approval is required for all implementation requests.

For severe droughts, SED must provide the following information to ECP-PM in addition to the information required by paragraph 277:

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

When 1 county or multiple counties qualify for an ECP drought implementation, SED may submit a single or multiple county ECP implementation.

SED will 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 will be provided to:

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

279-299 (Reserved)

Section 2 Accepting C/S Requests

300 Signup Period

A Establishing a Signup Period

COC must establish a signup when submitting a formal request for implementation to the National Office.

The signup period must be at least 30 calendar days, but no more than 60 calendar days, from the date ECP implementation is formally approved.

COC must submit signup dates for the approved disaster during the implementation request.

Note: County Offices may allow a small amount of time before beginning signup to allow for sufficient outreach activities.

Applications may be accepted for C/S before the beginning of an established signup period. See paragraphs 301 and 399.

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

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

301 Accepting ECP Applications

A Summary of Steps

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

ECP C/S Request Acceptance															
Step	Action														
1	<p>Producer's C/S request must be completed using CSS.</p> <p>Enter the C/S request in CSS according to the following. See to 2-ECP for more details.</p> <table> <tr> <th>Step</th><th>Action</th></tr> <tr> <td>1</td><td>Enter FSN, Tract, and Practice.</td></tr> <tr> <td>2</td><td>Have the applicant describe the disaster damage.</td></tr> <tr> <td>3</td><td>Print FSA-848 for producer signature.</td></tr> <tr> <td>4</td><td>Ensure all entries (both manually and automatically filled entries) are complete on FSA-848</td></tr> <tr> <td>5</td><td>Obtain signatures from all participants (or their authorized representative) receiving a share of the payment whose name appears on FSA-848.</td></tr> <tr> <td>6</td><td> <p>County Office informs producer of required eligibility forms, to include completion of CCC-860.</p> <p>Note: If the producer claims limited resource, socially disadvantaged, or beginning farmer or rancher status, it is recommended the CCC-860 be completed and entered in Subsidiary prior to submitting an application for C/S to ensure C/S is calculated in CSS at the higher percentage rate prior to COC approval. The socially disadvantaged producer definition as defined in the 1990 Farm Bill applies to ECP. Gender is not a covered group under the 1990 Act definition.</p> </td></tr> </table>	Step	Action	1	Enter FSN, Tract, and Practice.	2	Have the applicant describe the disaster damage.	3	Print FSA-848 for producer signature.	4	Ensure all entries (both manually and automatically filled entries) are complete on FSA-848	5	Obtain signatures from all participants (or their authorized representative) receiving a share of the payment whose name appears on FSA-848.	6	<p>County Office informs producer of required eligibility forms, to include completion of CCC-860.</p> <p>Note: If the producer claims limited resource, socially disadvantaged, or beginning farmer or rancher status, it is recommended the CCC-860 be completed and entered in Subsidiary prior to submitting an application for C/S to ensure C/S is calculated in CSS at the higher percentage rate prior to COC approval. The socially disadvantaged producer definition as defined in the 1990 Farm Bill applies to ECP. Gender is not a covered group under the 1990 Act definition.</p>
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301 Accepting ECP Applications (Continued)**A Summary of Steps (Continued)**

ECP C/S Request Acceptance	
Step	Action
2	<p>County Office reviews with applicant the provisions associated with:</p> <ul style="list-style-type: none"> • minimum cost of restoration (paragraph 204) • practice must not be started before environmental and cultural resource compliance evaluations are completed without an approved waiver request • C/S is subject to availability of funds • needs determination • application review • minimum required lifespan for the practice • remaining steps in the application process.

Note: In certain circumstances, County Offices may not have access to electricity when meeting with producers. While the atypical customer service forms (see Exhibit 103) do not take the place of an official C/S request submitted through CSS, County Offices have permission to print the forms and keep a paper copy in a binder to use in those situations.

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

COC may accept requests for assistance on an ECP C/S request (FSA-848) before:

- obtaining concurrence from STC
- establishing signup periods.

Producers **must** be advised that:

- filing an application does **not** mean C/S request will be approved
- environmental reviews must be completed before a practice is started (see paragraph 324)
- C/S may not be provided if written approval is not received from FSA.

C FSA-848 Requirements

ECP C/S request must be filed on the automated FSA-848. Single or 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 within 5 workdays of receipt once the system becomes available.

301 Accepting ECP Applications (Continued)**D Number of ECP Applicants on a Request**

One application must be completed for all participants receiving a percentage of the payment for a practice.

Example: If a practice is requested for a joint venture:

- prepare only one ECP application for the practice
- record the multiple producer data in CSS according to 2-ECP
- obtain signatures from all participants (or their authorized representative) receiving a share of the payment whose name appears on FSA-848.

301 Accepting ECP Applications (Continued)

E Assisting Applicants Filing ECP Applications (FSA-848)

When an applicant requests a practice, advise producers of ECP eligibility, practice requirements, payment limitation, and the minimum damage requirements. Take the following action to assist applicants in filing ECP FSA-848. See Exhibit 16 for a completed example of FSA-848.

Step	Action
1	Have the applicant describe the disaster damage.
2	Determine whether ECP is authorized.
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 C/S is subject to the availability of funds.
7	Advise the applicant the practice must not be started before the environmental and cultural resource compliance evaluation is completed or without a COC approved waiver request from the producer.
8	Advise applicant of the timeframe to complete a practice. If unable to complete the practice before the expiration date, producer must submit an extension request in writing to COC before practice expiration.
9	Advise the applicant of the maintenance requirements for the lifespan of the practice.
10	Advise applicant to review practice extent before approval. Changes to extent during restoration phase must be reported to the County Office as soon as apparent for review by TSP before completing the work and submitting certification documentation to prevent delay of payment. See Part 7, Section 5
11	If the producer claims limited resource, socially disadvantaged, or beginning farmer or rancher status, it is recommended CCC-860 be completed and entered in subsidiary before submitting an application for C/S to ensure that C/S is calculated in CSS at the higher percentage rate before COC approval. The socially disadvantaged producer definition as defined in the 1990 Farm Bill applies to ECP. (Gender is not a covered group under the 1990 Act definition.)
12	*--Advise the applicant an advance payment is available for all ECP practices.--* See 2-ECP for software guidance.
13	Advise the applicant if practice is not fully completed, all payments received for the practice must be refunded.

301 Accepting ECP Applications (Continued)**F Late-Filed Requests (FSA-848)**

COC may accept late-filed requests up to 30 days after the end of signup period. Producer must submit written justification with the late-filed request.

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.

Late-filed requests and written justification from producer must be reviewed and approved/disapproved by COC. Letter of approval/disapproval must be sent to the producer.

Applications received after the 30-day period are considered ineligible. Producers should receive proper notification of ineligible status and appeal rights.

Note: Any applicable onsite waiver and programmatic FSA-850 in place for the related disaster will apply to late-filed applications associated with the referenced disaster event.

301 Accepting ECP Applications (Continued)**G Funds Not Available**

County Offices receiving STC concurrence to implement ECP may:

- accept requests for ECP assistance
- complete an onsite inspection and assessment of the damage according to paragraph 324.

If the County Office is notified by the National Office that funding is not available, 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. A system generated lack of funds letter can be accessed according to 2-ECP. See the example letter in *--Exhibit 83.--*

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 will 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 with applicable appeal rights according to 1-APP.

302 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 will disregard information that raises a question on practice eligibility even if another agency is responsible for making the final determination.

303-323 (Reserved)

Section 3 Practice Eligibility

324 Onsite Inspection

A Documenting Damage

After obtaining formal concurrence to implement ECP, COC must document each request to show that an FSA employee or TSP designee:

- performed an individual onsite inspection within 45 calendar days of accepting FSA-848 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. DD and SED will be notified of a County Office employee’s request, and DD or State Office employee must perform the inspection.

- gathered the following information for COC:
 - the type and extent of damage qualified according to paragraph 277
 - whether 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 95
- documented damage with at least:
 - 1 dated photograph
 - GPS coordinates and marked map when damage is not countywide
 - description of magnitude of damaged or destroyed fencing, conservation structures, farmland, etc.

Note: Onsite inspections are always required for all USDA employees and should be completed by the DD or STC designee. Onsite inspection waivers are not applicable to land owned or controlled by USDA employees.

324 Onsite Inspection (Continued)**B Inspection Waiver Request**

The requirement for onsite inspections may be waived in dire circumstances when the 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 sub-sampling 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.

Waiver of an onsite damage inspection does not apply to environmental reviews, including but not limited to:

- cultural resources
- threatened or endangered species
- critical habitat
- protected resources.

Note: Any applicable onsite waiver in place for the related disaster will apply to late-filed applications filed within 30 days of the end of the signup period and associated with the referenced disaster event according to paragraph 301.

Only a programmatic FSA-850 issued by the National Office can waive the onsite visit for environmental or resource reviews and/or consultations. All planned ECP work must fall within the guidelines of the programmatic FSA-850 and no extraordinary circumstances can be present.

324 Onsite Inspection (Continued)

C Submitting Requests for Waivers of Onsite Inspections

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

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

Note: Onsite waivers for USDA employees' ECP applications for land they own or control are not authorized.

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

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

324 Onsite Inspection (Continued)**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
- a defined boundary on a map for application of the waiver clarifying the extent of the damage
- 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

Note: Dated producer photographs are acceptable.

- 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.

E Evaluating Waivers of Onsite Inspections

State and County Offices must evaluate the amount of financial payment and the relative potential for inaccurate payment when determining whether or not an approved waiver should be used for a specific application.

325 Programmatic FSA-850**A Applicability of a Programmatic FSA-850**

In the event of a widespread disaster, SEC's and the ECP-PM may prepare and submit programmatic FSA-850's to the NECM who will consider the scope of the request and determine applicability of using the programmatic FSA-850 on a case-by-case basis.

When widespread damage has occurred programmatic FSA-850's may be issued for programs and actions which will not result in additional ground disturbance. In the absence of extraordinary circumstances, certain ECP practices including EC1 and EC3 would be covered by programmatic FSA-850's.

Programmatic FSA-850's are intended for more than 35 producers, more than 1/4 of the counties of the State with damage from the natural disaster, or more than 1/4 of the land area of the State damaged by the natural disaster.

Example 1: Seventy-five producers are expected to apply for ECP. A programmatic FSA-850 can be requested.

Example 2: A State has 20 total counties. Seven of those counties are affected by a natural disaster. A programmatic FSA-850 can be requested.

Example 3: A State has 20 counties. Three counties are affected by a natural disaster. The three counties affected are very large counties and account for 40 percent of the State's total landmass. A programmatic FSA-850 can be requested.

State Offices may work with their SHPO, THPO, US Fish and Wildlife Service, and other consulting agencies to develop agreements that allow for these activities. The agreements may be for the disaster event, for an area or in any combination that is acceptable to all parties. These specific agreements do not supersede existing agreements with these agencies.

325 Programmatic FSA-850 (Continued)

B Requesting a Programmatic FSA-850

When requesting a programmatic FSA-850 COC must submit a request to the State Office and include all the following:

- the need for the programmatic FSA-850 and the program needed
- the geographic area impacted denoted on a map
- an estimate of the number of producers expected to be served by the programmatic FSA-850 is included
- applicable CatEx(s) from the Categorical Exclusion Catalog are located in Exhibit 17 of 1-EQ (Rev. 3)

Upon receipt of COC's request the State Office will:

- determine the merit and applicability of programmatic FSA-850 requests from County Offices

Notes: Considerations would include the number of producers served, number of counties affected and the type of damage that is being evaluated to determine if the request merits further review by the FPAC NECM.

See subparagraph A for additional requirements for requesting a programmatic FSA-850.

- bundle similar requests into one request for the National Office.

Example: A weather event with widespread damage may encompass the entire State or many counties within that State.

- send requests for the programmatic FSA-850 to the ECP-PM.

Note: The ECP-PM will forward the request to the FPAC Business Center, ENV.

325 Programmatic FSA-850 (Continued)**B Requesting a Programmatic FSA-850 (Continued)**

In cases of widespread damage, staff at the State Office may prepare and submit a request for the issuance of a programmatic FSA-850 directly to the Regional Environmental Compliance Coordinator without supporting COC requests.

The National Office (FPAC Business Center, ENV) will:

- take a critical look at requests that do not include one of the following:
 - assist fewer than 35 producers
 - are less than $\frac{1}{4}$ of the affected counties
 - are less than $\frac{1}{4}$ of the total land area statewide
- work with program managers to develop a programmatic FSA-850 with actions that are allowed and not allowed on a per event basis, which limits the scope or time the programmatic FSA-850 will be used.

C Using a Programmatic FSA-850

The programmatic FSA-850 is not effective until it has been approved by the FPAC Business Center, ENV Director. Once signed, approved, and distributed the State Office staff will post the signed programmatic FSA-850 on the ENV SharePoint site for immediate use.

State Offices must:

- distribute the programmatic FSA-850 to affected counties
- ensure that it is appropriately used the programs and counties it is intended for
- direct questions to the ECP-PM or the ENV coordinator

County Offices must:

- review each application to determine whether extraordinary circumstances exist
- place a copy of the programmatic FSA-850 with each application as proof of environmental compliance
- direct questions to the State Office Program Specialist or SEC.

326 Environmental Compliance and Cultural Resource Protection

A Environmental and Cultural Resource Considerations

COC's are not authorized to approve C/S when the potential exists to adversely affect endangered species, wetlands, historic properties, or other protected resource according to 7 CFR Part 799 and 1-EQ.

COC's are not authorized to approve C/S for practices that would drain or negatively affect the quality of any wetlands.

Note: Consult SEC and SEG for guidance on environmental and cultural resource protection compliance. Any extraordinary circumstances that may exist in the proposed C/S project must be evaluated for impacts and mitigation measures if effects are adverse.

B Required Environmental and Cultural Resource Evaluations Before C/S Practice Restoration Begins

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 must complete an evaluation of the proposed practice or practices by successfully completing the requisite level of environmental review and required consultations. Documentation of the environmental assessment, FSA-850, or NRCS-CPA-52 (or State equivalent providing that all Federal requirements have been incorporated and are met), according to 1-EQ will support the determination of whether the proposed practice would have any adverse impacts to the environment or cultural resources. The environmental evaluation must be completed **before** any activity related to the practice restoration is started.

Note: Use of FSA-850 and NRCS-CPA-52 is dependent on the agency acting as the TSP. If FSA is TSP, use FSA-850. If NRCS is TSP, use NRCS-CPA-52. FSA must
--complete NRCS-CPA-52, Sections O through S and required consultations before--
signing NRCS-CPA-52.

Approval of Federal actions before completing the Environmental Compliance process is a violation of NEPA as well as other environmental laws and Executive Orders.

326 Environmental Compliance and Cultural Resource Protection (Continued)**B Required Environmental and Cultural Resource Evaluations Before C/S Practice Restoration Begins (Continued)**

Examples of proactive Federal actions include, but are not limited to:

- County Office must advise producers they cannot begin an action before the environmental review has been completed and the applicant has been notified in writing of their ECP C/S approval
- County Office must not advise producers their action is “good to go” or “approvable” before the environmental review being completed and before the applicant being notified in writing of their ECP C/S approval.

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

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

To ensure that compliance is achieved, the FSA-848A approval date cannot be earlier than the RAO signature date on the FSA-850 or the FSA RAO signature date on the NRCS-CPA-52. The preparer as well as the FSA RAO must sign FSA-850 or NRCS-CPA-52 before the environmental evaluation can be considered complete, according to 1-EQ.

Note: No waivers or Administrator exceptions can be given when an action is taken before completing, approving, and signing the documented environmental review. Should this occur, the application must be denied.

326 Environmental Compliance and Cultural Resource Protection (Continued)**C Action When Practice Restoration Begins Before C/S Approval**

Because some disaster events necessitate the producer taking immediate rehabilitation steps. In rare situations, an FSA-850 may not always be completed beforehand. The successful completion of FSA-850, according to 1-EQ, is still required. Consultations required for the environmental review will be initiated as soon as possible but no later than required by 36 CFR Part 800 and other legislated timeframes.

Successful completion of an environmental evaluation is required on all ECP, even if the activity only involves debris removal and no ground disturbance is expected. COC must still comply with National Historic Preservation Act Section 106 according to 1-EQ. Some practices such as debris removal (no ground disturbance) still require COC to review the effects of the intended action and completion of FSA-850. However, if no affects are determined in the FSA environmental review then consultation is not required, and the associated documentation supports this determination. If the FSA-850 was completed after the rehabilitation activity was initiated, then the FSA-850 must document the producer's need to take the applicable necessary emergency actions and indicate when Section 106 consultation requirements (as needed) (which includes SHPO, THPO, and Tribal consultations), ESA Section 7 consultation requirements were met. 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 precluded the completion of the environmental review, C/S cannot be approved.

326 Environmental Compliance and Cultural Resource Protection (Continued)**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 one example of emergency response the Stafford Act deems not an activity significantly affecting the quality of the environment.

However, agencies must still comply with Section 106 consultation requirements (as needed) (which includes SHPO, THPO, and Tribal consultations), ESA Section 7 consultation requirements as needed, and laws covering wetland protection. Section 106 regulations (36 CFR Part 800.12) allow for expedited consultations in emergency situations and employees should contact FSA SEC to determine whether this provision applies.

Therefore, a completed FSA-850 is required for all ECP projects before FSA-848A is approved, even those only involving debris removal when the debris results from a Presidentially declared disaster.

E Other Designated Disasters

The successful completion of an FSA-850 is required before the FSA-848A is approved, even if the disaster is not a Presidentially declared disaster.

Successful completion of an environmental evaluation is required, even if the ECP activity only involves debris removal and no ground disturbance is expected to result in disturbance beyond any previous disturbance. Agencies must still comply with Section 106 consultation requirements as needed (which includes SHPO, THPO, and Tribal consultations), ESA Section 7 consultation requirements as needed, and laws covering wetland protection. Section 106 regulations (36 CFR Part 800.12) allow for expedited consultations in emergency situations and employees should contact FSA SEC to determine whether this provision applies.

327 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 will:

- 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).

Note: See 2-CP for additional guidance related refusal to Permit Farm Entry.

327 Refusals to Permit Farm Entry or Inspection (Continued)

B County Office Action

When advised of a refusal to permit entry, the County Office must, within 5 workdays, 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.

County Office must make no further effort to enter the farm after notifying the producer of the refusal until producer otherwise permits entry on the farm in writing.

If entry refusal is reconsidered by the producer, the County Office must be informed in writing within 15 calendar days of the date of refusal to permit entry letter.

328 Determining Eligibility**A COC Determining Eligibility**

When determining eligibility, COC will determine whether:

- the applicant and the land are eligible
- the requested practice justifies the investment of funds

Example: Currently Sam waters their sheep out of the pond. The C/S authorized to repair the pond is \$200,000 (EC4). Sam owns 5 ewes. County water is available to Sam; therefore, the requested practice does not justify the investment of funds.

Based on the needs determination, the producer's total allowable cost of all practices for the same disaster event, the minimum qualifying cost of restoration at the time of application approval is set at \$1,000 per participant receiving a share on FSA-848, or \$250 if certifying as limited resource, socially disadvantaged, or beginning farmer or rancher.

- approval of C/S meets the objectives of ECP
- a new conservation problem resulting from the natural disaster is present, including presence of debris
- the land will continue to be used for agricultural production
- environmental and cultural resource protection compliance is met.

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

The practice is ineligible if any of the following apply:

- the practice was started **before** approval by COC (FSA-848A, item 11)

Notes: See subparagraph 399 C for an exception to this provision.

FSA-850 or NRCS-CPA-52 **must** be completed **before** COC determination of practice approval.

- the practice was started before request (FSA-848) for ECP assistance was filed on the ECP application (FSA-848A, item 12)

Notes: See subparagraph 399 C for an exception to this provision.

FSA-850 or NRCS-CPA-52 **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
- the primary purpose of the practice will 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.

329 Using Priorities in Limited Funding Situations

A Prioritizing All Requests

In situations where there is limited or no funding, CD will alert the State Offices. At that time all ECP applications must 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, safety that poses a threat to life or property.

330-350 (Reserved)

Part 7 ECP Funds Management

Section 1 National Program Funds

351 National Reserve

A ECP Funds Reserve

ECP funds are held in reserve at the national level only.

State Offices must not request funds in excess of the amounts on CSS Extent Needed Cost Share Summary report approved by COC. State and County Offices are not authorized to:

- withhold a percentage of any ECP funds allocated
- maintain a reserve of unused ECP funds.

352-372 (Reserved)

Section 2 County C/S Funds Management**373 County C/S Allocation****A Funds Availability**

If funds are available and are approved for the county ECP implementation, C/S funds will be allocated in:

- CFLS, by disaster ID
- eFunds, by fund code
- COF software, by fund code and disaster ID.

Note: Agreement approvals entered in CSS through September 30, 2020, will be allocated through CFLS and eFunds. All maintenance to these contracts to include revisions will use CFLS and eFunds. Agreement approvals entered in CSS after October 1, 2020, will be allocated through COF software.

374 Monitoring Funds**A County Funds Management**

The county's initial ECP implementation request includes a COC **estimate** of C/S funds needed. However, funds are not yet allocated to States based on the initial estimated amount of damage to begin an ECP implementation.

To properly request and manage funds, CED must:

- ensure every FSA-848 is loaded in CSS during the signup period
- ensure onsite evaluations and environmental compliance evaluations are completed and entered in CSS
- ensure needs determination data has been entered in CSS for all C/S requests according to 2-ECP

Note: Allocation of funds will be based on the Extent Needed Cost Share Summary Report which is populated after needs determination data is entered in CSS.

- ensure requests have been reviewed by COC and documented in the COC minutes
- verify COC willing to approve amounts have been entered in CSS

374 Monitoring Funds (Continued)

A County Funds Management (Continued)

- request a funding allocation within 30 calendar days of COC willing to approve decision by supplying State Office with:
 - county name
 - ECP practices
 - C/S amount
 - funding software needed
 - a copy of the Extent Needed Cost Share Summary Report from CSS
 - a memorandum from COC requesting COC willing to approve funds

Note: Additional funding requests must be submitted with a copy of an updated Extent Needed Cost Share Summary Report and a COC memorandum. The COC memo must deduct previous allocations from the current Extent Needed Summary Report. The memo and report must be attached to the additional funding request on SharePoint entry. On SharePoint, enter the additional funding request amount in the additional funds request section and add dated notes in the remarks section.

See Exhibit 125 for initial and additional fund request examples.

- ensure that practice certification is completed before practice expiration date and payments are timely issued
- within 60 calendar days after the practice expiration date, County Office will determine whether unused allocated funds will be needed for the designated disaster

Note: If funds are not needed, CED's must return unused ECP funds.

- immediately initiate the return of unused funds and CED's must verify that agreements have been finalized in CSS according to 2-ECP and notify the State Office Program Specialist by e-mail of the amount available for release.

Note: Subject to availability, funds can be allocated during or after the County Office signup period.

375 State Funds Management**A State C/S Allocation Request**

To properly request and manage funds, SED must:

- require timely loading of all FSA-848's in CSS within a week of the date of signature
- monitor producer requests throughout the signup period
- review COC's updated funds request and revise as needed before submitting to the National Office

Note: If a producer's farm is administratively headquartered in a non-approved ECP county, the State Specialist may submit a request to the ECP-PM to add the county to the disaster ID to be able to pay C/S for eligible restoration.

- request funds by submitting a signed memorandum requesting COC willing to approve funds needs for each county to the ECP-PM through the applicable SharePoint site; related to the request, also include the Extent Needed Cost Share Summary Report generated in CSS
- State Office will initiate a funds return to CD by accessing the funds return form on the designated SharePoint site and recording the amount to be released within 30 calendar days of notification from County Office.

Note: TA funds will be held in reserve at the National Office.

376 Additional Funds

A State Request for Additional Funds

With proper justification and documentation, State Office Program Specialist through the SED, will submit additional funding requests with a copy of an updated Extent Needed Cost Share Summary Report and a COC memo.

The COC memo must deduct previous allocations from the Extent Needed Summary Report.

Notes: Only submit a funding request by email if unable to complete the update on SharePoint.

See Exhibit 125 for initial and additional fund request examples.

377 Expenditure Limitations

A Authority

States are not authorized to obligate funds in excess of the approved State allocation.

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

378-398 (Reserved)

Part 8 C/S Request, Approvals and Performance

Section 1 Approving and Disapproving C/S Requests

399 Approvals and Waivers

A Reviewing Requests (FSA-848)

The DD must review a sample of ECP applications for each disaster **before** COC approval to ensure that the ECP applications reviewed meet ECP requirements.

At a minimum, the DD must review the first five ECP applications for every Service Center accepted for the specific disaster within 2 weeks of acceptance and **before** COC approval.

Note: County Offices that have **not** implemented ECP within the last 2 years must complete CCC-770 ECP-1 on its first 10 applications per Service Center.

CCC-770 ECP-1 is the required method of documenting this review.

399 Approvals and Waivers (Continued)**B COC Action**

COC must:

- advise applicants in writing of action taken, or to be taken, on ECP applications
- issue a practice approval only if **all** 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: More than 2 occurrences in the last 10 years, including the current disaster.

- the estimated start date of restoration has been documented

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

- the producer filed the ECP application **before** starting the practice
- FSA-850 or equivalent has been completed by an FSA or other authorized agency, such as NRCS

Note: See subparagraphs D and E for information on granting a waiver.

- the practice was started **after** the agency responsible for TA has made any necessary technical determinations
- funds have been allocated to the county

399 Approvals and Waivers (Continued)

B COC Action

- complete CCC-770 ECP-1 (Exhibit 5) **before** approving the ECP application is required by the DD

Note: County Offices that have **not** implemented ECP within the last 2 years must complete CCC-770 ECP-1 on its first 10 applications per Service Center.

- complete FSA-23 (Exhibit 61) **before** approving the ECP application
- complete FSA-850 (Exhibit 131) or NRCS-CPA-52 (or NRCS State equivalent) **before** practice restoration begins.

399 Approvals and Waivers (Continued)

C Granting a Waiver to Start an ECP Practice Before Filing Application

In instances where an emergency exists, producers may find it necessary to take action and initiate restorative measures before filing an ECP application. With concurrence of STC or its delegated representative, COC may waive the requirement to approve FSA-848A before work begins, only if **all** the following apply:

- complete FSA-850 (Exhibit 131) or NRCS-CPA-52 (or NRCS State equivalent)
- the ECP-designated disaster created a situation that required the producer to take immediate steps to prevent further losses

Examples: The following are examples of emergency actions:

- repairing or replacing a fence to contain livestock
- repairing an irrigation pond dam or berm that poses an immediate threat to life and property, such as loss of life downstream because of flooding from a damaged pond dam or berm.

Notes: A waiver should not be requested only because the practice was started before an environmental evaluation. It must be a **legitimate** emergency action.

If a practice has been started but has been determined not to be an emergency, COC **cannot** approve the practice.

- ECP application was filed between the date of the disaster and the end of the signup period
- a practice was physically started before the ECP disaster designation was approved for the applicable county.

Example: A producer installs 2,500 feet of livestock fence on March 2. On June 15, the county suffers severe damage from a tornado. On June 30, the county is approved for ECP implementation because of tornado damage. If the new fence was not damaged, the March fence installation is not eligible for ECP assistance. However, if 200 feet of the fence is damaged during the tornado, replacing the damaged section of the fence is eligible for ECP assistance.

--COC decisions must be documented in the COC minutes and reported back to the State Office. The decisions are required to be included in a monthly plan according to subparagraph 37 A.--

399 Approvals and Waivers (Continued)**D Securing Services of a Contractor Before Filing an ECP Application**

Securing services of a contractor does not necessarily mean the practice has physically started for ECP purposes.

In instances where a present threat exists, and when further destruction is imminent and warrants immediate action, producers may find it necessary to take action and schedule the services of a contractor to perform restorative measures before filing an ECP application.

Securing a contractor before filing an ECP application would not prevent COC from approving the application.

Example: A tornado destroys livestock fence. The producer gathers his cattle and secures them in a barn lot. The producer contacts a contractor about the damaged fence. The contractor cannot begin work for another 10 days. The producer files an ECP application at the County Office. COC can still approve the application because the work had not physically begun when the producer filed the ECP application.

399 Approvals and Waivers (Continued)**E Granting a Waiver to Start an ECP Practice Before Application Is Approved**

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 delegated representative, COC may waive the requirement to approve FSA-848A before work begins, on a case-by-case basis if justified. Justification may include action needed to prevent further losses.

For ECP purposes, a practice is considered started when the work begins.

COC may waive the requirement to approve FSA-848A before work begins on a case-by-case basis without requiring a specific request from the applicant. COC may consider the filing of the producer's ECP application as the request for waiver of the requirement to approve FSA-848A before work begins. COC decisions must be *--documented in the COC minutes and reported back to the State Office. The decisions are required to be included in a monthly plan according to subparagraph 37 A.--*

Note: The successful completion of FSA-850 is required before FSA-848A is approved. If a producer begins a practice before approval, include notes on FSA-848 (request) detailing early start date and reason for beginning before COC approval.

400 Disapprovals and Deferred Action

A Disapproving C/S Requests

If COC disapproves the request, promptly:

- disapprove the request in CSS according to 2-ECP
- notify the applicant in writing of the reason for disapproval, according to 2-ECP
- notify the applicant in writing of the right to appeal COC's decision, according to 1-APP.

B Documenting COC Minutes

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

- producer
- 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.

401 Pending Requests

A Maintaining Pending Requests

Maintain a file of pending ECP applications that COC would be willing to approve if funds were available.

Note: The original request must 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 a minimum every 60 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, as necessary.

402 Requests Requiring Special Approvals (FSA-848A)**A Requests Requiring Special Approval**

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

The need for special approval is assessed at the time of application. If a person is considered one of the following USDA employees at the time of application, the C/S request requires a special approval authority.

A request for ECP C/S (FSA-848) for...	MUST be approved or disapproved by...	AND the FSA-848A must be signed by...
<ul style="list-style-type: none"> • COC members • County Office, FSA, and NRCS Service Center employees • Conservation District Board members 	STC	STC.
FSA and NRCS State Office employees	STC	STC.
STC members	DAFP	SED.
SED's	DAFP	STC.
other FSA and NRCS employees	DAFP	STC.

Note: Reviews are required for an entity in which an employee has an interest according to payment limitation rules currently in effect.

402 Requests Requiring Special Approvals (FSA-848A) (Continued)**B Requested C/S Approval (FSA-848A) Authority**

Approvals for total C/S per person or legal entity, per ECP-designated disaster, and including interests in all counties, must be as follows.

IF C/S amount is...	THEN approval authority is...
\$125,000 or less	COC.
\$125,001 to \$250,000	STC.
more than \$250,000	ECP-PM.

Note: These limits are retroactive and apply to all disasters beginning with calendar year 2017 and forward and to agreements which have not already been submitted to CD for approval.

County Offices must monitor revisions or new applications to ensure the approval authority has not changed for a person or legal entity. If a revision or new application changes the required approval authority, County Office must submit the revision to the appropriate approval authority immediately.

Upon receipt of notification of approval or disapproval, County Office will:

- enter the official decision date in CSS
- manually enter “see attached notification” in item 11A on the FSA-848A
- manually enter the official decision date in item 11B on the FSA-848A
- manually enter the official C/S willing to approve in item 11C
- attach the official notification to the FSA-848A.

402 Requests Requiring Special Approvals (FSA-848A) (Continued)**C Submitting Requests to CD**

When submitting C/S requests to ECP-PM by e-mail, 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 61)

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-52
- COC and STC recommendations, as applicable.

403 Documenting COC Decisions**A Action**

COC must 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 **must** be recorded in the COC minutes.

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

- producer's name
- application number
- FSN
- practice or practices
- C/S approval amount.

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

403 Documenting COC Decisions (Continued)

C Notify Applicant

If COC approves the request, promptly:

- approve the request in CSS, according to 2-ECP
- notify applicant of the practice extent and approved C/S with a copy of FSA-848A by appropriate FSA representative prior to sending to producer for signature.

Notes: Inform the producer that FSA-848A **must** be signed by all the participants receiving a percentage of the payment and returned to the County Office within 15 calendar days of the COC decision. If FSA-848A is not returned timely, contact producer to determine whether program participation is still desired. After contact has been made, allow the producer 5 calendar days to sign and return FSA-848A. See Exhibit 17 for a completed example of FSA-848A.

If unable to contact producer, send a notification of application termination and provide appeal rights per 1-APP.

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 about 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.

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

COC must establish realistic expiration dates of no more than 6 months from the FSA-848A approval date for completing approved practices.

In the event of a catastrophic disaster, and when a programmatic FSA-850 is approved for use for the disaster, COC may establish initial practice expiration dates of up to 12 months. Reminder letters must be sent to producers at 6 months.

B Extensions

Extensions:

- may be granted, if requested by producer in writing before the expiration date
- will be evaluated by COC and the request and recommendation forwarded to the STC-delegated representative
- must be documented and approved by STC or DD when delegated by STC.

For practices with initial expiration date of 6 months, DD may approve the 1st extension request, STC may approve the 2nd request.

For practices with initial expiration date of 12 months, extension request must be submitted to STC for approval.

Any extension request exceeding 18 months must be submitted to ECP-PM.

Note: Insufficient funds by the participant is not a valid reason for extension requests beyond 18 months.

After a decision is made and documented in the minutes, notify producer of the extension request decision using the extension request letter in the Exhibits.

404 Setting Expiration Dates (Continued)**C Drought Extensions**

For EC6, STC may approve 1 four-month extension beyond the initial 6-month expiration, totaling 10 months. Any extension request exceeding 10 months must be submitted to ECP-PM.

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 Submitting Extension Requests to CD

When submitting practice extension requests to ECP-PM by e-mail, the following information must be included as part of the documentation:

- a signed SED memorandum to include:
 - exact amount of C/S approval considered
 - ECP practices that are involved
 - applicable practice
 - date of new expiration
- COC and STC recommendations, as applicable
- FSA-848A
- map of affected farms
- copy of FSA-850 or NRCS-CPA-52
- copy of producer's extension request.

404 Setting Expiration Dates (Continued)

E Documenting Extensions in COC Minutes

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

- producer name
- application number
- practice or practices
- reason for extension request
- COC recommendation to STC
- STC or delegated representative determination
- ECP-PM action, if this action was required.

405 Expiration Notice

A Preparing Practice Expiration List

The County Office will prepare and submit the practice expiration list from CSS to COC and DD by the first workday of each month to identify those approved practices expiring within 30 calendar days. After COC and DD review, reports will be submitted to STC.

B Generating and Issuing Expiration Notice

Generate and mail or e-mail practice expiration letters to participants with approved practices expiring at least 30 calendar days prior to practice scenario expiration date.

406 Terminating Approvals (FSA-848A)**A Terminating Approved ECP Agreements**

When performance certification is not filed by the practice expiration date:

- and no payments have been issued on the agreement, terminate an approved ECP agreement as described in 2-ECP
- and a partial payment has been issued on a practice, terminate an approved ECP agreement as described in 2-ECP (this will generate a receivable)
- and there are other practices on the agreement that have been certified and paid, do not terminate the agreement; enter a zero certification for costs and extent performed for the uncertified practice(s) and answer the “Practice complete?” question as “Yes”
- notify the assigned technical agency
- document the action taken on FSA-848A
- notify the producer of the termination and provide appeal rights per 1-APP.

406 Terminating Approvals (FSA-848A) (Continued)

B Suspending Termination

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

- certification of performance on FSA-848B, page 2 and COC member or County Office employee had personal knowledge
- immediate action will be taken to obtain the performance report.

Notes: If the performance report is not obtained within 30 calendar days of the practice expiration date, terminate the approval.

See Exhibit 18 for an example of a completed FSA-848B.

407-427 (Reserved)

Section 2 Accepting Practice Performance Reports**428 Filing Performance Reports (FSA-848B)****A Summary of Steps**

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

The County Office must complete the following steps:

- review and date-stamp the submitted bills for accuracy and eligible items
- enter producer certification data in CSS and print FSA-848B
- obtain eligible producer and TA provider agency certification on FSA-848B
- issue C/S payment once all requirements have been met and all signatures are obtained
- ensure that payments are issued through NPS.

B 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 18 for an example of a completed FSA-848B.

428 Filing Performance Reports (FSA-848B) (Continued)

C Dates and Signatures on Performance Reports

Performance reports (FSA-848B) must be signed and dated by all participants or their authorized representative whose name appears on the approved FSA-848A. All documents must be date-stamped upon receipt.

The following table provides guidelines for signatures on performance reports.

IF...	THEN...
FSA-848B, page 1 is signed by a person or legal entity other than the participant to whom FSA-848A was issued (see Examples 1, 2, and 3)	determine whether the person or legal entity is authorized to file the report.
the 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.
the practice, practices, component, or components were not completed	FSA-848B, page 3 will not be signed.
the 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 persons or legal entities are not required to sign FSA-848B.

Example 1: Farmer Joe applies for EC3 after a tornado. Farmer Joe is the only participant receiving C/S. Farmer Joe is the only participant required to sign FSA-848A and FSA-848B.

Example 2: PB&J Partnership applies for EC1 after a flood. Farmer Paul, Farmer Betty, and Farmer Joe are all members of PB&J Partnership. PB&J Partnership is the only participant receiving C/S. Farmer Betty has signature authority for PB&J Partnership. Farmer Betty is the only signature required (the other 2 partners can sign, but they are not required) on FSA-848A and FSA-848B because PB&J Partnership has given signature authority to Farmer Betty.

Example 3: PB&J Partnership and Rodfather Ranches apply for EC6 during a drought. Each party is receiving 50 percent C/S. Farmer Betty and Rancher Rob (who has signature authority for Rodfather Ranches) are both required to sign FSA-848A and FSA-848B.

429 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 STC or delegated 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.

Terminate the ECP agreement or certify to zero completion in CSS to de-obligate funds and notify the participant with appeal rights.

430 Reporting Practice Extent**A Information To Be Reported**

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

The following table provides guidelines for reporting practice information.

IF...	THEN...
some or all aspects of performance must 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.

431 Recording Practice Location

A Record Location

Record the location of all practices performed for C/S payment on an aerial photo, 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 32-AS for requirements for retaining location records. (Exhibit 4)

432 Supporting Data**A Obtaining Documentation**

In all cases, obtain documentation to determine financial responsibility requirements are met and to determine proper payment. Examples of acceptable documentation includes, but are not limited to, the following:

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

432 Supporting Data (Continued)

B Invoices and Documentation

Inform the applicant that proof of payment documentation must be maintained for the duration of the practice lifespan.

Handle cost data for payments according to the following table.

Step	COC Action
1	<p>Applicant must provide satisfactory evidence, which may include self-certification of all cost which may include:</p> <ul style="list-style-type: none"> • invoices • canceled checks • paid receipts. <p>Note: See Exhibit 145 for an example of C/S itemization.</p>
2	Consider costs reported paid by ineligible persons or legal entities.
3	<p>If the producer performed the practice with their own labor, equipment, or materials, the producer must submit signed and dated statements.</p> <p>Statements will include the following details:</p> <ul style="list-style-type: none"> • dates of work performed • cost per hour charged for labor • expense of equipment used • type and cost of materials used • other applicable information.
4	If the producer is self-certifying to cost for C/S agreements, all supporting evidence must be collected and maintained for every C/S agreement.
5	County Offices are not required to compute C/S items considered eligible for ECP payment scenarios.
6.	<p>For ECP payment scenarios, County Office will determine actual cost by multiplying the TSP approved extent by the unit cost and enter in CSS.</p> <p>For EC7 practice components, if an available ECP payment scenario does not meet the needs of the request, County Office will continue to enter actual cost per 2-ECP guidelines.</p>
7	To calculate the total installation cost, County Office will add all the actual costs and input that amount for the total installation cost in CSS.
8	A sample of all C/S payments issued, and documentation will be submitted to the State Office for annual review by the NRCS Regional Review team to adjust rates accordingly in the next FY. (See paragraph 156.)

432 Supporting Data (Continued)

C Retaining Invoices and Documentation

Keep supporting documentation on file in the County Office for the same period as for other related program documents. See 32-AS.

Producers must maintain supporting documentation for the lifespan of the practice.

433 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
- understands, by signing FSA-848B, they agree to refund all or part of the C/S assistance paid by signing the FSA-848B, 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.

433 Maintenance and C/S Refund Responsibility (Continued)**B Relinquishing Control or Title to the Land**

If the participant relinquishes control or title to the land on which the practices have been established, the participant must do 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
- once the written statement is obtained from the new owner, operator, or both:
 - the statement must be attached to the original FSA-848B
 - 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 or refund of C/S as determined by COC.

Note: If a written statement is not obtained from the new owner, operator, or both, the C/S refunds will be prorated and collected from the original participant based on the lifespan of the practice and age of the practice at the time of ownership/operatorship change.

Example: A practice has a lifespan of 15 years. In year 10, a new producer takes ownership and does not agree to maintain the practice. A refund is owed for the remaining amount of the lifespan, calculated by 5 years remaining in lifespan / 15 total lifespan years = 33.3% remaining in lifespan. The producer must refund 33.3% of the total C/S paid for the practice. See 2-ECP for software entry.

434-454 (Reserved)

Section 3 Certifying Performance

455 Certification on FSA-848B for Practices Assigned to FSA

A FSA Assigned Practice

See Exhibit 18 for an example of a completed 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, sections 14 and 15.

B FSA Verification of Performance

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

IF...	AND...	THEN...
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"> • the extent performed • whether specifications have been satisfied 	inspection will be required to verify performance.

455 Certification on FSA-848B for Practices Assigned to FSA (Continued)

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

See units of measure chart in Exhibit 155.

456 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 copy of aerial imagery of the site to assigned technical agency for its use in determining acreage performed
- County Office employees will **not** inspect, for verification, any practice for which another agency certifies performance
- COC must accept the agency certification of the extent performed for approving payments to participants.

Note: The Agency assigned TSP must still certify to completion, even if TA is provided by someone other than the agency assigned TSP.

B Items To Be Reported by Technical Agency

The assigned technical agency must 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 non-technical items for which FSA will later accept a report from the producer must be listed; however, payment must **not** be authorized until completion of the specified uncompleted non-technical items.

457 Technical Practices Performed Without Technical Agency Assistance

A Technical Practices Performed by Producer Prior to Needs Determination

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.

IF...	THEN...
technician cannot certify performance and extent	there is no authority to pay for the practice.
the extent can be determined, and all the following apply: <ul style="list-style-type: none"> • it is determined the practice was needed • practice was performed according to specifications or is qualified under Section 7 • all other program requirements have been satisfied 	practice may be eligible for C/S.

458-478 (Reserved)

Section 4 Reporting Contributions**479 Multiple Persons or Legal Entities Who Share Cost of Practice****A List Persons or Legal Entities Who Share Cost of Practice**

FSA-848B must 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 must 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 contractor 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 67 and 6-PL
- each contributor is eligible to receive C/S
- any contributors are ineligible according to paragraph 67.

480 Dividing C/S Based on Contributions**A All Costs Paid by 1 Eligible Person or Legal Entity**

One person or legal entity 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:

- 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 process C/S must **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 66 and 67 for eligible and ineligible participant provisions.

481 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

Document the contribution of an ineligible participant and include it with the C/S agreement as reason for C/S payment reduction. Include the following information:

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

In CSS, if the producer is a participant who is receiving a share, enter their costs and extents in the software. Direct attribution in the software will determine payments.

482 Processing C/S if Ineligible Participants Contributed**A Processing C/S**

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

Note: See paragraph 67 to determine whether a contributor may qualify as an eligible person or legal entity.

B Example

Total extent of the ECP practice was 1,000 feet of fence. Producer A, an eligible participant, incurs the cost for 750 feet of fence for the practice. A State agency pays for the cost for 250 feet of fence for the practice.

The ineligible contribution will be deducted from the total extent when processing eligible C/S. C/S paid to the Producer A will be based on the producer's contribution to the practice, which was 750 feet of fence.

483-524 (Reserved)

Section 5 Change in Extent Performed**525 Changing Extent Performed as Reported by Participant****A Technical Agency's Certified Extent Less Than Participant's Reported Extent**

If the 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 if modified. according to paragraph 527.

526 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 if funds are available. Use the agreement revision process provided in 2-ECP.

If TSP recommends a change of practice, payment scenario, or extent prior to approval, immediately send the producer the change of practice or change of extent letter before the application is presented to COC for approval.

B Decrease Before Practice Performance

If TSP recommends a change of practice, payment scenario, or extent prior to approval, immediately send the producer the change of practice scenario or change of extent letter along with a revised FSA-848A before the application is presented to COC for approval. Applicant has 15 days to sign and return the FSA-848A to the County Office.

COC will approve the agreement for the lesser extent as determined by the TSP. Use the agreement modification process provided in 2-ECP.

C Documenting Revisions

Signatures are required in items 11 and 12 for all FSA-848A revisions.

527 Adjusting Extent or C/S After Practice Performance and Before Payment**A Increase in Extent or C/S**

On a case-by-case basis, COC 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 COC increases the extent or C/S after performance and before payment. However, the County Office must modify the agreement in CSS by using the agreement revision process provided in 2-ECP.

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 Revisions

Signatures are required in items 11 and 12 for all FSA-848A revisions.

528 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
- assigned technical agency made an error on original extent reported
- a measurement error was made
- other similar situation that resulted in a lesser extent or C/S payment.

B Documenting Revisions

Signatures are required in items 11 and 12 for all FSA-848A revisions.

529 Increases Not Authorized

A When Increase Is Not Authorized

If COC 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.

530-550 (Reserved)

Section 6 Unique Miscellaneous Situations**551 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.

B Adequate Solution to Conservation Problem

If the producer purchased enough material to complete the practice based on an erroneous official measurement, C/S may be paid for the extent actually performed if all the following apply:

- COC determines that the practice solves the problem for which it was approved
- 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.

552 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 will 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.

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

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

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

554-574 (Reserved)

Section 7 Processing C/S Earned**575 C/S Payments****A Issuing Payments**

Payments will be issued according to 63-FI and 2-ECP. Payments are automatically issued through the CSS/accounting interface when performance is recorded on FSA-848B. All the following must be completed 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 must review the financial assistance details and sign FSA-848B, page 3, item 18 only if the payment is approved.

B Payment Review

DD will:

- be responsible for ensuring that payments are properly issued according this handbook
- provide a written report of the findings to SED.

C Ineligible Contributions

Ineligible contributions will be handled according to paragraph 503.

D Completing CCC-770 ECP-1

CED or PT will complete CCC-770 ECP-1 before an ECP payment is made. See Exhibit 5.

575 C/S Payments (Continued)**E Funding Program Payments**

All C/S approvals entered in CSS before September 30, 2020, for ECP designations will be funded in CFLS and eFunds. If sufficient funds are **not** available in either system, the payment request will fail.

All C/S approvals entered in CSS after October 1, 2020, for ECP designations will be funded in COF software. If sufficient funds are **not** available, the payment request will fail.

Note: In the event a payment fails because of insufficient funding, County Office must request additional funding through State Office.

F Issuing Payments

Payments may be issued to:

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

576 Issuing Advance C/S Payments**A C/S Advances Availability**

*--C/S advance payments will be available on all ECP practices.

During the initial C/S request (FSA-848) for any ECP practice, producers may request 25 percent of the total C/S available, as an advance payment to begin the restoration according to 2-ECP.

If the advance payment is requested and accepted, the funds must be expended within--* 60 calendar days of receipt. The producer is responsible for providing proof of expenditures to the County Office within 60 calendar days of the receipt of the advance payment.

If after 60 calendar days of issuance the producer has not submitted proof of expenditure for the advance amount, the County Office will allow an additional 15 calendar days before initiating collection actions according to normal FI rules. Use the “Manage Advance Payment” option on the “Agreement Summary” page in CSS to create a receivable for advance payments when proof of expenditure is not provided.

Notes: The 25 percent advance is held in CSS as a payment with no performance. If the producer does not spend the entire advance payment within the designated timeframe, a receivable must be created for the full amount. Any performance-based payments are later issued and will off-set against the receivable. If the performance-based payment is more than 25 percent, the entire receivable will be paid off and the balance issued to the producer.

County Office must track the 60-calendar-day period using the ECP Advance Payment Report in CSS.

The provisions of paragraph 599 apply to the advance payment if completion of the practice scenario is not completed in its entirety by the practice expiration date.

576 C/S Advances (Continued)

B Acceptable and Unacceptable 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.

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

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

577-597 (Reserved)

Section 8 Issuing Partial Payments

598 When Partial C/S Payments May Be Made

A Authority for Partial Payment

At the request of the producer, partial payments may be processed as a producer completes a portion of the approved extent of an ECP payment scenario. Producers are allowed to submit receipts and documentation for the extent completed to receive a partial payment as work is certified complete by applicable reviewing authority. C/S will not be paid in full until the applicant completes **the total practice extent** with or without C/S, within the time prescribed by COC.

If the total practice extent 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.

Example 1: Application approved for 50 acres of debris removal under EC. Producer completes 20 acres, but the site conditions are not favorable yet for the remaining 30 acres. Partial payment may be authorized on the 20 acres that are completed once supporting documentation has been submitted and a TSP certification has been completed.

Example 2: Application for 700 feet of fence repair under EC3. The producer gets the fence posts in but has not strung the wire. Partial payment is not authorized because the fence is not functional.

B Making Partial Payments

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

- C/S request is made on FSA-848B, page 1
- COC and assigned technical agency determine that the completed components are a functional attainment toward completion of the practice

Note: See subparagraph A, Example 2.

- all completed components are listed on FSA-848B, page 1
- the participant agrees to complete the practice on FSA-848B, page 1 before the practice expiration date.

599 Recovering C/S if Remaining Work Is Not Completed**A Recovering C/S**

Recover any partial payments, including advance payments * * *, if a practice is not completed before the practice scenario expiration date, unless the producer was prevented from completing the practice for reasons beyond the producer's control.

Note: See paragraph 709 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.

600-620 (Reserved)

Section 9 Issuing Payments**621 Issuing Program Payments****A CFLS**

All C/S approvals physically entered in CSS for ECP designations before September 30, 2020, will be funded in CFLS. Any agreement and its successor revisions where the approval was first entered in CSS prior to October 1, 2020 will use CFLS and eFunds. If sufficient funds are not available, the payment request will fail.

Note: For any approvals entered in CSS before September 30, 2020, sufficient funds must be available in both CFLS and eFunds.

B eFunds

All C/S approvals physically entered in CSS for ECP designations before September 30, 2020, will be funded in eFunds. Any agreement and its successor revisions where the approval was first entered in CSS prior to October 1, 2020 will use CFLS and eFunds. If sufficient funds are not available, the payment request will fail.

Note: For any approvals entered in CSS before September 30, 2020, sufficient funds must be available in both CFLS and eFunds.

C COF Software

Any agreement (even those with disaster start dates prior to October 1, 2020) where the approval is physically entered in CSS on or after October 1, 2020 (regardless of the actual approval date) will use COF software. If sufficient funds are not available, the payment request will fail.

622 COC Payment Responsibilities**A Controlling Allocations**

State Offices will allocate funds to County Offices for a specific disaster ID designated by the National Office. These allocations will be available for obligation at agreement approval. Payments above the obligation amount will **not** be approved unless the additional amount request was submitted to the State and National Offices in a timely manner. Funding allocations will be controlled using CFLS and eFunds or COF software. See paragraph 621.

623 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 a lease or other agreement that provides for the payment to be:

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

Note: If referencing the terms of a lease or rental agreement, a copy of the lease or rental agreement must be included with the ECP file.

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 must 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.

623 Agreements Between Landlords and Tenants (Continued)**C Rules for Specific Types of Cases**

A requirement in a lease or other agreement stating 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.

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

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

624 When to Prepare Payment**A Preparing to Issue C/S Payment**

Record performance and issue payment according to 2-ECP when all 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 455
- supporting documentation is submitted according to paragraph 432
- current AD-1026 is on file according to paragraph 5
- current CCC-902 and CCC-901 (as needed) is on file according to paragraph 6
- CCC-860, when applicable
- other pertinent information is received, if applicable.

B Reviews Before Payment

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

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

C Payments Due Deceased, Missing, or Incompetent Persons

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

625 Refunds, Priority of Offsets, Withholdings, and Assignments

A Handling Refunds

Handle refunds according to 64-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.

626 TA Reimbursements

A TA Billing Policy

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

B TA Actual Costs

NRCS State Office must:

- continue to provide billings for TA expenses incurred to the FSA State Office
- 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.

626 TA Reimbursements (Continued)**C TA Billing Frequency and Details**

No more than quarterly, 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 must include the following:

- FY and quarter
- disaster ID
- County Office name where service was provided
- itemization of charges, including but not limited to:
 - number of personnel hours by employee
 - dates of service provided
 - employee lodging
 - POV mileage
 - GOV fuel
 - M&IE
- dollar amount of reimbursement.

D Billing Verification

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

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

626 TA Reimbursements (Continued)

E TA Payment Notification

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

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

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

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

F Correcting Payments

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

627-657 (Reserved)

Section 10 C/S Payment Adjustments**658 When C/S Payment Adjustment Is Required****A Conditions Requiring Payment Adjustment**

An adjustment on FSA-848B certification is required if:

- overpayment is caused by an error in data entry, which includes excess credit to any refund or other charge, as well as overpayment
- underpayment is caused by an error in data entry, 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 erroneous data on the original FSA-848B, the applicant must sign a corrected FSA-848B, page 1 to receive the additional payment or credit
- County Office made the error in the data, the applicant's signature is not required.

B Correction Process

See 2-ECP to generate additional FSA-848B's and, as applicable, issue additional payments or create a receivable.

659-679 (Reserved)

Part 9 Compliance

Section 1 Spot Checks

680 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 practice 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 43.

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

681 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.

If selected for spot check, producer will provide proof of payment and supporting evidence, to ensure that they incurred cost for the requirements of the ECP payment scenario components.

Producers must maintain evidence for the lifespan of the practice.

Note: Failure to present requested proof of payment and other documentation could lead to a refund of all C/S paid. Failure to maintain the practice at the minimum standards could lead to a refund of all C/S paid to the participant.

Spot checks are required to:

- verify practice maintenance
- identify and uncover erroneous or inadequate reporting by producers
- encourage accurate reporting.

B Special Spot Check Provisions

If a person was considered a USDA employee, including STC and COC members, at the time of application, the employee's ECP agreements must be spot checked at least once during the lifespan of the practice.

A spot check summary including the FSA-276, condition of practice, receipts, etc. must be recorded in the COC/STC minutes.

682 Extent of Spot Checks

A Performing Spot Checks

The following table provides requirements to complete spot checks on current year practices.

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 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 220 for each farm.

The following table provides requirements to complete spot checks on prior year practices.

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. Note: Select EC1 from the previous year.
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 220 for each farm.

682 Extent of Spot Checks (Continued)**B State Office Spot Checks**

To ensure that the policies and provisions of ECP are being followed, a State Office representative must 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.

For County Offices that receive:

- less than 1,000 applications, the greater of 10 ECP applications or 5 percent of ECP applications not to exceed 25 applications
- greater than or equal to 1,000 applications or 5 percent of ECP applications not to exceed 75 applications.

Note: State Office spot checks will be completed on applications already checked by the County Office.

683 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 they incurred cost for the requirements of the ECP payment scenario components according to subparagraph 146.

684 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 must be paid if an incorrect payment was made.

D Violations

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

685-705 (Reserved)

Section 2 Violations**706 Failure to Maintain 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 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.

706 Failure to Maintain Practices (Continued)**C Payments 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 will be based on the actual C/S paid multiplied by 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.

707 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 must 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
- 6-PL.

Note: See 7-CP.

707 Actions That Defeat the ECP Purpose (Continued)

D Responsibility for Determination

Determining a violation may be based on COC or STC findings.

E Overreporting Performance

A person or legal entity must refund all or any part of C/S payments if the participant unintentionally 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.

708 COC, STC, and Employee Cases

A Overview

COC or STC members must recuse themselves from participating in any decision on a case where the member has a personal interest in the case. When a member recuses themselves, the remaining members act as the committee regarding:

- deposition of the case
- referral of the case to ECP-PM for advice.

B Policy

When there has been a compliance issue regarding STC or COC members, report facts about the participation of Government employees to appropriate agency and administrative officials:

Compliance issues suspected to be serious will be investigated and handled according to 9-AO even if the persons involved are employees of other agencies.

Report in writing any information involving compliance issues or personnel infractions of employees of USDA or other Government agencies.

709 Withholdings and Late Payment and Refund Interest

A Refunds

Refunds on pending cases must be handled according to 58-FI.

B Late Payment and Refund Interest Policy

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

C Prompt Payment Interest

In certain instances when the payment is not issued timely and a revision has occurred, CSS will not allow the user to enter the date documentation was received before the date of the revision approval. In this situation, prompt payment interest will be issued through online payments.

For C/S applications created and approved before October 1, 2020, CSS automatically initiates prompt payment interest based on the later of the producer's signature date or the date the documentation was received. Revisions to these agreements will behave in the same manner.

For new applications approved after October 1, 2020, prompt payment interest must be issued through Online Payments software according to 58-FI.

710 COC and STC Responsibility

A Referring Program Compliance Matters

COC must refer any program compliance issues or matters that appear to violate a Federal statute to STC.

B Ensuring Full Compliance

STC must ensure full compliance with ECP policy and procedures, as provided in this directive. In addition, STC will take the following steps to prevent fraud, bribery, conspiracy, discrimination, or other issues:

- initiate a preliminary review if a significant violation is suspected
- determine whether the facts justify an investigation.

Note: Investigations must be completed according to 9-AO.

711 Handling Program Infractions**A County Office Action**

If a person or legal entity violates 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, contact appropriate agency officials
- is a violation of a program provision and does not involve a false claim or fraud, COC must 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 will 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.

Reports, Forms, Abbreviations, and Delegations of Authority

Reports

None

Forms

The following table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1026	Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification		3, 5, 624
CCC-170	Agreement for ECP Assistance for Levees Not Yet Repaired to Corps of Engineers' Specifications	Ex. 31	95
CCC-770 ECP-1	ECP Checklist	Ex. 5	12, 399, 575
CCC-860	Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification		6, 179, 301, 624, Ex 2
CCC-901	Members Information		624
CCC-902	Farm Operating Plan for Payment Eligibility 2009 and Subsequent Program Years		6, 624
CRP-42	County Precipitation and Feed and Forage Loss Report		277
FS 7600B	Interagency Agreement		626
FSA-23	Determining Agricultural Market Value and Cost Share Per Acre Worksheet	Ex. 61	179, 399, 402
FSA-276	On-Farm Spot Check Record	Ex. 220	681,682, 683, Ex. 4
FSA-848	Cost-Share Request	Ex. 16	Text
FSA-848-1	Continuation Sheet for Cost-Share Request		10, Ex. 16
FSA-848A	Cost-Share Agreement	Ex. 17	Text
FSA-848A-1	Continuation Sheet for Cost-Share Agreement		10, Ex. 17
FSA-848B	Cost-Share Performance Certification and Payment	Ex. 18	Text, Ex. 17
FSA-848B-1	Continuation Sheet for Cost-Share Performance Certification and Payment		10, Ex. 18

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Forms (Continued)

Number	Title	Display Reference	Reference
FSA-850	Environmental Screening Worksheet	Ex. 131	Text
NRCS-CPA-52	Environmental Evaluation Worksheet		326, 328, 399, 402, 404

Abbreviations Not Listed in 1-CM

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

Approved Abbreviation	Term	Reference
CD	Conservation Division	11, 375, 402, 404
CFLS	Conservation Funds Ledger System	373, 575, 621, 622
CLU	common land unit	95
COF	Common Obligation Framework	575, 621, 622
CPM	NRCS Conservation Programs Manual	Part 3, Par 147
C/S	cost-share	Text
CSS	Cost-Share Software	Text, Ex. 4
ECP-PM	Emergency Conservation Program - Program Manager	Text, Ex. 2
eFunds	electronic funds control	373, 575, 621, 622,
ENV	Environmental Activities Division	325
FPAC	Farm Production and Conservation	325
IPAC	Intra-Governmental Payment and Collection System	254, 626
LAR	Loss Assessment Report	9, 277
MOA	memorandum of agreement	226, 227, 253, 626, Ex. 3
NECM	National Environmental Compliance Manager	325
O&M	Operation and Maintenance	150, 153 Ex. 2
RAO	Responsible Approving Official	326
SEB	State Emergency Board	35, 226
SEC	State Environmental Coordinator	35, 325, 326
SEG	State Environmental Guide	326
SHPO	State Historic Preservation Office	325, 326
TA	technical assistance	Text
THPO	Tribal Historic Preservation Office	325, 326
TSP	Technical Service Provider	Text, Ex. 2

Redelegations of Authority

The following table lists redelegations of authority in this handbook.

Redelegation	Reference
STC authorities may be delegated to SED or DD only for 1 st extension request.	41

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.

Cost

Cost is the amount actually paid for equipment use, materials, and services for carrying out a practice or identifiable component.

Cost Share Payment

Cost share payments are the payments made to a participant, under the ECP program. The percentage of the cost paid by the Federal government for completing the installation of a practice.

County Executive Director (CED)

County Executive Director is the FSA employee responsible for directing and managing program and administrative operations in one or more FSA county offices.

Deputy Administrator for Farm Programs (DAFP)

The Deputy Administrator for Farm Programs is responsible for overseeing and implementing policies and procedures to regulate the delivery of Federal farm programs for FSA.

Definitions of Terms Used in This Handbook

District

District, for the purposes of this handbook, means organized districts, mutual water companies, and associations. For the purposes of this policy, districts must 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.

Farm Service Agency County Committee (COC)

The Farm Service Agency County Committee is a committee elected by the agricultural producers in the county or area, in accordance with Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

Farm Service Agency State Committee (STC)

The Farm Service Agency State Committee is a committee in a State, or the Caribbean Area (Puerto Rico and the Virgin Islands) appointed by the Secretary of Agriculture in accordance with Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

Eligible Permanent Farm Fencing

Eligible permanent farm fencing is a permanent barrier recognized within the county as a farm fence built to control livestock.

Definitions of Terms Used in This Handbook (Continued)**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.

Initial Assessment of Damage

Within 5 workdays after a disaster occurs, COC must make an initial assessment of damage. This assessment is an overall countywide assessment of damage resulting from the natural disaster. Individual farm visits are not required for the initial assessment of damage. Information gathered during the initial assessment of damage will be utilized by COC to complete the steps in paragraph 277.

Lifespan of a Practice

The lifespan of a practice is the typical minimum expected length of time that a practice is expected to serve its conservation purpose. During its lifespan, a 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.

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:

- exclusively used for recreational activities or recreational business, such as, race horses, pack animals, recreational use of livestock in rodeos, 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.

Definitions of Terms Used in This Handbook (Continued)

Natural Disaster

Natural disasters are disasters that are naturally caused, such as:

- drought
- earthquake
- explosion
- flood
- high water
- high winds, including micro-bursts
- hurricane
- landslide
- mudslide
- severe snowstorm
- storm, including ice storms
- tidal wave
- tornado
- typhoon
- volcanic eruption
- wildfire by lightning or when exacerbated by natural conditions
- wind-driven water
- other natural phenomena.

Natural Resources Conservation Service (NRCS)

The Natural Resources Conservation Service is an agency of the United States Department of Agriculture which provides technical assistance to FSA for ECP.

Onsite Inspection

Within 45 days of the producer submitting an FSA-848, FSA or TSP must complete an onsite inspection of damage at the physical location of the damage to gather information regarding the damage resulting from a natural disaster (see paragraph 324).

Operation and Maintenance (O&M)

Operation and Maintenance is work performed by the participant to keep the applied conservation practice functioning for the intended purpose during its life span. Operation includes the administration, management, and performance of non-maintenance actions needed to keep the completed practice safe and functioning as intended. Maintenance includes work to prevent deterioration of the practice, repairing damage, or replacement of the practice to its original condition if one or more components fail.

Definitions of Terms Used in This Handbook (Continued)

Payment Scenario

Payment Scenario defines the most commonly used components (materials and quantities) to implement a practice or activity in the most typical setting for a geographic area. The payment scenario forms the basis for cost data development. More than one payment scenario may be defined for a practice or activity.

Payment Scenario Regions

The United States and its territories are divided into fifteen payment scenario regions based on C/S needs and regional environmental needs of the specific area.

New England	Lake States	Northern Mountains
Maine	Michigan	Montana
Vermont	Wisconsin	Idaho
New Hampshire	Minnesota	Wyoming
Massachusetts		
Rhode Island	Corn Belt	Southern Mountains
Connecticut	Ohio	Colorado
	Indiana	New Mexico
Mid-Atlantic	Illinois	Utah
New York	Iowa	Nevada
Pennsylvania	Missouri	Arizona
New Jersey		
Delaware	Delta States	Pacific
Maryland	Arkansas	Washington
	Mississippi	Oregon
Appalachian	Louisiana	California
West Virginia		
Virginia	Northern Plains	Hawaii / Pacific Islands
North Carolina	North Dakota	Hawaii
Kentucky	South Dakota	
Tennessee	Nebraska	Alaska
	Kansas	Alaska
Southeast		
South Carolina	Southern Plains	Caribbean Islands
Georgia	Oklahoma	Puerto Rico
Florida	Texas	Virgin Islands
Alabama		

Definitions of Terms Used in This Handbook (Continued)**Practice**

A practice is a specified rehabilitative action after a natural disaster planned and implemented according to NRCS standards and specifications.

Producer

A producer is an individual or entity who is engaged in livestock or agricultural production.

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.

Socially Disadvantaged, Limited Resource, and Beginning Farmer or Rancher Provisions

Qualified producers are designated socially disadvantaged, limited resource, and beginning farmer or rancher according to 1-CM.

Note: The socially disadvantaged producer definition as defined in the 1990 Farm Bill applies to ECP. Gender is not a covered group under the 1990 Act definition.

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.

State Executive Director (SED)

The Farm Services Agency (FSA) State Executive Director is authorized to direct and supervise FSA activities in a State, the Caribbean Area (Puerto Rico and the Virgin Islands).

State Technical Committee

A State Technical Committee is established in each State established by the Secretary pursuant to 16 U.S.C. 3861 which provide information, analysis, and recommendations to the USDA.

Definitions of Terms Used in This Handbook (Continued)**Technical Assistance (TA)**

Technical Assistance is help provided by NRCS, and employees of other entities or agencies under the technical supervision of NRCS, to clients to address opportunities, concerns, and problems related to the use of natural resources.

Technical Service Provider (TSP)

A technical service provider is an individual, private-sector entity, or public agency certified or approved by NRCS to provide technical services through NRCS or directly to program participants, as defined in 7 CFR Part 652.

Total Allowable Cost

Total Allowable Cost is the total expected cost of the approved extent times the practice unit cost as set by FSA using payment scenarios. The practice unit cost is located on the payment scenario sheet.

Well That Has Gone Dry

A well that has gone dry is a well that fails to yield sufficient water for the intended purpose.

ECP County Office Participant Files

Refer to 32-AS Supplement FSA File Maintenance and Disposition Manual.

CCC-770 ECP-1

The following is an example of CCC-770 ECP-1. This form is available from the FFAS Employee Forms/Publications website.

CCC-770 ECP-1 (09-16-21)		U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation		1. Producer's Name	
ECP CHECKLIST		2. State and County FIPS Code		3. FSN	
		4. Agreement Number			
		5. Disaster Type, Disaster ID		6. FY Disaster Started	
		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 is required by 1-ECP.					
		Handbook or Other Applicable References	YES	NO	N/A
Implementation					
7. Has the physical location county of application been approved to implement ECP?		1-ECP par. 94, 96			
7A. If administrative county, is a copy of approval memo attached to the application?		1-ECP par. 94, 96			
8. Does the land meet eligibility requirements?		1-ECP par. 94			
9. Does the applicant(s) meet eligibility requirements (required leases on file)?		1-ECP par. 66, 67, 68, 69, 70, 71, 72, 623			
10. Are acceptable CCC-902 and associated CCC-903 on file?		1-ECP par. 6, 624, 6-PL			
11. Are the applicants and affiliates in AD-1026 compliance?		1-ECP par. 5, 624, 6-PL, 6-CP			
12. Do all beginning, socially disadvantaged, and limited resource farmers/ranchers have an CCC-860 on file and recorded in Subsidiary?		1-ECP par. 6, 179, 301, 624			
13. Was the application submitted during designated signup period?		1-ECP par. 300, 301, 374, 399			
14. If the application was not filed timely, was acceptance of application justified and documented in COC minutes?		1-ECP par. 301			
15. If CSS was not available at time of request, was the application entered in CSS within 5 business days of the software becoming available?		1-ECP par. 11			
16. Does the ECP application show all Farm and Tract Numbers, participants and shares, and all needed payment scenario components?		Exhibit 16, 2-ECP			
17. Was the minimum qualifying cost of restoration met?		1-ECP par. 204			
18. Was an onsite inspection completed, or is a DAFP approved waiver on file?		1-ECP par. 301, 324			
19. If an onsite waiver was approved, are photos and/or GPS points attached to onsite inspection waiver?		1-ECP par. 324			
20. Was the needs determination section on FSA-848, page 2, completed, signed, and dated by the agency with technical responsibility? Was the date of the needs determination entered in software?		1-ECP par. 230			
21. Was the practice(s) started after the producer requested ECP assistance and after Environmental Review was completed?		1-ECP par. 324, 325, 326, 399			
21A. If "NO", is producer's statement on FSA-848?		1-ECP par. 399			
21B. If "NO", was relief approved by COC?		1-ECP par. 399			
21C. If "NO", was the decision documented in COC minutes?		1-ECP par. 399			
22. Was the FSA-850, NRCS CPA-052 or State equivalent approved and on file?		1-ECP par. 325, 326, and 1-EQ			
23. If a Programmatic FSA-850 is being used, no ground disturbance below the pre-existing ground disturbance will occur as part of restoration project?		1-ECP par. 324 & 325, 1EQ			
24. Are all easements, permits, rights-of-way, water rights are in order?		1-ECP par. 43			
25. Was the COC determination of land market value for year of application documented in COC minutes?		1-ECP par. 179			
26. Was the FSA-23 completed, signed and dated by preparer and included in the file?		Exhibit 61			
27. Does the C/S assistance exceed 50 percent of the agricultural market value of the land (documented on FSA-23)?		1-ECP par. 179			

CCC-770 ECP-1 (Continued)

CCC-770 ECP-1 (09-16-21)		Page 2 of 3		
Implementation	Handbook or Other Applicable References	YES	NO	N/A
28. Is the land enrolled in WRP, EWP or any other FSA or NRCS C/S program?	1-ECP par. 99			
29. Has the STC representative reviewed the required percentage of ECP requests before COC approval?	1-ECP par. 12, 399			
30. Certification: I (we) the undersigned certify the above items have been verified or updated accordingly.				
30A. Signature of Preparer		30B. Date (MM-DD-YYYY)		
31A. I concur/do not concur the above items have been verified and updated.		<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur		
31B. CED Signature		31C. Date (MM-DD-YYYY)		
32A. I concur/do not concur the above items have been verified and updated.		<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur		
32B. DD Signature		32C. Date (MM-DD-YYYY)		
Approval				
33. Has delegation of authority been documented in the COC minutes?	1-ECP par. 41			
34. Has the application been reviewed and approved by the applicable authority based on approval authority cost share amount limits and special approval authority guidance?	1-ECP par. 402			
35A. Has the COC/CED approved/disapproved the FSA-848A and documented details in the COC minutes? (Details include producer's name, agreement number, FSN, payment scenario, cost share paid, chosen for spot check)	1-ECP par. 400			
35B. If disapproved, were appeal rights provided to the producer?	1-ECP par. 400			
36. Was the FSA-848A signed & dated by appropriate FSA representative (prior to sending to producer)?	1-ECP par. 403			
37. Was the FSA-848A sent to participant for signature?	1-ECP par. 403			
38. Did the producer return a signed FSA-848A within 15 calendar days of COC decision?	1-ECP par. 403			
39. Was an extension requested by the producer in writing to the COC prior to practice expiration date?	1-ECP par. 301, 404			
39A. If YES, was the extension documented in the COC minutes and recorded in software?				
Processing Cost Share				
40. Was the producer notified to submit supporting documentation (producer certification, bills, invoices, etc.) upon practice completion?	1-ECP par. 432			
41. Has a complete list of all eligible persons or legal entities to receive an ECP payment been included on the FSA-848B?	1-ECP par. 67, 68, 69, 70, 71, 72			
42. Has the certification been Second party reviewed and completed with an initial and date on the FSA-848B?	1-ECP par. 624			
43. If the practice extent was changed after approval but before cost share was paid, did the appropriate approval authority concur with their signature and date on FSA-848A?	1-ECP Part 7, Section 5			
43A. Was the producer notified of the change in extent?	1-ECP Exhibit 83			
43B. Was producer signature on the revised FSA-848A received within 15 days of notification?	1-ECP par. 403			

CCC-770 ECP-1 (Continued)

CCC-770 ECP-1 (09-16-21)		Page 3 of 3		
Payments	Handbook or Other Applicable References	YES	NO	N/A
44. Have all producers met all payment eligibility requirements?	Part 2, 1-ECP Sections 1 & 2			
45. Has the FSA-848B, page 1 been signed and dated by all eligible producers receiving a share of the payment?	1-ECP par. 428			
46. Did the Producer turn in evidence of practice completion (producer certification, bills, invoices, etc.)?	1-ECP par. 432			
47. Was the FSA-848B, page 1 timely filed before practice expiration date?	1-ECP par. 429			
48. Was the FSA-848B, page 2 and 3 completed and signed by responsible technical agency?	1-ECP par. 430, 456			
49. Has the location of the completed/installed practice been recorded on aerial photography/imaging?	1-ECP par. 431			
50. Has the FSA-848B been updated with final performance data on the form and in software?	1-ECP Part 8, Section 3			
51. Has the final onsite inspection of project completion been done or are pictures on file (producer certification)?	1-ECP par. 455			
52. Were any adjustments made to the FSA-848A or FSA-848B with the producer's knowledge and signature captured (as required)?	1-ECP Part 8			
52A. If YES, were the details documented in the COC minutes?	1-ECP Part 8			
53. Does the C/S payment exceed 75 percent or 90 percent, as applicable, of the total allowable cost?	1-ECP par. 179, 180			
54. Does the payment exceed 50 percent of the agricultural market value of the land?	1-ECP par. 179			
55. Has second party review of payment been completed?	1-ECP par. 624			
56. Were payments issued timely? See 61-FI for prompt payment provisions.	1-ECP, 64-FI			
Spot Checks				
57. Was the spot check completed within the practice lifespan?	1-ECP par. 680, 681			
58. Did the producer provide proof of payment?	1-ECP par. 681, 682			
59. Was a summary of visit (condition of practice, receipts provided, completed FSA-276 form, etc.) documented in the file with signature and date?	1-ECP par. 681			
60. Remarks				
61. Certification: I (we) the undersigned certify the above items have been verified or updated accordingly.				
61A. Signature of Preparer		61B. Date (MM-DD-YYYY)		
62A. I concur/do not concur the above items have been verified and updated.		<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur		
62B. CED Signature		62C. Date (MM-DD-YYYY)		
63A. I concur/do not concur the above items have been verified and updated.		<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur		
63B. DD Signature		63C. Date (MM-DD-YYYY)		

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

FSA-848

A FSA-848 Completion Instructions

Following is an explanation of entries on a completed FSA-848. See to 2-ECP for instructions to complete the automated form. Manual entries must be added after the form is printed from CSS.

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	Not 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.
10 A	Enter FSN.
10 B	Enter the tract number.
10 C	Manually enter the field number.
10 D	Enter the practice control number.
10 E	Enter the practice title.
10 F	Enter the practice units.
10 G	Enter the practice acres.
10 H	Enter the extent requested that corresponds to items 10 A through F.
10 I	Enter the requested C/S that corresponds to items 10 A through H.
10 J	Enter the total requested C/S that corresponds to the sum of item 10 I.
11 A	Enter the applicant's name, address, and telephone number.
11 B	Manually enter the applicant's estimated percent share.
11 C	Check (✓) the box to indicate whether the applicant is a limited resource producer, if applicable.
11 D	Check (✓) the box to indicate whether the applicant is a beginning farmer, if applicable.
11 E	Check (✓) the box to indicate whether the applicant is socially disadvantaged, if applicable.
11 F	The applicant or signing authority must sign (manual entry by participant).
11 G	Enter the title/relationship that corresponds to the signing authority in item 11 F (manual entry by participant).
11 H	Enter today's date. If there are additional applicants, complete FSA-848-1, item 4 (manual entry by participant).

FSA-848 (Continued)

A FSA-848 Completion Instructions (Continued)

Item	Instructions
12 A	Enter the program code.
12 B	Enter the program year.
12 C	Enter the State and county codes that correspond to item 1.
12 D	Not Applicable
12 E	Enter the application number that corresponds to item 3.
12 F	Not Applicable
12 G	Enter the disaster ID.
13 A	Enter FSN.
13 B	Enter the tract number.
13 C	Manually enter the field number.
13 D	Enter the practice control number.
13 E	Not Applicable
13 F	Enter the practice units.
13 G	Enter the practice extent requested that corresponds to item 10 H.
13 H	Enter the practice extent needed that corresponds to items 13 A through F (manual entry on FSA-848).
13 I	Enter the requested C/S rate and type that correspond to item 10 I, if the practice control number has a flat rate (manual Entry on FSA-848).
13 J	Enter the requested C/S that corresponds to items 10 I and 14 J, as applicable. If there are additional practices, complete FSA-848-1, item 6.
13 K	Enter the sum of all requested C/S from item 13 J and continuation pages.

FSA-848 (Continued)

A FSA-848 Completion Instructions (Continued)

Item	Instructions
14 A	Enter FSN.
14 B	Enter the tract number.
14 C	Manually enter the field number.
14 D	Enter the practice control number.
14 E	Enter the component number.
14 F	Enter the component title.
14 G	Enter the component units.
14 H	Enter the component extent requested that corresponds to items 14 A through G.
14 I	Enter the component extent needed that corresponds to items 14 A through G. (May be a manual entry on FSA-848)
14 J	Enter the requested C/S rate and type that correspond to items 14 A through C.
14 K	Enter the requested C/S rate and type that correspond to items 14 A through C. If there are additional components, complete FSA-848-1, item 7.
15 A	Enter FSN. <u>1/</u>
15 B	Enter the tract number. <u>1/</u>
15 C	Enter the field number.
15 D	Enter the practice control number. <u>1/</u>
15 E	Enter the technical practice code. <u>1/</u>
15 F	Enter the technical practice title. <u>1/</u>
15 G	Enter the technical practice units. <u>1/</u>
15 H	Check the box indicating if the technical practice is cost-shared. <u>1/</u>
15 I	Enter the technical practice extent planned that corresponds to items 15 A through G. If there are additional technical practices, complete FSA-848-1, item 8. (May be a manual entry on FSA-848)
16 A	The signing authority must sign, such as FSA, Forest Service, NRCS, or other technical service provider (manual entry by TSP).
16 B	Enter today's date (manual entry by TSP).
16 C	Enter the affiliation that corresponds to item 16 A. <u>1/</u>
16 D	Enter the practice control number. <u>1/</u>
16 E	Enter the date referred for needs determination. <u>1/</u>
16 F	Enter the date the referral expires. <u>1/</u>
16 G	Enter the needs statement. If there are additional practices with needs determinations, complete FSA-848-1, item 9. (May be a manual entry on FSA-848)

1/ If technical assistance for the applicable practice(s) is assigned to an Agency other than FSA, then manual entries are required in the noted field(s), **before** referring the application to the applicable technical authority.

FSA-848 (Continued)

B Example of FSA-848

Following is an example of a completed FSA-848.

FSA-848 (04-07-21)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		Form Approved - OMB No. 0560-0082 OMB Expiration Date: 04/30/2024				
COST-SHARE REQUEST				1. ST. & CO. Code : 01-001				
<small>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, if, before expiration of the lifespan of the specified practice(s), the Applicant (a) destroys the approved practice(s), or (b) voluntarily relinquishes control 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.</small>				2. County Office Name, Address and Telephone Number Awesole County FSA 1234 Gen. H. Bone Ave. Better Yields, USA (123) 456-7890				
				3. Application Number 123456789				
6. Description of Site and Practice Objectives FSN 789, Tract 456 Removing debris estimated start date 01/01/2022				4. Program Code ECP	5. Contract ID (if applicable) N/A			
EMERGENCY PROGRAMS ONLY								
7. Disaster Type: Hurricane			8. Livestock(s) (Select and list amount with units):					
8. Crop(s) (Select): <input type="checkbox"/> Flowers or Bulbs <input type="checkbox"/> Vegetables or Fruits <input type="checkbox"/> Field Grown Ornamentals <input type="checkbox"/> Seed Crops <input checked="" type="checkbox"/> Grain or Row Crops <input type="checkbox"/> Other: _____ <input type="checkbox"/> Orchards or Vineyards <input type="checkbox"/> Hay Forage or Pasture			<input type="checkbox"/> Cattle: _____ <input type="checkbox"/> Buffalo/Beefalo: _____ <input type="checkbox"/> Sheep: _____ <input type="checkbox"/> Fish: _____ <input type="checkbox"/> Goats: _____ <input type="checkbox"/> Poultry: _____ <input type="checkbox"/> Swine: _____ <input type="checkbox"/> Horses, Mules or Donkeys: _____ <input type="checkbox"/> 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
789	456	1	21015001	Removal/Disposal of Brush & trees <6 inch	acres	10	10	\$1,000
J. Total Requested Cost-Share:								\$1,000
11. APPLICANT'S REQUEST								
<small>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, if, 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.</small>								
A. Applicant's Name, Address and Telephone Number Ima Farmer 1234 Production Way Better Yields, USA	B. Percent Share 100%	C. Limited Resource <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	D. Beginning Farmer <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	E. Socially Disadvantaged <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	F. Signature (By) 	G. Title/Relationship of the Individual If Signing in a Representative Capacity 	H. Date (MM/DD/YYYY) 	
<small>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 (16 U.S.C. 714 et seq.) and 16 U.S.C. § 2201-2204. 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 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.</small>								
<small>Public Burden Statement (Paperwork Reduction Act): 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 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.</small>								
<small>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.</small>								
<small>In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.</small>								
<small>Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.</small>								
<small>To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form AD-3027, found online at http://www.aphis.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-6922. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.</small>								

FSA-848 (Continued)

B Example of FSA-848 (Continued)

FSA-848 (04-07-21)										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					
ECE	2022	01-001	N/A	123456789	N/A	1800					
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		
789	456	1	21015001	1	acre	10	10	\$1,000	\$1,000		
									K. TOTALS:	\$1,000	
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	
789	456	1	21015001	1	Removal/Disposal of Brush &	acre	10	10	\$1,000	\$1,000	
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			
789	456	1	21015001	500-1	Removal/Disposal of Brush & trees <6 inch	acre	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	10			
							<input type="checkbox"/> YES <input type="checkbox"/> NO				
							<input type="checkbox"/> YES <input type="checkbox"/> NO				
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		
						21015001	12/15/2021	01/30/2021	Practice is Needed		

FSA-848 (Continued)

C Letters Mailed to the Producer After Completion of FSA-848

The County Office must send the referral letter to the producer. This serves as notification the TSP will be in touch to schedule and complete a needs determination and environmental evaluation for the requested practices.

If any changes are recommended by the TSP, the change in extent or change of practice letters need to be sent to the producer prior to submission to COC for conditional approval.

If the County Office is notified by the National Office that funding is not available, inform the producer **in writing** using the lack of funds letter that the County Office has accepted the request and conducted field visits, but does not imply that C/S assistance will be available

Note: See Exhibit 83 for producer letter examples.

FSA-848A

A FSA-848A Completion Instructions

Following is an explanation of entries on a completed FSA-848A. See to 2-ECP for instructions to complete the automated form. Manual entries must be added after the form is printed from CSS.

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	Not Applicable
9 A	Enter FSN.
9 B	Enter the tract number.
9 C	Manually enter the field number.
9 D	Enter the practice control number.
9 E	Not Applicable because funding is assigned based on Disaster ID.
9 F	Enter the fund code.
9 G	Enter the practice units.
9 H	Enter the practice extent approved that corresponds to items 9 A through G.
9 I	Enter the practice expiration date.
9 J	Manually enter the practice life span.
9 K	Not Applicable
9 L	Enter the approved C/S that corresponds to items 9 A through K and items 10 A through I, as applicable. If there are additional approved practices, complete FSA-848A-1, item 2.
9 M	Enter the sum of all C/S requested that corresponds to the sum of item 9 L.

FSA-848A (Continued)

A FSA-848A Completion Instructions (Continued)

Item	Instructions
10 A	Enter FSN.
10 B	Enter the tract number.
10 C	Manually enter the field number.
10 D	Enter the practice control number.
10 E	Enter the component number.
10 F	Enter the component title.
10 G	Enter the component units.
10 H	Enter the component extent approved that corresponds to items 10 A through G.
10 I	Enter the approved C/S rate and type that corresponds to items 10 A through H.
10 J	Enter the approved C/S rate and type that corresponds to items 10 A through I. If there are additional approved components, complete FSA-848A-1, item 3.
11 A	Manual entry by FSA representative must sign.
11 B	Manual entry by FSA representative of approval date.
11 C	Manually enter C/S will approve information and document amount in COC minutes.
11 D	Cost-Share Approved field will be populated by CSS once the approval data has been entered into CSS. County Offices will generate the FSA-848A after approval data has been loaded into CSS for approving authority to sign. The Cost- Share Approved for each applicable practice/application will also be documented in COC minutes.
12 A	Enter the participant's name, address, and telephone number.
12 B	The participant or signing authority must sign (manual entry by participant).
12 C	Enter the title/relationship that corresponds to the signing authority in item 12 B (manual entry by participant).
12 D	Enter the date (manual entry by participant).
13 A	Enter the program code.
13 B	Enter the program year.
13 C	Enter the State and county codes that correspond to item 1.
13 D	Enter the agreement number that corresponds to item 4.
13 E	Not Applicable
13 F	Enter the disaster ID that corresponds to item 6.
14	County Office must utilize this section to document situations applicable to the application, which required DD or COC action, such as, approved practice extensions, practice extent increases, etc.

FSA-848A (Continued)

B Example of FSA-848A

Following is an example of a completed FSA-848A.

This form is available electronically.										Form Approved - OMB No. 0560-0082									
FSA-848A (12-02-19)										U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency									
COST-SHARE AGREEMENT <i>(See Page 2 for Privacy Act and Burden Statements)</i>										1. ST. & CO. Code: 01 001 2. County Office Name, Address and Telephone Number Awesome County FSA 1234 Get It Done Ave Better Yields, USA (123) 456-7890									
<i>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-343; 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-I is by reference incorporated herein. BY SIGNING THIS AGREEMENT, THE PARTICIPANT ACKNOWLEDGES RECEIPT OF THE FOLLOWING FORMS: FSA-848A AND ANY ADDENDUM THERETO.</i>										3. Application Number					4. Agreement Number				
										123456789					123456789				
										5. Program Year					6. Disaster ID Number				
										2022					1800				
7. Program Code					8. Contract ID (if applicable)														
ECP																			
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								
789	456	1	21015001			Acres	10.00	05/28/2022	1		\$1000.00								
M. TOTALS:											\$1000.00								
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									
789	456	1	21015001	1	Removal/Disposal of Brush & Trees <6 inch		Acres	10.00	75% of cost - not to exceed \$100.00 per unit	\$1000.00									
11. USDA USE ONLY - Application Approval																			
A. Signature of FSA Representative						B. Date (MM-DD-YYYY)		C. Cost-Share Willing to Approve		D. Cost-Share Approved									
						12/28/2021		\$1000		\$1000									
12. PARTICIPANT APPROVAL ACKNOWLEDGEMENT																			
<i>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-343B 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.</i>																			
A. Participant's Name, Address and Telephone Number				B. Signature (By)				C. Title/Relationship of the Individual if Signing in a Representative Capacity				D. Date (MM-DD-YYYY)							
Tina Farmer 1234 Production Way Better Yields, USA																			

FSA-848A (Continued)

B Example of FSA-848A (Continued)

FSA-848A (12-02-19)					Page 2
13. AGREEMENT INFORMATION					EMERGENCY PROGRAMS ONLY
A. Program Code ECP	B. Program Year 2022	C. ST. & CO. Code 01 001	D. Agreement Number 123456789	E. Contract ID	F. Disaster ID 1800
14. REMARKS					
Remarks on the agreement					
<p>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 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. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</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><small>In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.</small></p> <p><small>Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.</small></p> <p><small>To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20260-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.</small></p>					

FSA-848A (Continued)

C Letters Mailed to the Producer After Completion of FSA-848A

Once COC has approved or disapproved the producer's C/S application, County Office will mail either the approval or disapproval letter to the producer.

In the event of a catastrophic disaster, and when a programmatic FSA-850 is approved for use for the disaster, COC may establish initial practice expiration dates of up to 12 months. Reminder letters must be sent to producers at 6 months.

Generate and mail or e-mail practice expiration letters to participants with approved practices expiring at least 30 calendar days prior to practice scenario expiration date.

If the producer requests a practice expiration date extension, send the producer the extension decision letter after COC reviews the request, refers it to the appropriate approving official, and a decision is made.

Note: See Exhibit 83 for producer letter examples.

FSA-848B

A FSA-848B Completion Instructions

Following is an explanation of entries on a completed FSA-848B. See 2-ECP for instructions to complete the automated form. Manual entries must be added after the form is printed from CSS.

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	Not Applicable.
9 A	Enter FSN.
9 B	Enter the tract number.
9 C	Manually enter the field number.
9 D	Enter the practice control number.
9 E	Enter the practice unit.
9 F	Enter the practice extent approved that corresponds to items 9 A through E.
9 G	<p>If the practice in item 9 D is:</p> <ul style="list-style-type: none"> • complete, ENTER “Yes” • not complete, ENTER “No” (manual entry by participant).
9 H	<p>Enter the acres served. Acres Served field(s) will populate on the FSA-848B, after the producer and TSP performance certification has been entered into CSS for the applicable application.</p> <p>Note: TSP certification must be manually entered in this field before sending a copy of the FSA-848B to the ECP participant.</p>
9 I	Enter the approved C/S that corresponds to items 9 A through F.
9 J	If the practice is complete, enter the sum of the actual cost that corresponds to items 9 A through I.
9 K	Not Applicable.
9 L	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 9 J. If there are additional practices, complete FSA-848B-1, item 2.
10 A	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 (manual entry by participant).
10 B	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 (manual entry by participant).

FSA-848B

A FSA-848B Completion Instructions

Item	Instructions
10 C	The producer or signing authority must sign (manual entry by participant).
10 D	Enter the title/relationship that corresponds to the signing authority in item 10 C. Manual entry by participant
10 E	Enter today's date. Manual entry by participant
11 A	Enter the program code.
11 B	Enter the program year.
11 C	Enter the State and county codes.
11 D	Enter the C/S agreement number.
11 E	Not Applicable
11 F	Enter the disaster ID.
12 A	Enter FSN.
12 B	Enter the tract number.
12 C	Manually enter the field number.
12 D	Enter the practice control number.
12 E	Enter the practice units.
12 F	Enter the practice extent approved that corresponds to items 12 A through E.
12 G	Enter the practice extent performed that corresponds to items 12 A through F (manual entry by participant).
12 H	Enter the acres served that correspond to items 12 A through G.
12 I	Enter the approved C/S that corresponds to items 12 A through H.
12 J	Enter the total installation cost that corresponds to items 12 A through I (manual entry by participant).
12 K	Enter the total C/S earned that corresponds to items 12 A through J.
12 L	Enter the sum of all approved C/S from item 12 I and continuation pages, the sum of the total installation cost from item 12 J and continuation pages, and the total C/S earned from item 12 K and continuation pages. If there are additional practices, complete FSA-848B-1, item 4.
13 A	Enter FSN. <u>1/</u>
13 B	Enter the tract number. <u>1/</u>
13 C	Manually enter the field number.
13 D	Enter the practice control number. <u>1/</u>
13 E	Enter the component number. <u>1/</u>
13 F	Enter the component title. <u>1/</u>
13 G	Enter the component units. <u>1/</u>

1/ County Office must manually enter this information in this field **before** sending a copy of the FSA-848B to the ECP participant.

Note: This field will populate on the FSA-848B **after** the producer and TSP performance certification has been entered into CSS for the applicable application.

FSA-848B

A FSA-848B Completion Instructions

Item	Instructions
13 H	Enter the component extent approved that corresponds to items 13A through 13G. <u>1/</u>
13 I	Enter the approved C/S that corresponds to items 13A through 13H. <u>1/</u>
13 J	Enter the component extent performed that corresponds to items 13A through I (manual entry by participant). <u>1/</u>
13 K	Enter the C/S earned that corresponds to items 13 A through J. If there are additional components, complete FSA-848B-1, item 5.
14 A	Enter FSN. <u>1/</u>
14 B	Enter the tract number. <u>1/</u>
14 C	manually enter the field number. <u>1/</u>
14 D	Enter the practice control number. <u>1/</u>
14 E	Enter the technical practice code. <u>1/</u>
14 F	Enter the technical practice title. <u>1/</u>
14 G	Enter the technical practice units. <u>1/</u>
14 H	Check (✓) the box indicating if the technical practice is cost-shared. <u>1/</u>
14 I	Enter the technical practice extent planned that corresponds to items 14 A through H. <u>1/</u>
14 J	Enter the technical practice extent applied that corresponds to items 14 A through I. If there are additional technical practices, complete FSA-848B-1, item 6. Manual entry required by producer, FSA or TA, as applicable. <u>1/</u>

1/ County Office must manually enter this information in this field **before** sending a copy of the FSA-848B to the ECP participant.

Note: This field will populate on the FSA-848B **after** the producer and TSP performance certification has been entered into CSS for the applicable application.

FSA-848B (Continued)

A FSA-848B Completion Instructions (Continued)

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

FSA-848B (Continued)

B Example of FSA-848B

Following is an example of a completed FSA-848B.

This form is available electronically.		Form Approved - OMB No. 0560-0082									
FSA-848B (12-02-19)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency									
COST-SHARE PERFORMANCE CERTIFICATION AND PAYMENT		1. ST. & CO. Code: 01 001 2. County Office Name, Address and Telephone Number Awesome County FSA 1234 Get It Done Ave Better Yields, USA (123) 456-7890									
(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 THERE TO.		3. Application Number 123456789 4. Agreement Number 123456789 5. Program Year 2022 6. Disaster ID Number 1800 7. Program Code ECP 8. Contract ID (if applicable)									
NOTE: 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.											
9. PRACTICES PERFORMED											
A Farm No.	B Tract No.	C Field No.	D Practice Control No.	E Practice Units	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.	
789	456	1	21015001	Acres	10.00	YES	10.00	\$1000.0	\$700.00		
L TOTALS:									\$1000.0	\$700.00	
INSTRUCTIONS TO PARTICIPANT: 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 entries 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 9G. 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? <div style="text-align: center;"> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO </div>						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? <div style="text-align: center;"> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO </div>					
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)		
In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 725-2860 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-4535. Additionally, program information may be made available in languages other than English.											
To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.aphis.usda.gov/complaint_filing_cust and file at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-6895. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-4470; (2) fax: (202) 696-7442; or (3) email: program.intake@usda.gov . USDA is an equal opportunity provider, employer, and lender.											

FSA-848B (Continued)

B Example of FSA-848B (Continued)

FSA-848B (12-02-19)										Page 2	
11. AGREEMENT INFORMATION										EMERGENCY PROGRAMS ONLY	
A. Program Code ECP		B. Program Year 2022		C. ST. & CO. Code 01 001		D. Agreement Number 123456789		E. Contract ID		F. Disaster ID 1800	
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	
789	456	1	21015001	Acres	10.00	10.00	10.00	\$1000.00	\$700.00	\$750.00	
L TOTALS:								\$1000.00	\$700.00	\$750.00	
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	
789	456	1	21015001	1	Brush & Trees <6inch	Acres	10.00	\$1000.00	10.00	\$750.00	
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		
789	456	1	21015001	500-1	Removal/Disposal of Brush & Trees < 6 inch	Acres	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	10.00	10.00		
							<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				
				3/8/2022	NRCS	21015001	10 acres of debris removed				

FSA-848B (Continued)

B Example of FSA-848B (Continued)

FSA-848B (12-02-19)										Page 3
16. AGREEMENT INFORMATION										EMERGENCY PROGRAMS ONLY
A. Program Code ECP		B. Program Year 2022		C. ST. & CO. Code 01 001		D. Agreement Number 123456789		E. Contract ID		F. Disaster ID 1800
17. COST-SHARE DETAILS										
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Component No.	F. Participant's Name	G. Program Accounting Code	H. Partial or Final Payment for Practice	I. Partial or Final Payment for Agreement	J. Cost-Share Earned	
789	456	1	21015001	1	Ima Farmer	4040	Final	Final	\$750.00	
18. USDA USE ONLY – Performance Approval		A. Signature of FSA Representative				B. Date (MM-DD-YYYY)	C. Total Approved Cost-Share \$1000.00	D. Current Earned Amount \$750.00	E. If Final, Total Cost-Share Earned \$750.00	

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 15 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 performance certification and payment 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 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.

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. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

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.

CCC-170

The following is an example of a completed CCC-170.

CCC-170 (04-07-21)		U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation	
AGREEMENT FOR ECP ASSISTANCE FOR LEVEES NOT YET REPAIRED TO CORPS OF ENGINEERS' SPECIFICATIONS			
NOTE: <i>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 the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), the Agricultural Credit Act of 1978 - Title IV (16 U.S.C. 2204), the Agricultural Act of 2014 (16 U.S.C. 3833), and 7 CFR Part 701. The information will be used to determine eligibility to participate in and receive benefits under the Emergency Conservation Program through documentation of the producer's agreement to comply with the terms and conditions contained in the agreement for ECP assistance for levees not yet repaired to Corps Of Engineers' specifications. 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 the Emergency Conservation Program.</i>			
Paperwork Reduction Act (PRA) Statement: As specified in the Paperwork Reduction Act (5 CFR 1320.3), the information collection does not require OMB approval because FSA estimates that fewer than 10 participants will sign the agreement form for ECP assistance for levees not yet repaired to Corps of Engineers specifications. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.			
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"> restore the ECP practice or practices for which cost shares are paid, without the benefit of additional cost shares. refund cost shares as determined by the County FSA Committee for the county in Item 2 above 			
5. SIGNATURE /s/ James Michaels	6. DATE (MM-DD-YYYY) XX-XX-XXXX		

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

National ECP Practices

A Practice Overviews

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

Code	Practice	Subparagraph
EC1	Removing Debris From Farmland	B
EC2	Grading, Shaping, Releveling, or Similar Measures	C
EC3	Replacing or Restoring Permanent Fences	D
EC4	Restoring Conservation Structures and Other Installations	E
--EC5	Emergency Wind Erosion Control Measures	F--
EC6	Drought Emergency Measures	G
EC7	Other Emergency Conservation Measures	H
EC8	Field Windbreaks and Farmstead Shelterbelts Emergency Measures	I

All practices must specify any requirements upon which cost sharing is conditioned.

Examples of requirements may include, but are not limited to:

- implement required
- depth
- spacing
- tillage measures
- type of posts
- type of wire
- bracing
- type of debris
- manner of disposition.

Technical standards and specifications must be included or incorporated by reference.

--All practices must meet NRCS Standards and Specifications, with the exception of fence repair.--

State and County Offices may access NRCS standard or specification guidelines for their applicable county/area on eFOTG.

National ECP Practices (Continued)

A Practice Overviews (Continued)

The following table provides the steps to access the Field Office Technical Guide.

Step	Action
1	Access the Field Office Technical Guide at https://efotg.sc.egov.usda.gov/#/ .
2	*--Select your State from the drop-down menu and click the blue arrow to submit.--*
3	CLICK "Document Search" tab.
4	Use either Keyword Search or Subject Search.
5	CLICK "Search".

State Offices should prepare a list of ECP Practice Scenarios as a reference guide for County Offices. Following is an example of a reference guide.

*--

Practice Name and Units	Practice Code	Date of Current CPS	ECP Practice Lifespan
**Cover Crop	340	03/21	1
Critical Area Planting (ac)	342	03/18	10
Dam, Diversion (no)	348	07/12	15
Diversion (ft)	362	08/17	10
Fence (ft)	382	06/14	20
Grade Stabilization Structure (no)	410	09/15	15
Grassed Waterway (ac)	412	09/15	10
**Heavy Use Protection (sq. ft.)	561	06/14	15
Irrigation Field Ditch (ft)	388	07/12	15
Irrigation Land Leveling (ac)	464	02/18	15
Irrigation System, Tailwater Recovery (no)	447	09/15	15
Lined Waterway or Outlet (ft)	468	05/18	15
Livestock Pipeline (ft)	516	09/12	10
Obstruction Removal (ac)	500	01/13	10
Pond (no)	378	10/16	20
Precision Land Forming (ac)	462	09/15	10
Pumping Plant (no)	533	01/13	15
Sediment Basin (no)	350	09/16	20
Spring Development (no)	574	07/16	20
Structure for Water Control (no)	587	05/19	20
Surface Roughening (ac)	609	05/15	10
Terrace (ft)	600	09/15	10
Underground Outlet (ft)	620	07/14	20
Waste Treatment Lagoon (no)	359	04/18	15
Water Well (no)	642	09/15	20
Watering Facility (gal)	614	09/15	10
Windbreak-Shelterbelt Establishment (ft)	380	08/12	15

--*

National ECP Practices (Continued)

B EC1 - Removing Debris From Farmland

This practice:

- removes debris from farmland deposited by a natural disaster which may:
 - include woody material, rock, trash, and personal property
 - be material deposited by wind or water
 - include sand and silt over 12 inches deep
- 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 within environmental compliance guidelines
- sand & silt hauling and deposition at approved locations within environmental compliance guidelines

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

Example: Woody debris recycled into mulch.

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 112.

National ECP Practices (Continued)

B EC1 - Removing Debris From Farmland (Continued)

The following table provides the C/S policy.

IF component is...	THEN financial assistance is...
<p>removing debris from farmland that meets all the following criteria:</p> <ul style="list-style-type: none"> materially affects the productive capacity of the land prevents carrying out effective conservation measures prevents returning the land to productive agricultural use is of a magnitude that requires the use of labor and/or equipment to remove the debris. <p>Note: Debris must be disposed of in a way that will not:</p> <ul style="list-style-type: none"> interfere with existing conservation facilities create a health hazard or an environmental problem, on or off-site. 	<p>authorized using technical code 500.</p>
<p>removing debris from farmsteads and access roadways that could significantly interfere with normal farming operations</p> <p>Note: The access roadway must be privately maintained and must be on the privately owned, rented, or leased farmland with damage reported on a corresponding FSA-848.</p>	
<p>removing debris that will not interfere with normal farming operation</p>	<p>not authorized.</p>

National ECP Practices (Continued)

B EC1 - Removing Debris From Farmland (Continued)

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

National ECP Practices (Continued)

C EC2 - Grading, Shaping, Releveling, or Similar Measures

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.

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

National ECP Practices (Continued)

C EC2 - Grading, Shaping, Releveling, or Similar Measures (Continued)

The following table provides the C/S policy.

IF component is...	THEN financial assistance is...
grading, shaping, and filling gullies created by the disaster	authorized using technical practice codes *--342 and 462.--*
releveling of previously leveled irrigated farmland	
removing humps, ridges, or depressions if they cause water to pond on the land surface	
Note: Draining wetlands is not an approved ECP practice.	
incorporating sand or silt deposits 6 to 12 inches deep into the soil	
re-establishing permanent vegetative cover on areas where all the following are present:	not authorized.
<ul style="list-style-type: none"> • grading and shaping is required for rehabilitation of the area • the pre-existing permanent vegetative cover was destroyed • the area involved would be subject to critical wind or water erosion unless the cover is re-established 	
Note: TSP or FSA must determine the need for an extent of ECP practice.	
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	
incorporating sand and silt deposits less than 6 inches deep	
releveling measures on irrigated farmland that constitute floating or land planing	
performing measures in connection with normal farming operations	
repairing and restoring roadways, including field roads if required to correct damage on the land	

National ECP Practices (Continued)

D EC3 - Replacing or Restoring Permanent Fences

This practice corrects damage to fences caused by natural disasters.

Apply this practice to farmland on which farm fences have been destroyed or seriously damaged by the approved disaster.

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

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

Notes: COC must 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.

This practice must have been functioning prior to the disaster event.

National ECP Practices (Continued)

D EC3 - Replacing or Restoring Permanent Fences (Continued)

Cost-sharing must be limited to replacing or repairing fences damaged by natural disaster.

The following table provides the C/S policy.

IF request is for replacing or restoring...	THEN financial assistance is...
fences needed to return the land to productive agricultural use *--livestock inclusion or exclusion livestock or wildlife exclusion fence used to protect crop--* cross fences boundary fences cattle gates solar-based and wind-based power sources only if determined to be the least costly option to replace electric fence	authorized using code 382.
reusable material from the fence damaged by the disaster the following types of fences: <ul style="list-style-type: none">• ornamental fences• temporary fences• commercial hunting or recreational fences. fences not for the purpose of enclosing or excluding livestock, or fences not for the purpose of excluding wildlife from agricultural land	

National ECP Practices (Continued)

E EC4 - Restoring Conservation Structures and Other Installations

This practice restores conservation structures and installations damaged by natural disasters.

TSP must make a determination if the practice was functioning prior to the disaster and adjust extent needed based on the functionality of the practice prior to the disaster.

Apply this practice to farmland on which conservation structures and other installations have been seriously damaged by the approved disaster.

Technical responsibility for this practice is assigned to NRCS.

National ECP Practices (Continued)

E EC4 - Restoring Conservation Structures and Other Installations (Continued)

The following table provides the C/S policy.

IF component is...	THEN financial assistance is...
dams, ponds, and other water impoundments for agricultural uses	authorized using technical codes 313, 342, 348, 350, 359, 362, 378, 388, 410, 412, 416, 462, 464, 468, 516, 533, 587, 600, 614, 620, and 642.
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	
solar units for livestock water damaged by wildfire	
spring developments	
pipelines	
livestock water facilities when damaged by wildfire, flooding, or hurricane	
ditches and other permanently installed systems	
permanent vegetative cover including re-establishment where needed in conjunction with:	
<ul style="list-style-type: none"> • eligible structures • installations to prevent critical erosion and siltation. 	
animal waste lagoons repaired or replaced outside the 100-year floodplain	not authorized.
silt removal	
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	
buried mainlines	
hand move systems	
center pivot systems	

National ECP Practices (Continued)

*--F EC5 Emergency Wind Erosion Control Measures

This practice applies emergency wind erosion control measures to farmland damaged by natural disasters.

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.

The following table provides the C/S policy.

IF component is...	THEN financial assistance is...
contour or cross slope chiseling	authorized using technical practice codes 340 and 609.
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	

The practice will specify any requirements, such as:

- implement required
- depth
- spacing
- tillage measures.--*

G EC6 - Drought Emergency Measures

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.

Note: This practice must have been functioning before the disaster event.

Apply this practice to farmland suffering from severe drought because of an extended period of insufficient moisture, a lack of reliable livestock water, or a lack of reliable supply of water for orchard and vineyard existing irrigation systems.

For approval to implement the program, submit to STC and to ECP-PM copies of the information listed in paragraph 277.

National ECP Practices (Continued)

G EC6 - Drought Emergency Measures (Continued)

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.
- 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 permanent range or pasture residue for livestock in the area to be served by a proposed water facility at the time of the request. Distribution of livestock watering facilities should help prevent overgrazing of pasture.
- Pump equipment and adequate storage facilities must be provided when wells are installed.
- Solar-based and wind-based power sources are eligible only when determined to be the least costly alternative to FSA within the lifespan of a practice in providing water for livestock.
- *--Extensions of expiration dates beyond 120 calendar days from the original practice expiration date require ECP-PM approval.--*
- STC must monitor the drought situation to determine when severe drought conditions have ended. When it is determined that the program is no longer needed, STC must direct COC to:
 - discontinue issuing approvals
 - return all unobligated funds.

Note: Notify ECP-PM when:

- the program is terminated in the State
- unobligated funds are being returned to ECP-PM.

National ECP Practices (Continued)

G EC6 - Drought Emergency Measures (Continued)

The following table provides the C/S policy.

IF component is...	THEN financial assistance is...
installing pipe to an existing or newly developed source of water because the primary source is inadequate Note: One-time connection to public rural water utility lines charged by the water service authority is limited to labor, equipment, and materials and is included in ECP payment scenario. Charges for fees and water service must be wholly borne by the producer.	authorized using technical codes 342, 447, 516, 533, 574, 614, and 642.
storage facilities, including tanks incorporated into a new or existing water distribution system, 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)

G EC6 - Drought Emergency Measures (Continued)

IF component is...	THEN C/S is...
water hauling	not authorized.
repairing or deepening ponds	
silt removal from water impoundments	
constructing pipelines to supply water for vegetable or other short-term crops	
establishing permanent or temporary grazing/haying vegetative cover	
livestock water facilities primarily for barns, recreation, wildlife, or corrals, except for livestock already in confinement	
livestock water facilities to make it possible to graze crop residues, field borders, temporary or supplemental pasture crops	
water facilities primarily for headquarters	
Note: Incidental use of water at headquarters is permitted if it does not lessen the effectiveness of the emergency water facility in serving its primary purpose.	
livestock water facilities to provide water on land on which the cover will be used for:	
<ul style="list-style-type: none"> • hay • silage • field chopped and hauled to headquarters for feeding. 	
wells that do not produce sufficient water	
pumps or motors not permanently installed in wells	
waterlines to bring rural water to a farm before installation of a meter on the farm	

National ECP Practices (Continued)

H EC7 - Other Emergency Conservation Measures

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.

ECP practices must meet the requirements in this handbook.

The following table provides the C/S policy.

IF the component is...	THEN financial assistance is...
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	not authorized.
an activity normally performed by producers independently of an ECP designation	

All practices must specify a minimum lifespan.

If a payment scenario cannot be matched to the need of the EC7 request, cost share components must be approved by STC and COC.

--Express the C/S rate as a flat rate.--

The limitation must be based on the average cost of performing the unit of measure.

National ECP Practices (Continued)

I EC8 - Field Windbreaks and Farmstead Shelterbelts Emergency Measures

This practice restores or replaces field windbreaks and farmstead shelterbelts to help stop wind erosion and provide energy conservation.

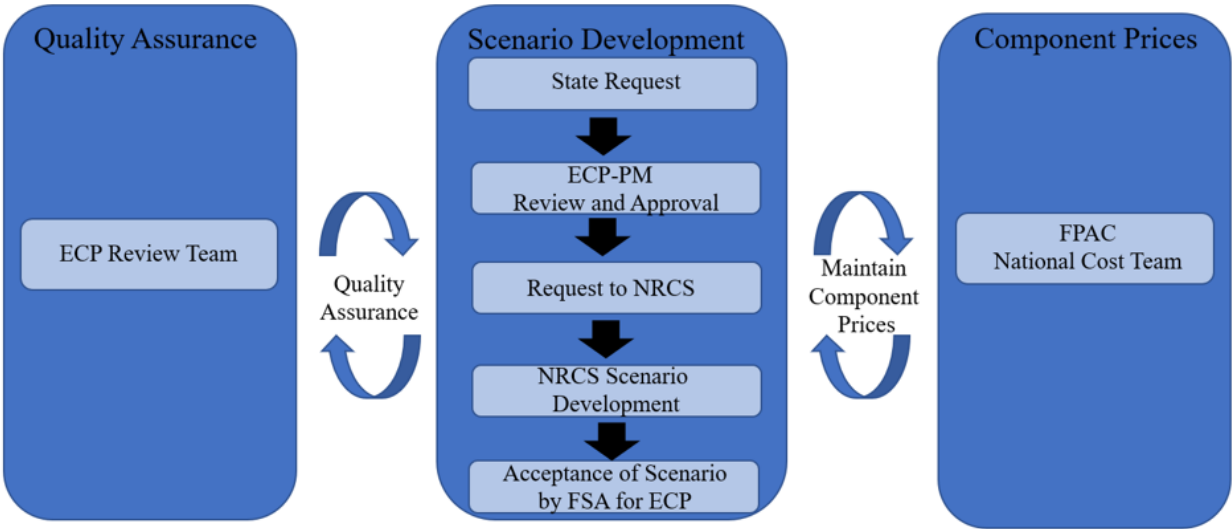
Apply this policy to field windbreaks and farmstead shelterbelts that have been seriously damaged by natural disaster.

The following table provides the C/S policy.

IF the component is...	THEN financial assistance is...
removing debris from field windbreaks or farmstead shelterbelts	authorized using code 380 * * *.
planting field windbreaks or farmstead shelterbelts	
purchasing tree seedlings or young shrubs used for field windbreaks or farmstead shelterbelts	
establishing vegetative cover where needed to prevent serious erosion until trees/shrub are established	
chemical or mechanical weed control measures:	
<ul style="list-style-type: none"> only where needed to establish trees for the windbreak only during the first 24 months after planting. 	not authorized.
windbreaks or shelterbelts that:	
<ul style="list-style-type: none"> were not pre-existing were not damaged by the disaster are in CRP. 	
planting orchard trees or ornamental plantings	

NRCS Payment Scenario Development and Management Flow Chart

The following flow chart explains payment scenario development and management.



FSA-23

A FSA-23 Completion Instructions

FSA-23 will be completed for each application, to include all practices included on the corresponding FSA-848, according to the following instructions.

Item	When C/S is limited by the agricultural market value of the land	When C/S is limited by the value of animal units in confinement
1	Enter the producer's name and address.	Enter the producer's name and address.
2	Enter the State and county name.	Enter the State and county name.
3	Enter FSN's.	Enter FSN's.
4	Enter the practices requested according to the applicable FSA-848.	Enter the practices requested according to the applicable FSA-848.
5	Not applicable.	Not applicable.
6	*--Enter the total practice C/S requested and needed from item 13J on the applicable FSA-848.	Enter the total practice C/S requested and needed from item 13J on the applicable--* FSA-848.
7	Enter the acres requested per practice according to item 10G on the applicable FSA-848. <u>1/</u> Note: See subparagraph B for examples.	Not applicable.
8	Not applicable.	Enter the number of animal units served by requested C/S.
9	Not applicable.	Enter the type of animals in the confinement operation.
10	Enter the average agriculture market value of affected acres.	Not applicable.
11	Divide total C/S requested from item 6 by acres served from item 12.	Not applicable.
12	Enter the acres served. <u>2/</u>	Not applicable.
13	Not applicable.	Not applicable.

- 1/ FSA-23 will be completed during the initial C/S request and initially based on the estimated acres served. If the TSP determines the acres served are different than the original request, revise FSA-23 accordingly.
- 2/ If multiple practices on the same application are serving the same acres, only count the acres once in item 12. If practices on the application are serving different acres, combine the total number of different acres served by all practices and enter the cumulative total in item 12. Add explanation in item 14.

FSA-23 (Continued)

A FSA-23 Completion Instructions (Continued)

Item	When C/S is limited by the agricultural market value of the land	When C/S is limited by the value of animal units in confinement
14	<p>Provide C/S request information for each practice. Detail acres served for each practice and indicate if acres served are represented in another practice's total acres.</p> <p>If requested C/S per acre (item 11) exceeds half the agricultural market value of the land (item 10), denote the allowed C/S eligible to be paid to the producer in the remarks section.</p>	<p>Multiply the total number of animal units multiplied by animal unit value of livestock= total value of animal units in confinement.</p> <p>Explain if requested total C/S is more or less than half of the total value of animal units in confinement.</p>
15	Enter the preparer's signature.	Enter the preparer's signature.
16	Enter the preparer's title.	Enter the preparer's title.
17	Enter the date prepared.	Enter the date prepared.

FSA-23 (Continued)

B Examples of Acres Served

The following table provides examples of acres served.

IF the practice is...	AND the situation is...	THEN in item 7, enter...
EC1	heavy concentrated debris	the scenario extent.
	scattered debris	acreage over which debris is scattered.
	sand and silt greater than 12 inches deep which must be removed from the field	acreage of sand and silt deposits.
	tree removal	the acreage where the trees and any parts of the trees are located.
EC2	the depth of the gully can still be driven over for farming,	the area of the gully itself.
	the depth of the gully is so deep it cannot be driven over	the request for EC2 should be revised to an EC4 practice, and the corresponding acres served will be determined by NRCS
	sand & silt deposits between 6-12 inches	acreage where the sand is and the acreage where the sand will be spread in the field.
EC3		acreage included in the fenced area (or fenced in area or within the footprint of the fenced area).
EC4		acres served as determined by NRCS
	includes ponds when utilized to water livestock	acres of pastures to which the pond provides water for livestock.
EC6	livestock pipeline & waterers	acreage of the fields the livestock watering facilities serve.
	well	acreage of fields well will provide water to.
	tailwater recovery	acreage of the orchard or vineyard served by the irrigation lines
EC8		acres where the damaged/destroyed trees will be removed and new ones established.

FSA-23 (Continued)

C Example of Completed FSA-23 for the Same Acres Served

Following is an example of a completed FSA-23 when multiple practices serve the same acres. While acres requested listed in item 7 may reflect acreages included in other practices, the final total acres served listed in item 12 must never count acres more than once.

Note: The FSA-23 determines the agricultural market value of the land and C/S per acre.

FSA-23 (04-07-21)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency			
DETERMINING AGRICULTURAL MARKET VALUE AND COST SHARE PER ACRE WORKSHEET					
INSTRUCTIONS: Complete the following to determine the agricultural market value and C/S (cost share) per acre.					
1. Producer's Name and Address (Include Zip Code) Ima Farmer 1234 Production Way Better Yields, USA			2. State and County Name Awesome State, Awesome County		3. Farm Number(s) 1 and 2
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
EC 3	N/A	\$3,195	20	N/A	N/A
EC 1	N/A	\$8,271	10	N/A	N/A
EC 4	N/A	\$8,835	20	N/A	N/A
10. Agricultural Market Value of Affected Land Per Acre				\$ 2,500	
11. Cost Shares per Acre				\$ 1,015.05	
12. Acres Served				20	
13. Cost Shares per Animal				\$ N/A	
14. Remarks EC 3- 2,000 feet of barbed wire fence \$2.13 per unit total allowable cost * 2,000 feet* 75%=\$3,195 C/S The fence encompasses 20 acres. EC 1- 10 acres of debris removal for trees less than 6". \$1,102.77 per unit total allowable cost * 10 acres * 75%= \$8,271 C/S. The trees are on the same acres included in the fence replacement. EC 4- One dug well. \$11,780.16 per unit total allowable cost * 1 unit* 75%= \$8,835 C/S. The well serves the same acres included in the fence replacement.					
NOTE: C/S per acres shall not exceed 50 percent of the agricultural market value per acre as determined by COC. For confined operations, C/S shall not exceed 50 percent of the agricultural market value per animal.					
15. Prepared by Expert Program Tech signature		16. Title P.T.		17. Date Prepared (MM-DD-YYYY) 08/30/2021	

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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

FSA-23 (Continued)

D Example of Completed FSA-23 for Different Acres Served

Following is an example of a completed FSA-23 when some practices (EC3 and EC4 in this example) serve the same acres, and EC1 serves different acres. Because EC3 and EC4 serve the same acres, the 20 acres listed in item 7 for both of those practices is only counted once. EC1 serves 10 acres separate from EC3 and EC4. The cumulative total acres served in this example is 30 acres which is reflected item 12.

Note: The FSA-23 determines the agricultural market value of the land and C/S per acre.

FSA-23 (04-07-21)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency			
DETERMINING AGRICULTURAL MARKET VALUE AND COST SHARE PER ACRE WORKSHEET					
INSTRUCTIONS: Complete the following to determine the agricultural market value and C/S (cost share) per acre.					
1. Producer's Name and Address (Include Zip Code) Ima Farmer 1234 Production Way Better Yields, USA			2. State and County Name Awesome State, Awesome County		3. Farm Number(s) 1 & 2
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
EC3	N/A	\$3,195	20	N/A	N/A
EC1	N/A	\$8,271	10	N/A	N/A
EC4	N/A	\$8,835	20	N/A	N/A
10. Agricultural Market Value of Affected Land Per Acre				\$ 2,500	
11. Cost Shares per Acre				\$ 676.70	
12. Acres Served				30	
13. Cost Shares per Animal				\$ N/A	
14. Remarks EC3- 2,000 feet of barbed wire fence \$2.13 per unit total allowable cost * 2,000 feet* 75%= \$3,195 C/S The fence encompasses 20 acres which are different than the EC 1 acres. EC1- 10 acres of debris removal for trees less than 6". \$1,102.77 per unit total allowable cost * 10 acres * 75%= \$8,271 C/S. The tree debris is on different acreage than EC3 & EC4. EC4- One dug well. \$11,780.16 per unit total allowable cost * 1 unit* 75%= \$8,835 C/S. The well serves the same acres included in the fence replacement but different acres than EC 1.					
NOTE: C/S per acres shall not exceed 50 percent of the agricultural market value per acre as determined by COC. For confined operations, C/S shall not exceed 50 percent of the agricultural market value per animal.					
15. Prepared by Expert Program Tech		16. Title P.T.		17. Date Prepared (MM-DD-YYYY) 08/30/2021	

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FSA-23 (Continued)

E Example of Completed FSA-23 for C/S Payment Limited by Agricultural Market Value of the Land

Following is an example of a completed FSA-23 where C/S is limited by 50 percent of the agricultural market value of the land. All three practices in this example serve the same 20 acres. Fifty percent of the agricultural market value of the land is \$1,250 per acre. The average C/S per acre in this example of \$1,428.60. Because the average C/S per acre exceeds the 50 percent limitation, the producer is only eligible to receive \$1,250 C/S per acre.

Note: The FSA-23 determines the agricultural market value of the land.

FSA-23 (04-07-21)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency			
DETERMINING AGRICULTURAL MARKET VALUE AND COST SHARE PER ACRE WORKSHEET					
INSTRUCTIONS: Complete the following to determine the agricultural market value and C/S (cost share) per acre.					
1. Producer's Name and Address (Include Zip Code)		2. State and County Name		3. Farm Number(s)	
Ima Farmer 1234 Production Way Better Yields, USA		Awesome State, Awesome County		1 & 2	
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
EC3	N/A	\$3,195	20	N/A	N/A
EC1	N/A	\$16,542	20	N/A	N/A
EC4	N/A	\$8,835	20	N/A	N/A
10. Agricultural Market Value of Affected Land Per Acre				\$ 2,500	
11. Cost Shares per Acre				\$ 1,428.60	
12. Acres Served				20	
13. Cost Shares per Animal				\$ N/A	
14. Remarks EC3- 2,000 feet of barbed wire fence \$2.13 per unit total allowable cost * 2,000 feet* 75%= \$3,195 C/S The fence encompasses 20 acres. EC1- 20 acres of debris removal for trees less than 6". \$1,102.77 per unit total allowable cost * 20 acres * 75%= \$16,542 C/S. The trees are on the same acres included in the fence replacement. EC4- One dug well. \$11,780.16 per unit total allowable cost * 1 unit* 75%= \$8,835 C/S. The well serves the same acres included in the fence replacement. COST SHARE IS LIMITED TO \$1,250 PER ACRE. (50% Ag Market Value of land)					
NOTE: C/S per acres shall not exceed 50 percent of the agricultural market value per acre as determined by COC. For confined operations, C/S shall not exceed 50 percent of the agricultural market value per animal.					
15. Prepared by		16. Title		17. Date Prepared (MM-DD-YYYY)	
Expert Program Tech signature		P.T.		08/30/2021	
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FSA-23 (Continued)

F Example of Completed FSA-23 for C/S Calculate Using Animal Units

Following is an example of a completed FSA-23 when C/S is calculated using animal units in confinement operations. In this example, the producer has requested EC4 for both beef and swine confinement operations. The total cumulative cost share requested for the two operations is \$15,000. The total cumulative value of all animal units for both the swine and beef operations is \$105,000. The requested C/S is less than half of the total value of the animals in confinement (\$52,500). No additional limits will be included on the C/S amount paid to the producer.

Note: The FSA-23 determines the value of the animal units in confinement.

FSA-23 (04-07-21)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency			
DETERMINING AGRICULTURAL MARKET VALUE AND COST SHARE PER ACRE WORKSHEET					
INSTRUCTIONS: Complete the following to determine the agricultural market value and C/S (cost share) per acre.					
1. Producer's Name and Address <i>(Include Zip Code)</i> Ima Farmer 1234 Production Way Better Yields, USA			2. State and County Name Awesome State, Awesome County		3. Farm Number(s) 1 & 2
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
EC4	N/A	\$5,000	N/A	250	Swine
EC4	N/A	\$10,000	N/A	100	Beef
10. Agricultural Market Value of Affected Land Per Acre				\$ N/A	
11. Cost Shares per Acre				\$ N/A	
12. Acres Served				N/A	
13. Cost Shares per Animal				\$ N/A	
14. Remarks 250 Swine * \$100 per Animal Unit value= \$25,000 Total value of animals in confined feeding operation. 100 Beef * \$800 per Animal Unit value= \$80,000 Total value of animals in confined feeding operation. Requested cost share (\$15,000) is less than half of the total value (\$52,500) of the animals in confinement (\$105,000 / 2 = \$52,500).					
NOTE: C/S per acres shall not exceed 50 percent of the agricultural market value per acre as determined by COC. For confined operations, C/S shall not exceed 50 percent of the agricultural market value per animal.					
15. Prepared by Expert Program Tech Signature			16. Title P.T.		17. Date Prepared (MM-DD-YYYY) 08/30/2021

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

Memorandum of Agreement

The following is the current Memorandum of Agreement between FSA and NRCS.

Memorandum of Agreement (MOA)

Between

Natural Resources Conservation Service (NRCS)

And

Farm Service Agency (FSA)

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

Through September 30, 2024

I. Purpose

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

II. General Provisions

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

III. Authority

The authorities for FSA and NRCS to enter into this agreement are:

- 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:
 - 1. Funds are available;
 - 2. The ordering agency decides the order is in the best interest of the United States Government;
 - 3. The servicing agency to fill the order is able to provide or obtain through contract the ordered goods or services; and
 - 4. The ordering agency decides ordered goods or services cannot be provided by contract as conveniently or economically by a

Memorandum of Agreement (Continued)

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

Memorandum of Agreement (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 review prior to committing to SHPO or Tribal consultation or making final NHPA Section 106 decisions. This 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 National Office reserve, from ECP funds allocation to the State, an amount adequate but not greater than 10 percent of the funds allocated to the States, 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 regard 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,

Memorandum of Agreement (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 national level reimbursable agreement (Form 7600) for each fiscal year based on this MOA and any amendments hereto, for ECP technical assistance.
3. Amend Form 7600 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, or similar 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 of NRCS, and the Administrator of FSA, have final authority for ensuring consistent implementation of ECP policies and procedures.

Memorandum of Agreement (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 MOA shall obligate either NRCS or FSA to obligate or transfer any funds. The national level reimbursable agreement (Form 7600) 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 MOA 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

 Digitally signed by KEVIN
NORTON
Date: 2019.09.30 10:18:45
-04'00'

Acting for

Matthew Lohr
Chief, NRCS

Date

 *Sept. 27, 2019*
Richard Fordyce
Administrator, FSA

Date

Producer Letter Examples

A Overview

All letters must be prepared in duplicate with a copy retained in the application file and a copy mailed to the producer.

If the needed letter is not generated by CSS, a manual letter must be prepared and distributed to the producer according to these examples.

Producer Letter Examples (Continued)

B Example of Lack of Funds Letter

Following is an example of a Lack of Funds Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: LACK OF FUNDS LETTER

The FSA County Committee has reviewed your cost share assistance request, needs determination, and environmental evaluation for the practice(s) requested listed below:

Practice	Practice description	Practice Expiration Date	Practice Lifespan

After reviewing your application, the FSA County Committee has submitted a funding request on your behalf.

The financial demands under this program occasionally exceed available funds.

Until confirmation of funding is received, the FSA County Committee is currently unable to approve your request for cost share assistance for the practice(s).

Any practice initiated prior to FSA County Committee approval is the applicant's financial responsibility and may be ineligible for cost share assistance.

-

Should funds become available, we will contact you

Sincerely,
CED

Producer Letter Examples (Continued)

C Using the Lack of Funds Letter

After the FSA-848 request for cost share assistance application has been signed by the producer, this letter is used to notify the producer of the following:

- that FSA-848 has been received and reviewed
- to identify the EC practice requested
- that a funding request has been submitted
- that any practice initiated prior to FSA County Committee approval is the applicant's financial responsibility and may be ineligible for cost share assistance.

Producer Letter Examples (Continued)

D Example of a Referral Letter

Following is an example of a Referral Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: TSP REFERRAL NOTIFICATION

The FSA County Committee (COC) has referred (practice description) to the technical service provider to determine that the practice is needed and the extent needed to complete the practice.

Practice	Practice description	Practice Lifespan

A needs determination must be made before your cost share request can be approved. Contact the technical service provider as soon as possible to arrange an onsite farm visit.

At this visit, the TSP will make the aforementioned determinations and provide design and layout assistance. The practice(s) must meet NRCS Standards and Specifications to receive cost share assistance.

The technical service provider(s) will provide the COC with the needed information. The COC will review your request. If findings are favorable, FSA will notify you in writing.

DO NOT START THE PRACTICE UNTIL YOU RECEIVE WRITTEN APPROVAL FROM THE COC ON FORM FSA- 848A and you have signed and submitted the form to the local service center within 15 days of receipt.

If you receive financial assistance to complete the practice(s), you must maintain the practice for the number of years listed in the chart above as 'Practice Lifespan' which begins January 1 of the calendar year following practice completion.

If you decide not to perform the practice(s), please notify us immediately at the telephone number listed above for the FSA office.

Sincerely,
CED

Producer Letter Examples (Continued)

E Using the Referral Letter

After the FSA-848 request for cost share assistance application has been signed by the producer and the request has been referred to the appropriate TSP, this letter is used to notify the producer of the following:

- that FSA-848 has been received and reviewed
- to identify the EC practice(s) on the request

Note: Send one letter per application.

- a request for needs determination has been referred to the appropriate technical service provider
- an onsite farm visit will be scheduled by the TSP
- not to start any activity on the practice until the environmental evaluation has been completed and written approval has been provided and the producer has signed a copy of the FSA-848A.

Producer Letter Examples (Continued)

F Example of a Change of Extent Letter

The following is an example of a Change of Extent Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: CHANGE OF EXTENT RECOMMENDED

Your request for the (practice scenario description) has been reviewed by the technical service provider (TSP) listed below.

After further review, the TSP has determined that the extent requested of (practice scenario description) was incorrect and has been changed to (recommended extent) to complete the practice scenario.

Tract	Practice Scenario Description(s)	TSP	Extent Requested	Recommended extent

If you dispute the change in extent, contact both the (FSA Service Center) and the TSP upon receipt of this letter to discuss the changes.

The technical service provider(s) will provide the COC with the changes needed to complete the practice.

If you decide not to perform the practice(s), please notify us immediately at the telephone number listed above for the FSA office.

Sincerely,
CED

Producer Letter Examples (Continued)

G Using the Change of Extent Letter

After the TSP has completed an onsite visit and recommended a change in extent of a practice(s), this letter is used to notify the producer of the following:

- that the TSP has completed an onsite visit and revised the extent needed for the practice scenario(s)

Note: Send one letter per application.

- the producer must dispute the extent revision with both the County Office and the TSP
- the revision is going to be submitted to the COC
- that the producer has the right to decline cost share based on the extent needed revision.

The change will be submitted to COC for conditional approval. If the producer does not agree to the change of practice extent, send disapproval letter to producer and provide appeal rights.

Producer Letter Examples (Continued)

H Example of Change in Recommended Practice Scenario Letter

The following is an example of a Change of Recommended Practice Scenario Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: CHANGE OF PRACTICE SCENARIO RECOMMENDED

Your request for the (practice scenario description) has been reviewed by the technical service provider (TSP) listed below.

After further review, the TSP has determined the practice scenario you applied for (practice scenario description) will not meet your needs as well as (practice scenario description) will.

Tract	TSP	Requested Practice Scenario Description	Recommended Practice Scenario Description

If you dispute the recommended change of practice scenario, contact both the (FSA Service Center) and the TSP upon receipt of this letter to discuss the changes.

You are required to sign the revised request for cost share (within 15 days of the date of this letter) prior to being submitted to the COC for conditional approval.

If you decide not to perform the practice scenario(s), please notify us immediately at the telephone number listed above for the FSA office.

Sincerely,
CED

Producer Letter Examples (Continued)

I Using the Change of Recommended Practice Scenario Letter

After the TSP has completed an onsite visit and recommended a change of recommended practice scenario, this letter is used to notify the producer of the following:

- that the TSP has completed an onsite visit and has recommended a change of practice scenario
- that producer must dispute the recommended revision with both the County Office and the TSP to keep both agencies informed on the dispute
- the revision is going to be submitted to the COC after the producer sign the application
- the producer has the right to decline cost share based on the practice or practice needed revision.

If the TSP recommends adding a practice scenario not previously on the application, leave the requested practice scenario description blank and add the recommended practice scenario description in the appropriate box.

The change will be submitted to COC for conditional approval. If the producer does not agree to the change of practice scenario, send disapproval letter to the producer and provide appeal rights for the COC decision.

Producer Letter Examples (Continued)

J Example of an Approval Letter

The following is an example of an Approval Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: COC APPROVAL LETTER

Your request for cost share assistance under the above program has been conditionally approved for the practice(s) indicated on the attached FSA-848A and is summarized below:

Practice	Practice description	Practice Expiration Date	Practice Lifespan

If you are not satisfied with the practice(s) or cost share-assistance approved, you may appeal in writing to the County FSA Committee within 30 days from the date of this letter.

If you are satisfied with this conditional approval, please sign and return the attached FSA-848A within 15 days to your local county FSA office.

Final approval occurs upon timely receipt of signed FSA-848A.

The following items should serve as a guide in completing and reporting the approved practice(s):

1. Make arrangements to install the practice(s) as soon as practical.
2. Make arrangements to obtain the necessary easements and permits to perform the practice(s).
3. Participants must install the practice(s) according to NRCS Standards and Specifications to qualify for the cost share assistance approved.
4. If you are unable to complete the practice(s), please notify the county office prior to the expiration date. If the reasons justify an extension of time, the FSA County Committee may approve a written extension request from the participant.

Sincerely,
CED

Producer Letter Examples (Continued)

K Using the Approval Letter

After the FSA-848 request for cost share assistance application has been conditionally approved by the COC, this letter is used to notify the producer of the following:

- FSA-848A must be signed within 15 days

Note: Failure to do so will result in termination of the FSA-848A

- final approval occurs on timely receipt of the signed FSA-848A from the producer
- identifies the EC practice on the request
- provides instructions on the steps necessary to complete and report the practice
- provides the practice expiration date
- reminds the producer that the installed practice must meet NRCS Standards and Specifications in order to qualify for financial assistance

A copy of the FSA-848A for signature must be sent with the letter. A copy of the FSA-848B must also be sent to the producer with this letter.

Producer Letter Examples (Continued)

L Example of a Disapproval Letter

The following is an example of a Disapproval Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: DISAPPROVAL LETTER

Regarding your request for Emergency Conservation Program (ECP) cost share assistance, the FSA County-Committee denied the following practice(s) for the reasons indicated below:

Practice	Practice Description	Practice Disapproval Reason

To request reconsideration of your cost share application, please submit a written request to the Awesome County Committee (COC) at the following address and explain why you believe this determination is erroneous.

Insert appeal rights.

Awesome County FSA
County Committee
1234 Get It Done Ave
Better Yields, USA

Sincerely,
CED

Producer Letter Examples (Continued)

M Using the Disapproval Letter

After the FSA-848 request for cost share assistance application has been disapproved by COC, this letter is used to notify the producer of the following:

- that the request for cost share assistance has been denied
- identifies the EC practice on the request
- provides appropriate appeal rights according to 1-APP.

Producer Letter Examples (Continued)

N Example of a 6-month Notification Letter

Following is an example of a 6-month Notification Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: 6 MONTH LETTER

Cost Share assistance was approved for (practice scenario description) on tract (Tract Number) on (approval date). As a reminder, the cost share agreement for (practice scenario description) will expire on (expiration date).

Tract #	Practice(s)	Practice Scenario description(s)	Practice Expiration Date(s)

Once the (practice scenario description) is completed, please submit all supporting evidence of completion to the (name of the County office).

If (practice scenario description) will not be completed prior to (expiration date), a written extension request must be submitted prior to (expiration date) for County Committee review and approval.

If practice completion has not been reported or an extension request submitted to the County Committee prior to (expiration date), we will assume you are no longer interested in the practice and the cost share agreement will be terminated and appeal rights provided.

Sincerely,
CED

Producer Letter Examples (Continued)

O Using the 6-Month Notification Letter

For practice scenarios with initial expiration dates of 12 months, the 6-month notification letter must be sent to the producer 6 months prior to the practice scenario expiration date. This letter is used to notify the producer of the following:

- that the cost share agreement will expire in 6 months
- identifies the EC practice(s) and practice scenario(s) on the agreement.

Note: Send one letter per agreement.

- provides the date of expiration
- provides instructions on how to certify completion or request an extension
- that failure to act prior to expiration will result in agreement termination.

Producer Letter Examples (Continued)

P Example of an Extension Request Approval Letter

Following is an example of an Extension Request Approval Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: EXTENSION REQUEST APPROVED

Your request was approved for (practice scenario description) on tract(number) on (approval date).

Tract	Practice scenario description(s)	Previous expiration date	New expiration date

Once the (practice scenario description) is completed, please submit all supporting evidence of completion to the (name of the County office).

If (practice scenario description) will not be completed prior to (expiration date), a written extension request must be submitted prior to (expiration date) for County Committee review and submission to appropriate approval authority.

If practice completion has not been reported or an extension request submitted to the County Committee prior to (expiration date), we will assume you are no longer interested in the practice and the cost share agreement will be terminated and appeal rights provided.

Sincerely,
CED

Producer Letter Examples (Continued)

Q Using the Extension Request Approval Letter

After the producer's written request for an extension of the practice scenario expiration date has been approved, this letter is used to notify the producer of the following:

- that the extension request has been approved by the appropriate approving official
- of the new practice scenario expiration date
- that once the practice scenario is completed, the producer must submit all supporting evidence to the County Office
- that if the practice scenario isn't completed by the new expiration date, the request must be resubmitted and referred to the appropriate approving official
- that if practice scenario completion has not been reported or an additional extension request submitted by the practice scenario expiration date, the agreement will be terminated.

Send one letter per agreement.

Producer Letter Examples (Continued)

R Example of an Extension Request Disapproval Letter

Following is an example of an Extension Request Disapproval Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: EXTENSION REQUEST DISAPPROVED

Your request was disapproved for (practice description) on tract(number) on (approval date).

Tract	Practice scenario description(s)	Disapproval Reason

If you believe we have not properly interpreted your request or have erred in disapproving the request, you may appeal this determination (insert Appeal rights).

If you have any questions regarding any FSA program, please contact your local FSA Service Center.

Sincerely,
CED

Producer Letter Examples (Continued)

S Using the Extension Request Disapproval Letter

After the producer's written request for an extension of the practice scenario expiration date has been disapproved, this letter is used to notify the producer of the following:

- that the extension request has been disapproved by the appropriate approving official
- the reason the request was disapproved
- the appeal rights if the producer wants to appeal the decision.

Send one letter per agreement.

Producer Letter Examples (Continued)

T Example of a 30-day Notification Letter

Following is an example of a 30-day Notification Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: PRACTICE NEARING EXPIRATION LETTER

The cost share agreement for (practice scenario description) will expire on (expiration date).

Practice Scenario(s)	Practice Scenario Description(s)	Practice Expiration Date

If (practice scenario description) has been completed, please submit all supporting evidence of completion to the (name of the County office) prior to (expiration date).

If (practice scenario description) has not been completed, a written extension request explaining why the practice is not completed must be submitted prior to (expiration date) for County Committee review and approval.

If practice scenario completion has not been reported or an extension request submitted to the County Committee prior to (expiration date), or you are no longer interested in the practice then the cost- share agreement will be terminated and appeal rights provided.

Sincerely,
CED

Producer Letter Examples (Continued)

U Using the 30-day Notification Letter

The 30-day notification letter must be mailed to the producer 30 days prior to the practice scenario(s) expiration date(s). This letter is used to notify the producer of the following:

- that the cost share agreement is about to expire
- identifies the practice scenario(s) on the agreement
- provides the date of expiration
- provides instructions on how to certify completion or request an extension
- that failure to act prior to expiration will result in agreement termination.

Send one letter per agreement.

Producer Letter Examples (Continued)

V Example of a Termination Letter

Following is an example of a Termination Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: TERMINATION LETTER

Your ECP cost share agreement has been terminated for the following reason:

☐ An extension was not requested prior to the practice expiration date.

☐ Supporting financial documents were not submitted prior to the practice expiration date.

☐ The practice was not completed prior to the practice expiration date.

☐ The practice did not meet NRCS Standard and Specifications

☐ Other _____

If you believe we have not properly interpreted your request or have erred in terminating the agreement, you may appeal this determination (insert Appeal rights)

If you have any questions regarding any FSA/NRCS program, please contact your local FSA Service Center

Sincerely,
CED

Producer Letter Examples (Continued)

W Using the Termination Letter

After an ECP Cost Share Agreement has been terminated, this letter is used to notify the producer of the following:

- the agreement has been terminated for one of the following reasons:
 - extension request was not submitted prior to the practice expiration date
 - supporting financial documents were not submitted prior to the practice expiration date
 - the practice was not completed prior to the practice expiration date
 - the practice did not meet NRCS Standards and Specifications
 - other_____
- appeal rights are provided.

Producer Letter Examples (Continued)

X Example of a Producer Withdrawal Letter

Following is an example of a Producer Withdrawal Letter.

01/01/0101

Ima Farmer
1234 Production Way
Better Yields, USA

Application #:123456789

RE: PRODUCER WITHDRAWAL LETTER

Per your request on (01/01/0101), cost share for the item(s) listed below has been withdrawn.

Practice Scenario(s)	Practice Scenario Description(s)

If you have any questions regarding any FSA/NRCS program, please contact your local FSA Service Center.

Sincerely,
CED

Producer Letter Examples (Continued)

Y Using the Producer Withdrawal Letter

After a producer requests withdrawal of the C/S request, application, or agreement, this letter is used to notify the producer that the agreement has been withdrawn at the producer's request:

Send one letter per request/application/agreement.

When a producer requests a withdrawal, the County Office must send the voluntary withdrawal letter to the producer and terminate the C/S request, application, or agreement in CSS.

Example for Providing Disaster Information to News Media

Following is an example format for a natural disaster announcement.

Name County Farm Service Agency is Accepting Emergency Conservation Program Applications

(CITY, State), Month XX, Year – U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) Executive Director CED Full Name today announced that Name County is accepting applications for the Emergency Conservation Program (ECP) to address damages from (list eligible disaster event). ECP signup will begin on Month XX, Year, and end on Month XX, Year.

The approved ECP practices under this authorization include list eligible practices.

ECP assists producers with the recovery cost to restore the agricultural land to pre-disaster conditions. Approved ECP applicants may receive up to 75 percent of the cost of approved restoration activity. Limited resource, socially disadvantaged and beginning farmers and ranchers may receive up to 90 percent cost-share.

“Dealing with natural disasters is never easy, especially when you have to consider the health and safety of livestock, but it’s important for producers to call our office before they take any action,” said Last Name.

Producers with damage from such events must apply for assistance prior to beginning reconstructive work. FSA’s National Environmental Policy Act (NEPA) and environmental compliance review process is required to be completed before any actions are taken. Submitting an application after reconstructive work has been completed may not qualify for ECP.

FSA county committees will evaluate applications based on an on-site inspection of the damaged land, taking into consideration the type and extent of the damage. An on-site inspection does not guarantee that cost-share funding will be provided.

The 2018 Farm Bill increased the payment limitation for ECP to \$500,000 per disaster. The use of ECP funds is limited to activities to return the land to the relative pre-disaster condition. Conservation concerns that were present on the land prior to the disaster are not eligible for ECP assistance.

For more information on ECP, please contact the Name County FSA office at phone or visit farmers.gov/recover.

Atypical Circumstances Customer Service

A Overview

In certain circumstances, County Offices may not have access to electricity when meeting with producers. County Offices have permission to print these forms and keep a paper copy in a binder to use in such situations.

While these are examples of tools to help gather information from producers, they are neither required nor do they request a producer's signature.

The suggested guides in this exhibit do not take the place of an official cost share request submitted through the cost share software.

Atypical Circumstances Customer Service (Continued)

B ECP Atypical Disaster Customer Interaction Log

County Offices may use the ECP Atypical Disaster Customer Interaction Log to document producer needs when the service center is without power, internet, etc., or when staff resources are debilitated or overwhelmed.

ECP Atypical Disaster Customer Interaction Log

County Office Name and Address:

Disaster Event:

Disaster Date(s):

Program Year (FY - beginning date of disaster):

Customer & Address; Last 4 of TIN	Phone Number(s) & Email	Location of Damage (FSN, Address, etc.)	Description of Damage (Debris, Fence, Erosion, etc.)	Need Immediate Assistance? (Y/N)	Other Program interests (TAP, CRP, LIP, etc.)	Appointment Date/Time

County Offices may also use the ECP Customer Worksheet to meet with as many producers as possible when the service center is without power, internet, etc., or when staff resources are debilitated or overwhelmed.

9-16-21

Atypical Circumstances Customer Service (Continued)

D On-Farm Disaster Data Collection Worksheet

The On-Farm Disaster Data Collection Worksheet can be completed by producers to document the damage to their property. It is not an application for cost share assistance. A cost share request must be completed in the cost share software, reviewed by a TSP for needs determination and environmental compliance, and approved by the COC.

U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		GENERAL INFORMATION Producer Name																						
ON-FARM DISASTER DATA COLLECTION WORKSHEET Emergency Conservation Program (ECP)		Recording State & County																						
Form Directions & Important Emergency Conservation Program Reminders <ul style="list-style-type: none"> ○ When it is safe to do so, use this worksheet as a ledger to assist with documenting damage resulting from the recent disaster event. ○ This worksheet <i>may</i> be used at a later date to initiate your Request for Cost-Share Assistance with County Office staff. Please be as accurate and detailed as possible. ○ ECP is available when damage requires federal assistance to repair and is approved by the National Office. Please use this worksheet to collect damage of this magnitude only. ○ Insurance and other assistance payments for damage incurred may eliminate or reduce your ECP payment eligibility. ○ Applicants should not begin repair work prior to applying for ECP assistance. In emergency situations please contact your local FSA Office for additional provisions. ○ It is the applicant's responsibility to ensure that an Environmental Assessment has been completed by FSA before any work is initiated. ○ This worksheet is a tool to assist you in applying for ECP and is not considered an application for assistance. Please contact your local FSA Office to file an ECP application for cost-share assistance. 																								
Your Contact Information <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Address</th> <th style="width: 25%;">Phone</th> <th style="width: 25%;">E-Mail</th> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </table>				Address	Phone	E-Mail																		
Address	Phone	E-Mail																						
Disaster Dates & Description Use this space to describe the disaster event affecting your farm(s). Indicate dates, weather events, losses, etc.																								
Farm/Tract/Field Level Documentation Use a Producer Farm Data Report (available from the FSA County Office) and/or FSA Aerial Maps to complete the data collection table on Page 2. Please be as accurate and detailed as possible. Photos documenting damage are useful when processing ECP applications. If attaching or e-mailing photos, please include the photo name/file name in the data collection table. <i>Example:</i> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Farm</th> <th style="width: 10%;">Tract</th> <th style="width: 10%;">Field</th> <th style="width: 35%;">Detailed Description of Damage</th> <th style="width: 15%;">Extent of Damage (acres, feet)</th> <th style="width: 15%;">Photo Attached or E-Mailed? Include file name</th> <th style="width: 10%;">County Office Use Only</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">999 Example</td> <td style="text-align: center;">888</td> <td style="text-align: center;">007</td> <td>Sand, silt and small stones deposited on field. 24" depth on North end of field, 8" on South end. 3 strand barbwire fence destroyed. Twelve 90-100' oak trees dropped in field.</td> <td style="text-align: center;">7 Acres 3,000' Fence</td> <td style="text-align: center;">SmithFlats.jpg</td> <td></td> </tr> <tr> <td style="text-align: center;">999 Example</td> <td style="text-align: center;">888</td> <td style="text-align: center;">009</td> <td>Five gullies across corn field. Depth of gullies 2-6', 100-150' in length.</td> <td style="text-align: center;">16 Acres</td> <td style="text-align: center;">Gullies.jpg</td> <td></td> </tr> </tbody> </table>				Farm	Tract	Field	Detailed Description of Damage	Extent of Damage (acres, feet)	Photo Attached or E-Mailed? Include file name	County Office Use Only	999 Example	888	007	Sand, silt and small stones deposited on field. 24" depth on North end of field, 8" on South end. 3 strand barbwire fence destroyed. Twelve 90-100' oak trees dropped in field.	7 Acres 3,000' Fence	SmithFlats.jpg		999 Example	888	009	Five gullies across corn field. Depth of gullies 2-6', 100-150' in length.	16 Acres	Gullies.jpg	
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Atypical Circumstances Customer Service (Continued)

D On-Farm Disaster Data Collection Worksheet (Continued)

Farm	Tract	Field	Detailed Description of Damage	Extent of Damage (acres, feet)	Photo Attached or E-Mailed? Include file name	County Office Use Only

Requesting Funds Examples

A COC Memo for Initial Funding Request

Funding requests will be submitted on SharePoint. Attach the COC memo and extent needed report to the request on SharePoint.

If unable to edit the original SharePoint entry, please submit the email request to all ECP personnel.

Following is an example of a COC memo for an initial funding request.

Date: 01/01/0101

To: ECP-PM

From: State

Subject: Requesting ECP Funding for Any County, Any State

Environmental evaluations and needs determinations have been completed and entered in the software, and the COC requests the following funds:

State	County	COC Will Approve Amount	Funding Software	Disaster ID	Disaster Type	ECP Practices

The updated Extent Needed Summary Report is attached.

Sincerely,
CED

Requesting Funds Examples

B COC Memo Requesting Additional Funding

When requesting additional funds on SharePoint, enter the additional funds amount in the COC will approve amount and add a brief note explaining the reason additional funds are needed in the remarks section.

If unable to edit the original SharePoint entry, please submit the email request to all ECP personnel.

Following is an example of a COC memo requesting additional funding

Date: 01/01/0101

To: ECP-PM

From: State

Subject: Requesting ECP Funding for Any County, Any State

This situation has happened (STC/ECP-PM have approved applications, rounding issues have changed the amount of cost share needed, COC has met again since the last request, etc.), and the COC has deducted previous allocations from the total amount showing on the Extent Needed Summary Report. After reducing previous funding allocations, COC requests the following additional funds:

State	County	Previous allocation	COC will approve additional amount	Funding Software	Disaster ID	Disaster Type	ECP Practices

The updated Extent Needed Summary Report is attached.

Sincerely,
CED

FSA-850

The following is an example of FSA-850. This form is available from the FFAS Employee Forms/Publications Online Website.

This form is available electronically.		
FSA-850 (02-07-17)	U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency	1. GENERAL INFORMATION
ENVIRONMENTAL SCREENING WORKSHEET		1A. Producer or Applicant Name
		1B. State & County Code
1C. Location of Proposed Action		
2A. BACKGROUND (1) FSA's proposed action is: <i>(Describe Action Below)</i> (2) Describe the site and its present use: (3) Describe the surrounding land uses; indicate the directions and approximate distances involved. The extent of the surrounding land to be considered depends on the extent of the potential impacts of the project and its related activities: (4) Will the action involve ground disturbance below the previous level of disturbance or change in land use? (5) Has another Federal Agency already completed an environmental evaluation for this specific action?		
2B. LISTED CATEX's (1) Do any of the "L" CATEX's fully cover the proposed action? If "YES", record the assigned code for the applicable "L" Categorical Exclusion:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
(2) Are there extraordinary circumstances, as listed in 1-EQ Paragraph 25, triggered?	<input type="checkbox"/>	<input type="checkbox"/>
IF ITEM 2B1 IS ANSWERED 'YES', AND ITEM 2B2 IS ANSWERED "NO", PROCEED TO ITEM 16.		
2C. SUPPORTED CATEX's Do any of the "S" CATEX's fully cover the proposed action? <i>(If operation is a medium or large CAFOs see Instructions)</i> If "YES", record the assigned code for the applicable "S" Categorical Exclusion:	YES <input type="checkbox"/>	NO <input type="checkbox"/>

FSA-850 (Continued)

FSA-850 (02-07-17)

Page 2 of 5

3. REQUIRED REVIEW			
3A. Date of Site Visit:			
<p>For the below listed land uses or environmental resources, check the box as appropriate in Column (1) to the right to indicate the resources that are present on the site(s) of the proposed action or within the action's area of environmental impact, such as the areas adjacent to the proposed site(s). Check the box as appropriate in Column (2) to the right to indicate land uses and environmental resources which may potentially be adversely impacted.</p>		(1) Check if the resource is located within the area of potential effect	(2) Is there potential to adversely impact the resource?
<p>3B. Listed Endangered and Threatened Species or critical habitat.</p> <p>Attach IPaC map to this form.</p> <p>If any box is checked, then consult with the U.S. Fish and Wildlife and/or National Marine Fisheries Service, as applicable, to ensure that the proposed action is not likely to adversely affect a listed species or destroy or modify its "critical habitat" in accordance with the Endangered Species Act.</p>		<input type="checkbox"/>	<input type="checkbox"/>
<p>3C. Cultural Resources (Section 106 Compliance) Is the action one that may impact a Cultural Resource per 1-EQ Subparagraph 43 A?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If "YES", complete the check boxes in Column (1) & (2) to the right and attach the following:</p> <p>(1) Consultation with known cultural resources (check National Register, State archaeological site files, and owner discussions)</p> <p>(2) Consultation with SHPO, THPO and/or Indian Tribes, as appropriate, to determine if further consultation required (needed identification surveys)</p>		<input type="checkbox"/>	<input type="checkbox"/>
3D. Coastal Barrier in Coastal Barrier Resources System		<input type="checkbox"/>	<input type="checkbox"/>
3E. Approved Coastal Zone Management Area		<input type="checkbox"/>	<input type="checkbox"/>
3F. Wilderness		<input type="checkbox"/>	<input type="checkbox"/>
3G. Wild and Scenic River, or listed on the National Rivers Inventory		<input type="checkbox"/>	<input type="checkbox"/>
3H. National Natural Landmark		<input type="checkbox"/>	<input type="checkbox"/>
3I. Sole Source Aquifer Recharge Area (Designated by Environmental Protection Agency)		<input type="checkbox"/>	<input type="checkbox"/>
<p>3J. Floodplains – Flood Map Panel # _____</p> <p>For actions with disturbances or activities to occur within a floodplain, attach applicable floodplain development permit, elevation surveys, and maps, if available.</p>		<input type="checkbox"/>	<input type="checkbox"/>
3K. Wetlands		YES	NO
<p>(1) Does the proposed action involve ground disturbance, livestock or nutrient waste, or have other potential to adversely impact a wetland?</p> <p>If "YES", proceed to Item 3K(2) below. If "NO" proceed to Item 3L.</p>		<input type="checkbox"/>	<input type="checkbox"/>
<p>(2) Is there a NRCS CPA-026e, United States Army Corps of Engineers, and/or State wetland determination on file or available based on the current AD-1026?</p> <p>If "YES", attach determination (including any USACE or State permits).</p> <p>If "NO", and a determination is not available, attach completed FSA-858.</p>		<input type="checkbox"/>	<input type="checkbox"/>

FSA-850 (Continued)

FSA-850 (02-07-17)		Page 3 of 5	
3. REQUIRED REVIEW CONT.		YES	NO
3L. SOILS (& HEL)			
(1) Is there Highly Erodible Land present on the farm property?		<input type="checkbox"/>	<input type="checkbox"/>
If "YES", attach Producer Farm Data Report, Producer Subsidiary Screen print and/or NRCS CPA-026e.			
(2) Is there potential to adversely impact previously undisturbed soil? [Ground disturbance below the "plow zone" or previously disturbed area(s)]		<input type="checkbox"/>	<input type="checkbox"/>
If "YES", see Items required under Item 4A and 4B.			
4. WATER QUALITY			
A. Does the action have the potential to adversely affect surface or ground water quality?			
If "YES", attach as Exhibit 4 a discussion of impacts on water quality and include copies of:			
<ul style="list-style-type: none"> Storm Water Pollution Prevention Plan and/or permit required for construction projects National Pollutant Discharge Elimination System permits and/or nutrient or animal waste plans required for livestock operations Clean Water Act, USACE, or State water quality permits required State or County well or water use permits 		<input type="checkbox"/>	<input type="checkbox"/>
B. Will the proposed action impact the quality of surface or ground water?			
If "YES", attach a discussion of any impacts to surface or ground water and supporting documentation.		<input type="checkbox"/>	<input type="checkbox"/>
5. AIR QUALITY			
Will the proposed action produce air emissions or odors that are regulated by any Federal, State, or local laws or standards?		<input type="checkbox"/>	<input type="checkbox"/>
If "YES", attach a discussion of any impacts to air quality and copies of any permits required.			
6. NOISE			
Will the proposed action result in permanent increases in noise?		<input type="checkbox"/>	<input type="checkbox"/>
If "YES", attach a discussion of any noise impacts.			
7. IMPORTANT LAND RESOURCES			
A. Will the proposed action result in the conversion of prime and or unique farmland, prime forest land, or prime rangeland to a nonagricultural use?		<input type="checkbox"/>	<input type="checkbox"/>
B. Is the action consistent with local and state zoning requirements?			
If "YES", list the zoning:		<input type="checkbox"/>	<input type="checkbox"/>
8. SOCIOECONOMIC IMPACTS AND ENVIRONMENTAL JUSTICE			
A. Will the proposed action cause any adverse human health or environmental effects to minority or low income communities as defined in the Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"?		<input type="checkbox"/>	<input type="checkbox"/>
B. Will the proposed action have any negative impacts on the local social and economic conditions?		<input type="checkbox"/>	<input type="checkbox"/>
If "YES", attach a discussion of any adverse effects.			
9. STATE ENVIRONMENTAL POLICY ACT			
Is the proposed action subject to a State SEPA?		<input type="checkbox"/>	<input type="checkbox"/>
If "YES", attach a discussion of the results of compliance with these requirements.			

Page 4

FSA-850 (Continued)

FSA-850 (02-07-17)

Page 5 of 5

14. CHECKLIST					
A. Permits & Consultations			B. Forms and Notices		
	Required	Not Required		Required	Not Required
Army Corps of Engineers Sec. 404 and/or 401 Wetland Permit	<input type="checkbox"/>	<input type="checkbox"/>	Form FSA-851, Environmental Risk Survey (only complete for real estate security)	<input type="checkbox"/>	<input type="checkbox"/>
National Pollutant Discharge Elimination System (NPDES) Permit	<input type="checkbox"/>	<input type="checkbox"/>	Form NRCS CPA-026e, HEL and WC Determination	<input type="checkbox"/>	<input type="checkbox"/>
Floodplain Development Permit	<input type="checkbox"/>	<input type="checkbox"/>	Form FSA-858, Determining If A Wetland May Be Present	<input type="checkbox"/>	<input type="checkbox"/>
Concentrated Animal Feeding Operation (CAFO) Permit	<input type="checkbox"/>	<input type="checkbox"/>	Public Notice for Floodplains as required by section 2(a)(4) of EO 11988	<input type="checkbox"/>	<input type="checkbox"/>
Storm Water Pollution Prevention Plan (SWPPP) Permit	<input type="checkbox"/>	<input type="checkbox"/>	Public Notice for Wetlands as required by EO 11990	<input type="checkbox"/>	<input type="checkbox"/>
USFWS and/or NMFS consultation for Endangered and Threatened, Species or critical habitats	<input type="checkbox"/>	<input type="checkbox"/>	C. Maps, Photos and Surveys		
			Location and Aerial Maps	<input type="checkbox"/>	<input type="checkbox"/>
State Historic Preservation Officer consultation	<input type="checkbox"/>	<input type="checkbox"/>	Topo Maps	<input type="checkbox"/>	<input type="checkbox"/>
			Site Photos	<input type="checkbox"/>	<input type="checkbox"/>
Tribal Historic Preservation Officer(s) consultation	<input type="checkbox"/>	<input type="checkbox"/>	Soil Survey	<input type="checkbox"/>	<input type="checkbox"/>
			Applicable Protected Resources Maps	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: Other permits, forms, maps, surveys and letters may be required and should be attached, as applicable. All permits, forms, maps, surveys and letters should be attached as exhibits corresponding to their appropriate section of this form.

15. FINDING

I have reviewed and considered the types and degrees of adverse environmental impacts identified by this evaluation. I have also analyzed the proposal for its consistency with FSA environmental policies implementing the requirements of the National Environmental Policy Act and have considered the potential benefits of the proposal. Based upon this consideration and balancing of these factors, I recommend one of the following:

☐ A. This proposed action triggers no extraordinary circumstances. There will be no adverse impacts to the human environment as a result of this proposed action or any adverse effects, either individually or cumulatively. The action can be considered as categorically excluded per 7 CFR Part 799.30. Neither an Environmental Assessment or Environmental Impact Statement will be required. The project is recommended for approval.

☐ B. An Environmental Assessment should be completed to provide further and more complete analysis of any adverse impacts and approval of the action must be delayed pending the outcome of the assessment.

☐ C. An Environmental Impact Statement should be completed to provide further and more complete analysis of any adverse impacts and approval of the action must be delayed pending the outcome of the assessment.

16. REQUIRED SIGNATURES:

A. NAME OF PREPARER	B. TITLE OF PREPARER
C. SIGNATURE OF PREPARER	D. DATE DOCUMENT WAS PREPARED (MM-DD-YYYY)
E. NAME OF APPROVAL OFFICIAL	F. TITLE OF APPROVAL OFFICIAL
G. SIGNATURE OF APPROVAL OFFICIAL	H. DATE OF APPROVAL SIGNATURE (MM-DD-YYYY)

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail, U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

Example of Cost Share Itemization

Following is an example of cost share itemization.

Fence Replacement – Hurricane Michael

Type of fence: Woven

Feet completed: 2600

Dates of work: November 1, 2018 to December 1, 2018

Expenses:

Equipment:

John Deere 5055
(65hp) with post auger 49 hours @ \$60.00 per hour \$3185.00

Truck – hauling post and wire – 62 hours @ 20.00 per hour 1240.00

Materials:

Wire	1190.00
Post	925.00
Concrete	146.00
Staples/Nails	56.00
Insulators	0.0

Labor

Ty Godfrey	122 hours @ \$20.00 per hour	2440.00
Bo Godfrey	122 hours @ \$10.00 per hour	1220.00
Parker Godfrey	60 hours @ \$10.00 per hour	600.00

Total Cost \$11,002.00

Quinton T Godfrey

7-28-2020

Units of Measurement

The following table provides the units of measurement list for payment scenarios.

Units of Measurement			
Name	Unit	Name	Unit
1,000 BTU	kBTU	Gallon per Minute	Gal/Min
1,000 BTU/Hour	kBTU/Hr	Gram/Cubic Centimeter	G/CC
1,000 Foot	KFt	Head per day	Hd/Day
1,000 Gallon	kGal	Height x Diameter	HgtxDia
1,000 Gallon-Mile	kGal-Mi	Horsepower	HP
1,000 Square Foot	kSqFt	Horsepower-Hour	HpHr
100 Foot	100 Ft	Hour	Hr
Acre Foot	AcFt	Inch	In
Acre Inch	ac-in	Inch Diameter	InDia
Acre Inche per Year	Ac-In/Yr	Inch per Acre per Year	In/Ac/Yr
Acre-in/Ac/Yr	Acre-in/Ac/yr	Inch-Foot	InFt
Acre	Ac	Kilowatt	Kw
Acre/Year	Ac/Yr	Linear Feet per Year	Linear Ft /yr
Air Quality Index	AQI	Linear Foot	LnFt
Animal Unit	AU	Microgram/cubic meter	Ug/Cu-M
Animal Unit Month	AUM	Mile	Mile
Board Foot	BdFt	Mile Per Hour	Mph
Brake Horse Power	BHP	Millimhos Per Centimeter	Mmhos/cm
British Thermal Unit	BTU	Nephelometric Turbidity Unit	NTU
BTU per Pound of Water Removed	BTU/LB	Number	No
Bushel	Bu	Part Per Million	PPM
Bushel per Hour	Bu/Hr	Percent of Time	%Time
Cubic Foot per Second	CFS	Phosporus Index	Phos Indx
Change from ESD cat. # (1-5)	ESD cat (1-5)	Pound	Lb
Colonies/100 ml	Col/100ml	Pound/Sq Inch	PSI
Cubic Foot	CuFt	Pound per Acre per Year	Lb/Ac/Yr
Cubic Foot Per Minute	CFM	Pound per Day	Lb/Day
Cubic Meter	Cu-M	Pound per Hour	Lb/Hr
Cubic Yard Mile	CY-Mile	Pound per year	Lb/Yr
Cubic Yard	CuYd	R-Value Square Foot	Rval/SF
Day	Day	Soil Condition Index	SCI
Degree Centigrade	Deg Centigrade	Square Foot	SqFt
Degree Fahrenheit	Deg Fahrenheit	Square Yard	SqYd
Degree Kelvin	Deg Kelvin	T Value	T
Diameter Inch Foot	DiaInFt	Ton	Ton
Dollar	Dollar	Ton-Mile	Ton-Mile
Each	Ea	Ton/Acre/Year	Tons/ac/yr
Electrical Conductivity	EC	Ton/Year	Ton/Yr
Foot	Ft	Vertical Foot	Vft
Gallon	Gal	Watt	Watt
Gallon per Day	Gal/Day	WIN-PST Rating	Win-PST
Gallon per Hour	Gal/Hr	Yes/No	Y/N
Gallon-Mile	Gal-Mile	Yard	Yd

FSA-276

A FSA-276 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	To be completed by spot checker. 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	To be completed by spot checker. Enter the location of the practice spot-checked.
12 A	Enter the practice extent performed reported on AD-245 or FSA-848B.
12 B	To be completed by spot checker. Enter the practice extent found. If acreage is involved and measurement is required, delineate on aerial photograph or record measurements on a sketch drawn on the back of FSA-276. For other practices, describe discrepancies found and method of determining extent of performance, if applicable, in the "Remarks" section.
13	To be completed by spot checker. Check (✓) "Yes" or "No", as appropriate, to indicate satisfactory or unsatisfactory maintenance.
14	To be completed by spot checker. Check (✓) "Yes" or "No", as appropriate, to indicate whether producer supplied proof of payment of practice to support C/S payments.
15	To be completed by spot checker. Document any discrepancies or other notes in the "Remarks" section.
16	To be completed by spot checker. Spot checker must sign when spot check is completed.
17	To be completed by spot checker. Spot checker must date when spot check is completed.

FSA-276 (Continued)

B Example of FSA-276

The following is an example of a completed FSA-276.

<p>This form is available electronically.</p> <p>FSA-276 (01-29-20)</p> <p>U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency</p> <p>ON-FARM SPOT CHECK RECORD</p>										<p>1. FARM NO.</p> <p>A-45</p>		<p>2. PRODUCER'S NAME AND ADDRESS</p> <p>James Michaels 100 School House Rd. Lebanon, PA 12345</p>	
<p><i>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.</i></p>													
<p>3. NAME OF PERSON CONTACTED ON FARM</p>				<p>4. TELEPHONE NO. (Include Area Code)</p> <p>123-987-8546</p>		<p>5. STATE</p> <p>PA</p>		<p>6. COUNTY</p> <p>Lebanon</p>		<p>7. FISCAL YEAR</p> <p>2015</p>			
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"/>				
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						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<p>15. REMARKS: (Describe any discrepancies - use separate sheet(s) of paper)</p>													
<p>16. SIGNATURE OF SPOT CHECKER</p> <p>/s/ Spot Checker</p>								<p>17. DATE OF SPOT CHECKER (MM-DD-YYYY)</p> <p>09-10-20XX</p>					

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