

**FSA**  
**HANDBOOK**

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**Emergency Conservation Program –  
Beginning October 1, 2023**

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**For State and County Offices**

SHORT REFERENCE

**1-ECP  
(Revision 8)**

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



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**Emergency Conservation Program –  
Beginning October 1, 2023  
1-ECP (Revision 8)**

**Amendment 1**

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



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**Amendment Transmittal**

**A Reason for Revision**

This handbook has been revised to provide updated instructions and procedures for implementing ECP specifically related to the new ECP software. 1-ECP (Rev. 8) will be used for eligible disasters occurring on or after October 1, 2023.

**B Status of Other Revisions**

1-ECP (Rev. 5) should be used for disasters that occurred between September 10, 2015, and May 3, 2021.

1-ECP (Rev. 6) will apply to eligible disasters that occurred between May 4, 2021, and September 15, 2021.

1-ECP (Rev. 7) will apply to disasters that occurred between September 16, 2021, and September 30, 2023.



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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 October 1, 2023.

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 **7 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

This table lists handbooks related to ECP.

<b>IF the question or concern is about...</b>	<b>THEN see...</b>
audits and investigations	9-AO.
State and county organization and administration	16-AO.
program 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.
CORP	1-COR.
acreage and compliance determinations	2-CP.
AD-1026 requirements	6-CP.
finality rule and equitable relief	7-CP.
CRP	2-CRP.
loss assessment reports	1-DIS.
ECP automation	2-ECP.
ECP software	3-ECP.
EFRP	1-EFRP (Rev. 1).
environmental compliance	1-EQ.
making payments or assignment of payments	1-FI.
establishing claims	58-FI.
withholding nonresident alien income tax	62-FI.
assignments and joint payments	63-FI.
reporting receipts and establishing receivables	64-FI.
determining eligible persons, legal entities, and payment limitation	6-PL.

## **4 Waiver, Relief, and Appeals Authority**

### **A Waiver Authority**

Any procedural provision in this handbook may be waived by DAFP after being submitted to ECP-PM:

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

### **B Relief Authority**

See 7-CP for information about finality rule and equitable relief provisions.

### **C Appeals Authority**

See 1-APP for information about adverse decisions related to ECP.

## **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 for each person or legal entity per disaster is \$500,000. The payment limitation policy is for each FY and disaster project ID code. However, the ECP software applies a single payment limitation for the FY. In the rare event that a producer reaches the payment limitation, and subsequently is affected by another disaster, ECP-PM will be notified for a manual adjustment to the payment limitation.

**Example:** First disaster is a flood. A producer's total calculated payments are \$600,000, but payment limitation will limit the payment to \$500,000.

The same producer is then hit by wildfire that has calculated payments of \$200,000. The user will need to request the payment limitation be increased to \$700,000 to allow payment for wildfire damage.

**Note:** State and county users are not authorized to make manual payment limitation adjustments.

### B Program Payment Information

Direct attribution provisions apply to ECP. Complete the Business File in Subsidiary (or CCC-901 or CCC-902 as required by 6-PL) 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 Resource, SDA, and Beginning Farmer or Rancher

Ensure that qualified producers are designated limited resource, SDA, and beginning farmer or rancher according to 1-CM. The limited resource, SDA, and beginning farmer or rancher C/S percentage designated in the software will automatically be used to process C/S approved and C/S earned for producers designated as limited resource, SDA, and beginning farmer or rancher on CCC-860.

**Notes:** The SDA 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, SDA, 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 the ECP software at the higher percentage rate before 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 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
- record of the areas affected
- total program funds earned, if applicable
- map with areas identified
- LAR completed in the STORM software.

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

## 10 Program Year

### A ECP Program 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 the ECP software:

- FSA-801
- FSA-801-1
- FSA-801A
- FSA-801A-1
- FSA-801B

**Note:** FSA-801B becomes the ECP agreement when signed by COC and participant signs in concurrence within 15 calendar days of the COC decision.

- FSA-801B-1
- FSA-801C
- FSA-801C-1.

**Note:** Manual forms may be accepted only when automated forms are not available. If the form is not available through the ECP software, forms may be accessed online at the FPAC Forms Intranet Website at <https://intranet.fsa.usda.gov/dam/ffasforms/forms.html>. Any forms not generated through the ECP software must be entered in the ECP software within 5 workdays of receiving 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. The National Office requires review of amendments only when State policy is different or more restrictive than current national policy. For permanent directives, the following guidelines **must** be followed by State Offices:

- submit to CD for review and approval before issuing to 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
- supplement this handbook's instructions according to 1-AS.

**12 CCC-770 ECP-3****A Using CCC-770 ECP-3**

CCC-770 ECP-3 (Exhibit 5) is a management tool used to identify and address deficiencies and ensure that policies or procedures are being followed, before issuing ECP approvals and payments.

County Offices that have not implemented ECP in the previous 2 years will complete CCC-770 ECP-3 for the first 10 applications for each Service Center.

**B CCC-770 ECP-3 Information**

CCC-770 ECP-3 does not supersede or replace procedure. County Offices should:

- use CCC-770 ECP-3 as a reminder of the most frequently “erred” determinations and certifications
- recognize that the questions asked on CCC-770 ECP-3 are very general in nature.

**C Completing CCC-770 ECP-3**

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

- if additional CCC-770 ECP-3’s should be completed when 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-3 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-3 and must not contain the producer’s 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
- signup extensions
- practice extension requests
- approval authority over \$250,000
- waiver approvals
- ECP payment scenario and components
- requested changes to ECP payment scenarios with NRCS
- payment limitation and any adjustments as necessary.

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 TSP's 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 Offices must submit any suggested changes to ECP-PM through the FPAC-FSA-CD-County SharePoint site at <https://usdagcc.sharepoint.com/sites/FPAC-FSA-CD-County/ECP/Forms/AllItems.aspx> for review and consideration.

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
- must determine approval or disapproval of C/S greater than \$125,000 up to \$250,000, or requiring special approval according to paragraph 400.

**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, including actions by an STC designee, and delegations in the 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, PA's, 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 that correct ECP payment scenario rates are reflected in the ECP software
- ensure that 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-801's filed in each County Office as required in paragraph 399
    - ensure that action is taken for review and approval of certain FSA-801'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 Program Administration**

COC must administer ECP according to national and State policy.

COC must determine:

- applicable agricultural market values according to paragraph 179
- individual eligibility according to paragraph 66
- participant eligibility according to paragraph 67
- land eligibility according to paragraphs 94 and 95
- approval of C/S up to \$125,000 according to paragraph 400
- disapprovals according to paragraph 400.

**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 the COC minutes, and the COC minutes must reflect the COC action.

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

Each COC, or designee, determination must be documented in the 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 the COC minutes as an 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 will:

- ensure that current versions of both 1-ECP and 3-ECP are available and are reviewed by County Office employees
- issue FSA-801 (Exhibit 16), ECPR, FSA-801A (Exhibit 17), FSA-801B (Exhibit 18), and FSA-801C (Exhibit 19) to producers
- issue referrals to applicable technical agencies in the ECP software
- consult the State Office if unable to perform needs determination on practices for which FSA is assigned technical responsibility
- complete FSA-23 to determine maximum C/S
- process certifications and approve payments to producers
- ensure that appropriate review and approval of specific FSA-801's are performed according to paragraph 399
- perform spot checks.

**Note:** CED may designate PA to perform these and other functions, except for approval of payments to producers, without formal delegation.

**40 County Office Employee Action****A Documenting Action**

In addition to the 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:

- submitted document
- 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 in subparagraph A, County Office employees must follow these policy guidelines when using payment scenarios:

- use only ECP payment scenarios for the FY of the disaster ID, unless special approval from DAFP is granted
- ensure that correct payment scenario rates are reflected in the ECP software
- collect and date-stamp C/S documentation and receipts
- inform the 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:

- amount COC is conditionally approving, according to needs and feasibility determination
- sufficiency of signatures and authority of persons signing in a representative capacity
- value of:
  - ineligible contributions by producers
  - contributions of each person or legal entity who contributed to performing a practice
- whether completing only a portion 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-801A
- 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 the first practice extension request. Submit all County Office employees' applications 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 the 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.

**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:

- ensure that necessary easements, permits, or other necessary permission have been obtained by the participant
- indicate on the ECP agreement in the “Remarks” section whether necessary authorization has been obtained
- not pay C/S if necessary easements, permits, or other necessary permission have not 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 goods received or services rendered

**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, submit bartering agreements 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, the producer will be required to refund any C/S paid for the bartered goods or services.

**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 **7 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.

**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 this table.

IF an applicant is a...	AND...	THEN the applicant is...
farmer or rancher who has an interest in the farm (operator, owner, or other tenant) and is either a person or legal entity  <b>Note:</b> Foreign person rules apply to applicants who are a foreign person or legal entity. See 6-PL.	is an agricultural producer (see subparagraph B) who contributes part of the practice cost	eligible for ECP benefits.
<ul style="list-style-type: none"> <li>• federal agency</li> <li>• State agency</li> <li>• political subdivision of a State</li> <li>• district with taxing authority</li> </ul> <b>Note:</b> This includes public schools.		not eligible for ECP benefits.
minor		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 this table to determine whether the farmer or rancher is an agricultural producer for ECP purposes.

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

**Note:** See Exhibit 2 for the definition of 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 of the following:

- association or district
- 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, Future Farmers of America chapters, and scout troops, are eligible for C/S assistance if:

- qualified as an eligible person or legal entity according to paragraph 67
- necessary ECP forms are signed by an adult who officially represents the organization
- 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 of the following:

- **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 may become a lien if they are not paid.

### B Definition of District

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

- are formed under State law to either of the following:
  - 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 FSA-801 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 that is physically located in 1 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 implementation approval notification 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 1 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 a natural disaster
- when a landslide or mudslide deposits debris on agriculturally productive land.

**Notes:** 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.

<b>Example</b>	<b>Damaged Area or Structure</b>	<b>Eligibility</b>	<b>Reason for Ineligibility</b>
1	Debris from collapsed barn in the building's footprint or on the 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 the 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 nonagricultural or not conservation use.
7	Commercial catfish pond, including fence.	Yes.	
8	Grade stabilization structure, including protective fence.	Yes.	
9	Woodland.	No.	Nonagricultural land for 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.  <b>Note:</b> 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 a levee and 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 (paragraph 98)
- owned or controlled by States, State agencies, or other political subdivisions of a State (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 that 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 (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 not 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 ECP-PM and approved by DAFP.

**Example 2:** Hurricanes cause damage on the same CLU in 2015 and 2019. In 2022, an ice storm causes damage on 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 3 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. The ECP software will begin tracking locations receiving ECP C/S beginning with FY 2024 disasters. Locations receiving ECP C/S for FY 2023 and prior years must continue to be manually tracked.

COC may submit frequent damage waiver requests, with STC approval, to ECP-PM on a SharePoint site for DAFP approval.

Frequent damage waiver requests must include:

- historical list of damage and ECP implementation for damaged land area during the previous 10-year period
- county maps of the previous damage
- number of producers and farms affected by the natural disaster
- map of the 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. CCC-170 or written agreement will be uploaded to the ECP software as supporting documentation.

**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 that 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 post a funding request to the physical location county's approved signup in the ECP software.



## 96 Administrative State and County Offices (Continued)

### A Farmland Eligibility (Continued)

**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:

- 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 will:

- be available through nationwide customer service in the ECP software
- no longer need to be completed by administrative county employees.

However, the administrative county of the farm will process the application. The National Office ECP implementation approval notification will 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 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 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

This table shows eligibility policies for State-owned land.

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

## B Federally Owned Land

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

**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 receive 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, the following:

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

All C/S assistance will be marked on the ECP software map to show area of ECP C/S. In addition, submit receipts detailing cost 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 2 different areas of land and are denoted as 2 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.

**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. This may include, but is not limited to, FEMA assistance.

**99 Prohibition of Duplicate Benefits (Continued)****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 this table.

<b>IF...</b>	<b>AND...</b>	<b>THEN C/S may...</b>
measures will accomplish the purpose of the practice	the practice will not be C/S under another federal program	be authorized.
a component of a practice is performed using C/S from another federal program, such as FEMA assistance	the component treats the same problem on the same land	<b>not</b> be authorized.
participants have or will receive funding on the same acreage under: <ul style="list-style-type: none"> <li>• CRP</li> <li>• EFRP</li> <li>• EQIP</li> <li>• EWP</li> <li>• TAP</li> <li>• WRP</li> <li>• Emergency WRP</li> </ul>		
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		

**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 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 routed to ECP-PM for DAFP approval **before** practice implementation. Upload documentation and details of the request in the ECP software as part of the request to implement, according to 3-ECP.

**Note:** ECP practice EC6 requires additional documentation, according to paragraph 277, to be uploaded in the ECP software as part of the request to implement.

## 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 the 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. Frequent damage provisions apply no more than twice in 10 years, unless a waiver is approved by DAFP.
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 the 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 before approval of FSA-801B.

**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:

- 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 the practice implementation to set the total allowable cost for ECP. This affords FSA the ability to:

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

Beginning August 2021, FSA has used 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 the conservation ECP software. 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**

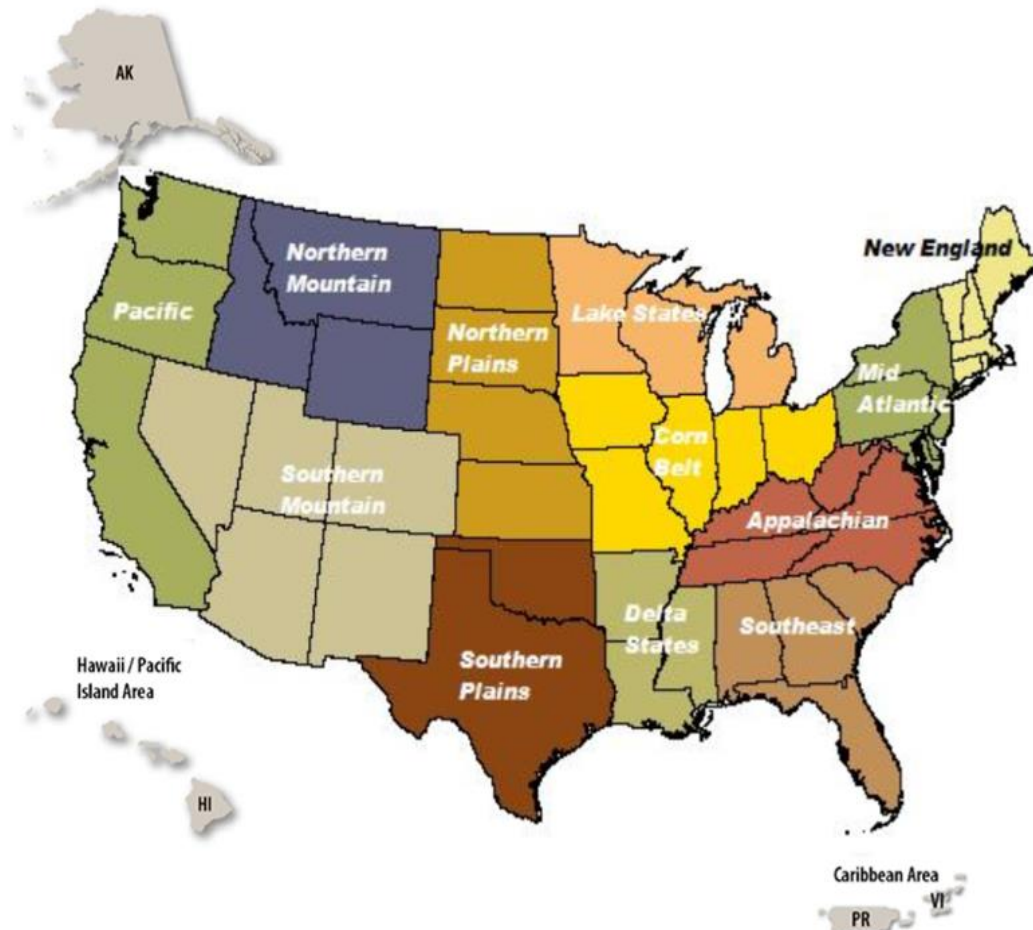
The methodology and process used by NRCS to develop ECP payment scenarios is consistent with NRCS Title 300 Payment Schedule Handbook and NRCS Title 440 Conservation Programs Manual. FSA will use ECP payment scenarios to:

- 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:** This map provides payment scenario regions.



- ensure that C/S is consistent with the definition, purpose, and requirements of the 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 FY Rates**

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

**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 costs, such as operation and maintenance, risk, administrative and permits, opportunity costs, etc.

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

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

**149 Incurred Cost Determination Process (Continued)****B Process to Determine Estimated Incurred Costs**

The process of determining 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 using 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 about administration or development of ECP payment scenarios.

See Exhibit 51 for the payment scenario development flow chart.

**150 Cost Categories for Payment Scenarios****A Overview**

NRCS payment scenarios incorporate several categories of costs. Categories may or may not be eligible for ECP.

**B 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.

**150 Cost Categories for Payment Scenarios (Continued)****C 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.

**Note:** Additional ineligible items not included in payment scenarios are listed in subparagraph 202 B.

**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 the following:

- 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 commonly used components and activities associated with a practice
- assist County Office employees in selecting the most appropriate ECP payment scenario for the producer regardless of the final payment rate
- document the estimated incurred costs and 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 ECP practice 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 ECP-PM when all the following conditions are met:

- resource setting requires that additional or unique components (material, labor, equipment, etc.) be considered
- 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 specification 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 standard and accomplish the practice installation
- 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 NRCS standards and specifications of associated technical practices. 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. See the O&M plan provided by NRCS for practice maintenance requirements. All costs 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.

However, receipts will be reviewed to ensure that all materials, equipment, labor, and mobilization have been accounted for with receipts, invoices, or producer C/S itemization.

**Note:** Producers completing their own work with personal labor or equipment must submit a signed C/S itemization statement describing their own contributions. See Exhibit 55 for an example.



## 155 Component and Cost Review Process

### A FSA Internal Audit Team

FSA will complete an internal review at least annually to ensure that producer costs are consistent with ECP payment scenario rates. State Offices will submit cost documentation to 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 before the start of the review to ensure consistency across the review of the date-stamped receipts and documentation collected by the County Office.

### B Submission of Documentation

All cost documentation related to the agreement will be scanned by an assigned reviewer through a SharePoint site. Submit documents as 1 file and include the following:

- application
- map
- needs determination or job sheets
- agreement
- 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.

The review will be completed in no longer than 3 weeks, including audit of agreement documentation for ECP eligible:

- items, equipment, and labor
- cost evaluation
- component eligibility and use.

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

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

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

Auditor's report will include the following:

- date of review
- State, county, agreement number, ECP practices being reviewed, ECP payment scenario units, and ECP payment scenario extent
- component variation from the ECP payment scenario

**Example:** Skid steer used instead of tractor.

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

**Example:** The producer takes 25 hours on a tractor to move 10 acres of debris, and the 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 ECP practices.

- total cost comparison versus total C/S paid using the ECP payment scenario.

**156-178 (Reserved)**

**Part 4 State and County ECP Establishment****Section 1 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 to 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, SDA, 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, SDA, or beginning farmer or rancher status, it is recommended that CCC-860 be completed and entered in Subsidiary before submitting a C/S application to ensure that C/S is calculated in the ECP software 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, SDA, 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, SDA, or beginning farmer or rancher provisions.

The SDA 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 STC's**

STC's must review ECP payment scenarios and descriptions for all ECP practices.

Submit STC-suggested changes to ECP-PM for review and consideration. Submit suggestions 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.

Sometimes there can and will 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.

The land value limitation determined on FSA-23 will be entered into the ECP software before COC approval.

**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 the COC minutes.

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

Payment scenarios do not include the following items that are considered ineligible for ECP C/S:

- mowing pastures
- measures to control insects or rodents
- measures to treat plant diseases or nematodes
- engineering charges
- permit or connection fees
- project manager's or consultant's fees
- chopping or shredding residues from crops for insect control
- all practices on federal and State land (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
- enhancing acreage or structures not affected by a 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 the 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.

**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, restore conservation structures 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 for each producer on FSA-801, or \$250 if certifying as limited resource, SDA, or beginning farmer or rancher.

**Example 1: Minimum cost of restoration:** Producer has an approved agreement for 1,000 linear feet of fence at a total agreement C/S of \$1,001. The final certification of practice completion by the participant for completing the 1,000 linear feet of fence has an actual cost of \$900. The producer would still be eligible for the \$1,001 payment. The minimum cost is based on the original approval amount. Additionally, receipts will not determine the payment. Payment scenarios are paid a flat rate and are not dependent on the producer's actual costs.

**Example 2: Approved change of extent:** Producer has an approved agreement for 1,000 linear feet of terrace at a total C/S amount of \$1,001, and the producer certifies 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 approved extent needed. However, C/S will be paid based on the TSP certification of 800 linear feet.

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

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 MOA****A TA Purpose**

TA is support and guidance provided to ECP participants and County Offices for the planning, implementation, and certification of ECP practices. FSA, NRCS, or another technical service agency or TSP, 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 employees with expertise to provide TA needed for implementing ECP.

**Note:** According to the MOA, technical responsibility for practice EC4 is assumed by NRCS. However, State Offices 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 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 the MOA, see Exhibit 76.

**226 ECP TA MOA (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
- 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.

TA will be referred to the agency with technical responsibility through the ECP software. All TA determinations will be entered by the agency with technical responsibility in the ECP software.

**Example:** NRCS has technical responsibility for practice EC4. NRCS must enter needs determinations and certification of completion to standards in the ECP software. Paper forms will no longer be submitted to FSA for data entry.

**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 the following:

- developing designs, 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 survey
- verifying a 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 employees 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 who 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 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 in the ECP software, using FSA-801A (Exhibit 17) in the field and entering data in the software, if the practice is needed and feasible.

Needs determination will include the following:

- accurate estimate of needed units and cost upon which COC can base its commitment of funds
- 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 in the ECP software.

<b>Step</b>	<b>Assigned Technical Agency Action</b>
1	Indicate the extent needed. If not needed, enter zero extents.
2	Complete the needs statements.
3	Sign and date FSA-801A.
4	Submit FSA-801A to COC for review.

If TSP recommends a change of practice, payment scenario, or extent COC will determine conditional approval, the approval letter and FSA-801B will document the changes made. See subparagraph C for adverse determinations.

## 230 Assigned Technical Agency Responsibilities and COC Action (Continued)

### C Additional Action When Determination Is Adverse

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

IF the assigned technical agency indicates...	THEN...
the ECP practice is not needed or feasible	<ul style="list-style-type: none"> <li>• there will be a statement to that effect, including the reasons on FSA-801A, item 9</li> <li>• assigned technical agency should explain the basis for the adverse determination to the producer</li> <li>• COC will: <ul style="list-style-type: none"> <li>• promptly notify the producer, in writing, that the practice was not approved and the basis for the decision</li> <li>• advise the producer of the right to appeal the determination.</li> </ul> </li> </ul>

## 231 Assigned Technical Agency Responsibilities and Reporting Practice Performance

### A Practice Performance Verification

The assigned technical agency:

- must provide practice performance certification in the ECP software
- may use FSA-801C, item 8 in the field.

Data entry of determinations in the field is required to be entered in the ECP software by the technical agency.

### 232-252 (Reserved)

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

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

**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.

**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 email, 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 the service was provided
- itemization of charges, including but not limited to, the following:
  - number of personnel hours by the employee
  - dates of the service provided
  - employee lodging
  - personal vehicle mileage
  - government vehicle fuel
  - M&IE
- dollar amount of reimbursement.

**253 Billing TA Expenses (Continued)****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
- 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 the 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 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**

Implement ECP requests according to the following steps.

<b>ECP Implementation Request</b>	
<b>Step</b>	<b>Action</b>
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"> <li>• 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 the County Emergency Board to assist with conducting damage assessments.</li> <li>• CED convenes or polls the County Emergency Board to review potential losses. See 1-DIS.</li> <li>• CED completes the Loss Assessment Report.</li> <li>• CED creates a description of the disaster as it affects agricultural land in the county.</li> <li>• For drought requests, CED documents the Drought Monitor or precipitation and hydrology data.</li> <li>• CED creates a county map with the damage site identified.</li> <li>• COC determines whether ECP is or is not warranted.</li> <li>• COC determines ECP practices needed based on damage assessments.</li> <li>• COC determines the number of farms expected to request C/S assistance.</li> <li>• COC determines C/S needs estimate based on damage assessments.</li> <li>• CED consults with NRCS about applicable TA needs.</li> <li>• County Office submits the request to implement to the State Office using the ECP software. See subparagraph B and 3-ECP.</li> </ul> <p><b>Note:</b> See paragraph 12 for using CCC-770 ECP-3, as applicable.</p>

## 277 County or Area ECP Implementation Request (Continued)

## A Summary of Steps (Continued)

ECP Implementation Request	
Step	Action
2	<p>ECP implementation steps for the State Office and SED are as follows:</p> <ul style="list-style-type: none"> <li>• SED informs the State Emergency Board of the submitted ECP implementation request</li> <li>• State Office will review COC documentation uploaded to the ECP software</li> <li>• State Office will submit the request to implement to ECP-PM using the ECP software. See subparagraph 278 B and 3-ECP.</li> </ul>
3	<p>ECP-PM will:</p> <ul style="list-style-type: none"> <li>• evaluate the request and supporting documentation</li> <li>• assign the disaster event ID, which is the event-specific code for processing applications</li> </ul> <p><b>Note:</b> Disaster ID's for widespread disasters will be assigned with the name of the first county to request.</p> <ul style="list-style-type: none"> <li>• approve or disapprove implementation in the ECP software</li> <li>• advise the State Office accordingly if funds are available.</li> </ul>
4	<p>Upon receipt of implementation approval from ECP-PM using the ECP software, County Offices:</p> <ul style="list-style-type: none"> <li>• must inform and educate producers about ECP through press releases, radio spots, newsletters, and flyers</li> <li>• will activate signup within the ECP software with actual dates of the signup period</li> <li>• will hold a signup for producers.</li> </ul>

**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 in the ECP software, which will route to the State Office for concurrence. The request memo will include the following:

- description of the disaster
- areas of the county affected
- practices needed
- estimate of funds needed
- review of the policy about minimum cost of restoration according to paragraph 204
- policy about the applicability of frequent damage according to 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. ECP 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 the State Office. The State Office must review and forward documentation for each qualifying county to ECP-PM.

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

- COC recommendation and minutes
- date, type of disaster, and description of the disaster as it affects agricultural land in the county
- names of the counties or parts of counties involved
- copy of the LAR generated by the STORM software
- map of the affected area, including county names and boundaries
- sufficient number of photographs of the typical damage in each eligible county
- practices requested

**Note:** ECP practice EC7 must have ECP-PM approval before implementation. Requests to implement practice EC7 must include justification and a practice proposal.

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

**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
- 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 the National Oceanic and Atmospheric Administration, National Weather Service records, 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.

**G Coordinating ECP With Other Agencies**

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

**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 the ECP software 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 submitting to ECP-PM. However, counties need to be entered in the ECP software on an individual basis for tracking and funding purposes.

- submit ECP implementation requests as quickly as possible, but no later than 6 months of the ending date of the disaster
- notify County Offices of concurrence or nonconcurrence in the ECP software.

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

SED or designee must review COC's implementation request for completeness. If considered acceptable, SED or designee will refer the implementation request to ECP-PM through the ECP software workflow.

An implementation request must include all pertinent information about the disaster. In addition to the data provided by the county (subparagraph 277 E), SED's implementation request must also include the following:

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

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

**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 ECP 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 period 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.

If a signup needs to be adjusted to be shorter, the “Actual Signup Period” entry will need to be adjusted in the ECP software according to 3-ECP. See subparagraph 278 C for monitoring drought conditions and determinations.

**Note:** If a signup period has ended before the established deadline because of change in drought conditions, late-filed provisions do not apply.

#### B Extending a Signup Period

ECP-PM may approve extensions of signup periods longer than 60 calendar days with adequate justification uploaded in the ECP software, 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.

If a signup needs to be extended, the County Office will adjust the “Actual Signup Period” entry before the close of signup in the ECP software according to 3-ECP, paragraph 102. CLICK “Upload Documents” to attach the COC extension request memo and any supporting documentation for justification. The State Office must review before submitting to the National Office.

## 301 Accepting FSA-801's

## 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 the ECP software. Applications in the ECP software will be 1 application for each producer, disaster, and administrative county. Any other producers with shares will have a separate application for their share, if applicable.</p> <p>Enter the C/S request in the ECP software according to the following table. See 3-ECP for more details.</p> <table> <tr> <th>Step</th><th>Action</th></tr> <tr> <td>1</td><td>Enter FSN's, tracts, and practices.</td></tr> <tr> <td>2</td><td>Have the applicant describe the disaster damage. Enter payment scenarios requested by the producer to address the damage. Draw the estimated damage on the map portion of the ECP software to be used for needs determinations and frequent damage determinations in the future.</td></tr> <tr> <td>3</td><td>Print FSA-801 for the producer's signature. Print ECPR to show estimated C/S.</td></tr> <tr> <td>4</td><td>Ensure that all entries (both manually and automatically filled entries) are complete on FSA-801.</td></tr> <tr> <td>5</td><td> <p>The County Office informs the producer of required eligibility forms, which includes completing CCC-860.</p> <p><b>Note:</b> If the producer claims limited resource, SDA, 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 the ECP software at the higher percentage rate before COC approval. The SDA 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's, tracts, and practices.	2	Have the applicant describe the disaster damage. Enter payment scenarios requested by the producer to address the damage. Draw the estimated damage on the map portion of the ECP software to be used for needs determinations and frequent damage determinations in the future.	3	Print FSA-801 for the producer's signature. Print ECPR to show estimated C/S.	4	Ensure that all entries (both manually and automatically filled entries) are complete on FSA-801.	5	<p>The County Office informs the producer of required eligibility forms, which includes completing CCC-860.</p> <p><b>Note:</b> If the producer claims limited resource, SDA, 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 the ECP software at the higher percentage rate before COC approval. The SDA producer definition as defined in the 1990 Farm Bill applies to ECP. Gender is not a covered group under the 1990 Act definition.</p>
Step	Action												
1	Enter FSN's, tracts, and practices.												
2	Have the applicant describe the disaster damage. Enter payment scenarios requested by the producer to address the damage. Draw the estimated damage on the map portion of the ECP software to be used for needs determinations and frequent damage determinations in the future.												
3	Print FSA-801 for the producer's signature. Print ECPR to show estimated C/S.												
4	Ensure that all entries (both manually and automatically filled entries) are complete on FSA-801.												
5	<p>The County Office informs the producer of required eligibility forms, which includes completing CCC-860.</p> <p><b>Note:</b> If the producer claims limited resource, SDA, 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 the ECP software at the higher percentage rate before COC approval. The SDA producer definition as defined in the 1990 Farm Bill applies to ECP. Gender is not a covered group under the 1990 Act definition.</p>												



**301 Accepting FSA-801's (Continued)****A Summary of Steps (Continued)**

<b>ECP C/S Request Acceptance</b>	
<b>Step</b>	<b>Action</b>
2	<p>The County Office reviews with the applicant the provisions associated with the following:</p> <ul style="list-style-type: none"> <li>• minimum cost of restoration (paragraph 204)</li> <li>• practice must not be started before environmental and cultural resource compliance evaluations are completed without an approved waiver request</li> <li>• C/S is subject to availability of funds</li> <li>• needs determination</li> <li>• application review</li> <li>• approved C/S will not exceed 50 percent of the agricultural market value of the land or animals in confinement, as set by COC</li> <li>• minimum required lifespan for the practice</li> <li>• remaining steps in the application process</li> <li>• signature from applicant (or their authorized representative) is obtained on FSA-801.</li> </ul>

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

**301 Accepting FSA-801's (Continued)****B When to File Requests**

COC may accept requests for assistance on FSA-801 before:

- obtaining concurrence from STC
- establishing signup periods.

Producers **must** be advised that:

- filing an application does **not** mean FSA-801 will be approved
- environmental reviews must be completed before a practice is started (paragraph 324)
- C/S may not be provided if written approval is not received from FSA.

**C FSA-801 Requirements**

The ECP C/S request must be filed on the automated FSA-801. Single or multiple practices may be requested on a single FSA-801.

**Note:** A manual FSA-801 may be accepted **only** when the ECP software is **not** available. However, all manual FSA-801's must be loaded in the ECP software within 5 workdays of receipt once the system becomes available.

**D Number of ECP Applicants on a Request**

One application must be completed for each entity or producer, disaster, and administrative county. If a practice is shared with another producer, that producer will submit their own application for their share of the practice.

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

- prepare only one FSA-801 for the producer
- record the multiple producer data in the ECP software according to 3-ECP
- obtain signatures from the participants (or their authorized representative) receiving a share of the payment whose name appears on FSA-801.

## 301 Accepting FSA-801's (Continued)

**E Assisting Applicants Filing FSA-801's**

When an applicant requests a practice, advise the producer of ECP eligibility, practice requirements, payment limitation, and minimum damage requirements. Take the following action to assist applicants in filing ECP FSA-801. See Exhibit 16 for a completed example of FSA-801.

Step	Action
1	Have the applicant describe the disaster damage.
2	Determine whether ECP is authorized.
3	Advise the applicant of responsibility for complying with ECP requirements.
4	Advise the applicant of responsibility for complying with environmental and cultural resource compliance requirements.
5	Obtain and record any information needed to determine practice eligibility.
6	Advise the applicant that C/S is subject to the availability of funds.
7	Advise the applicant that the practice <b>must not</b> be started before the environmental and cultural resource compliance evaluation is completed or without a COC approved waiver request from the producer.
8	Advise the applicant of the timeframe to complete a practice. If unable to complete the practice before the expiration date, the producer must submit an extension request in writing to COC before the practice expiration date.
9	Advise the applicant of the maintenance requirements for the lifespan of the practice.
10	Advise the applicant to review the payment scenario extent before approval. Changes to the extent during the 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 a delay of payment. See Part 8, Section 5.
11	If the producer claims limited resource, SDA, or beginning farmer or rancher status, it is recommended CCC-860 be completed and entered in Subsidiary before submitting FSA-801 for C/S to ensure that C/S is calculated in the ECP software at the higher percentage rate before COC approval. The SDA 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 that an advance payment is available for all ECP practices. See 3-ECP for software guidance.
13	Advise the applicant that if the practice is not fully completed, all payments received for the practice must be refunded.

**301 Accepting FSA-801's (Continued)****F Late-Filed FSA-801's**

COC may accept late-filed FSA-801's up to 30 calendar days after the end of the signup period. The producer must submit written justification with the late-filed FSA-801.

Justification considerations:

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

**Note:** If a signup period has ended before the established deadline because of change in drought conditions, late-filed provisions do not apply.

Late-filed FSA-801's and written justification from the producer must be reviewed and approved or disapproved by COC. Letter of approval or disapproval must be sent to the producer.

FSA-801's received after the 30-calendar-day period are considered ineligible. Producers should receive proper notification of ineligible status and appeal rights.

**Note:** Any applicable onsite waiver and FSA-850-ER in place for the related disaster will apply to late-filed FSA-801's associated with the referenced disaster event.

**301 Accepting FSA-801's (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 "Willing to Approve" status and lack of funds letter will be activated in the ECP software and can be accessed according to 3-ECP. See the example letter in Exhibit 104.

If funds become available, process all FSA-801's for C/S.

**H No ECP Signup**

Always accept requests for ECP assistance if the producer wishes to apply, even if the County Office 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 FSA-801 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-801 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 the 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 by ECP-PM for all practices, except engineering practices EC4 and EC6, in dire circumstances when the damage:

- is of a magnitude that severely limits access or use of farmland, including Presidentially declared disasters
- 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
  - 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, the following:**

- 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 FSA-801's filed within 30 calendar days of the end of the signup period and associated with the referenced disaster event according to paragraph 301.

Only FSA-850-ER issued by the National Office can waive the onsite visit for environmental or resource reviews or consultations. All planned ECP work must fall within the guidelines of FSA-850-ER 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
- required documentation for waiver requests to their respective State Office.

**Note:** Onsite waivers for USDA employees' FSA-801's for land they own or control are not authorized.

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

- waiver requests
- required documentation for waiver requests to ECP-PM on a SharePoint site, 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
- defined boundary on a map for application of the waiver clarifying the extent of the damage
- 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
- 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 FSA-850-ER****A Applicability of FSA-850-ER**

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

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

FSA-850-ER's are intended for more than 35 producers, more than 25 percent of the counties of the State with damage from the natural disaster, or more than 25 percent of the land area of the State damaged by the natural disaster.

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

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

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

State Offices may work with their SHPO, THPO, U.S. 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 FSA-850-ER (Continued)****B Requesting FSA-850-ER**

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

- need for FSA-850-ER and the program needed
- geographic area impacted denoted on a map
- estimate of the number of producers expected to be served by FSA-850-ER
- applicable Categorical Exclusions from the Categorical Exclusion Catalog are located in 1-EQ, Exhibit 17.

Upon receiving COC's request, the State Office will:

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

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

See subparagraph A for additional requirements for requesting FSA-850-ER.

- bundle similar requests into 1 request for the National Office

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

- post requests for FSA-850-ER to the FPAC Business Center, ENV's ER-850 Request Tool.

**325 FSA-850-ER (Continued)****B Requesting FSA-850-ER (Continued)**

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

The FPAC Business Center, ENV will:

- take a critical look at requests that do not include 1 of the following:
  - assist fewer than 35 producers
  - are less than 25 percent of the affected counties
  - are less than 25 percent of the total land area statewide
- work with program managers to develop FSA-850-ER with actions that are allowed and not allowed on a per event basis, which limits the scope or time FSA-850-ER will be used.

**C Using FSA-850-ER**

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

State Offices must:

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

County Offices must:

- review each application to determine whether extraordinary circumstances exist
- place a copy of FSA-850-ER 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 resources 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:** Using FSA-850 and NRCS-CPA-52 is dependent on the agency acting as 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)**

Partial approvals are authorized if:

- practice instances are separated on the application
- each instance of the practice is reviewed and environmental compliance is ensured before approval.

**Notes:** Remember to consider connected actions and follow all NEPA regulations according to 1-EQ.

This may occur as different:

- portions of a farm or tract become accessible at different times, such as flood waters receding
- agencies complete needs determinations and environmental reviews for the practices they have technical responsibilities.

FSA practices that do not require engineering plans may be able to be approved before EC4 practices for which NRCS has technical responsibilities.

Examples of proactive federal actions include, but are not limited to, the following:

- County Office must advise producers they cannot begin an action before the environmental review has been completed and before 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 has been completed and before the applicant has been 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.

## 326 Environmental Compliance and Cultural Resource Protection (Continued)

### B Required Environmental and Cultural Resource Evaluations Before C/S Practice Restoration Begins (Continued)

To ensure that compliance is achieved, the FSA-801B approval date cannot be earlier than the RAO signature date on FSA-850 or the FSA RAO signature date on 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.

### C Action When Practice Restoration Begins Before C/S Approval

Some disaster events necessitate the producer taking immediate rehabilitation steps. In rare situations, 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's, 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 and 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, consultation is not required and the associated documentation supports this determination. If FSA-850 was completed after the rehabilitation activity was initiated, FSA-850 must:

- document the producer's need to take the applicable necessary emergency actions
- indicate when Section 106 consultation requirements, as needed; which includes SHPO, THPO, and Tribal consultations; and ESA Section 7 consultation requirements were met.

**Note:** 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 1 example of an emergency response the Robert T. Stafford Disaster Relief and Emergency Assistance 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 800.12) allow for expediated 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-801B 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 FSA-850 is required before FSA-801B 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 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-801A:
  - refusal date
  - person who made the refusal
- sign and date FSA-801A
- cancel or withdraw the application with the reason of “Other” and add a comment in the ECP software.

**Note:** See 2-CP for additional guidance related to refusal to permit farm entry.

**B County Office Action**

When advised of a refusal to permit farm 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.

The County Office must make no further effort to enter the farm after notifying the producer of the refusal until the 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 the refusal to permit entry letter.

## 328 Determining Eligibility

### A COC Determining Eligibility

When determining eligibility, COC will determine whether:

- applicant and land are eligible
- 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.

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

### B Ineligible Practices

The practice is ineligible if any of the following apply:

- practice was started **before** approval by COC (FSA-801B)

**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.

- practice was started before FSA-801 for ECP assistance was filed on FSA-801

**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.

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

- work is considered normal upkeep, maintenance, or upgrading
- water impoundment or improvement facility is primarily for household or recreational use
- primary purpose of the practice will bring new or additional land into agricultural production
- 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
- 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 State Offices. At that time, all FSA-801's 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 the ECP software Extent Needed 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 the Common Obligation Framework software, by fund code and project disaster ID.

### 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 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-801 is loaded in the ECP software during the signup period
- ensure that needs determination data and environmental compliance evaluations are completed and entered in the ECP software
- ensure that needs determination data has been entered in the ECP software for all C/S requests according to 3-ECP
- **request funding in the ECP software and upload an Extent Needed Report**

**Note:** Allocation of funds will be based on the Extent Needed Summary Report, which is populated after needs determination data is entered in the ECP software. The State Office will review and submit funding requests to the National Office in the ECP software.

- after funding is allocated to the county, ensure that:
  - requests have been reviewed by COC and documented in the COC minutes
  - COC signs FSA-801B
- verify COC conditional approval dates have been entered in the ECP software
- verify COC determination letters, FSA-801B, and ECPR are sent to producers for concurrence signature within 15 calendar days

**374 Monitoring Funds (Continued)****A County Funds Management (Continued)**

- request a funding allocation in the ECP software within 30 calendar days of needs determinations, and complete an environmental evaluation by:
  - entering a COC Request for Funds Allocation with:
    - date of Extent Needed Report
    - amount of funds requested
  - uploading a copy of the Extent Needed Summary Report from the ECP software
  - submitting to the State Office

**Note:** Submit additional funding requests in the ECP software with a copy of an updated Extent Needed Summary Report.

- ensure that practice certification is completed before the practice expiration date and payments are timely issued
- within 60 calendar days after the practice expiration date, the 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 the ECP software according to 3-ECP
  - notify the State Office Program Specialist by email 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-801's in the ECP software 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 Office Program Specialist may submit a funding request to the physical location county in the ECP software, according to 3-ECP, to be able to pay C/S for eligible restoration.

- request funds by submitting the COC Request for Funds Allocation for each county to ECP-PM through the ECP software. Related to the request, also ensure that the uploaded Extent Needed Summary Report generated is complete and accurate.

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

**376 Additional Funds**

**A State Request for Additional Funds**

With proper documentation, the State Office Program Specialist will submit additional funding requests to upload an updated Extent Needed Summary Report to the ECP software.

**377 Expenditure Limitations**

**A Authority**

State Offices may transfer funds among County Offices for the same fund codes and 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 FSA-801's**

DD must review a sample of FSA-801's for each disaster **before** COC approval to ensure that FSA-801's reviewed meet ECP requirements.

At a minimum, DD must review the first five FSA-801's 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-3 (Exhibit 5) on its first 10 applications for each Service Center.

CCC-770 ECP-3 is the required method of documenting this review.

**B COC Action**

COC must:

- advise applicants in writing of the action taken, or to be taken, on FSA-801's with the auto-generated letters in the ECP software
  - issue a practice approval only if **all** the following are met:
    - FSA-801 is eligible for C/S
    - 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.
- estimated start date of restoration has been documented
  - producer filed FSA-801 **before** starting the practice

## 399 Approvals and Waivers (Continued)

**B COC Action (Continued)**

- FSA-850 or equivalent has been completed by FSA or another authorized agency, such as NRCS

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

- practice was started **after** the agency responsible for TA has made any necessary technical determinations
- funds have been allocated to the county
- ensure that DD reviews have been completed according to subparagraph A
- complete FSA-23 (Exhibit 61) **before** approving FSA-801, and upload to the ECP software
- complete FSA-850 (Exhibit 131) or NRCS-CPA-52 (or NRCS State equivalent) **before** practice restoration begins, and upload to the ECP software.

**C Granting a Waiver to Start an ECP Practice Before Filing FSA-801**

In instances where an emergency exists, producers may find it necessary to take action and initiate restorative measures before filing FSA-801. With concurrence of STC or its delegated representative, COC may waive the requirement to approve FSA-801B before work begins, only if **all** the following apply:

- complete FSA-850 (Exhibit 131) or NRCS-CPA-52 (or NRCS State equivalent)
- 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.

**399 Approvals and Waivers (Continued)****C Granting a Waiver to Start an ECP Practice Before Filing FSA-801 (Continued)**

**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.

- FSA-801 was filed between the date of the disaster and the end of the signup period
- 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 paragraph 37.

**D Securing Services of a Contractor Before Filing FSA-801**

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 FSA-801.

Securing a contractor before filing FSA-801 would not prevent COC from approving the application.

**Example:** A tornado destroys livestock fence. The producer gathers their 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 calendar days. The producer files FSA-801 at the County Office. COC can still approve the application because the work had not physically begun when the producer filed FSA-801.

**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 FSA-801, but before the application can be approved. With concurrence of STC or its delegated representative, COC may waive the requirement to approve FSA-801B 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-801B 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 FSA-801 as the request for waiver of the requirement to approve FSA-801B 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 paragraph 37.

**Note:** The successful completion of FSA-850 is required before FSA-801B is approved. If a producer begins a practice before approval, include notes on FSA-801 detailing the 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 the ECP software according to 3-ECP
- notify the applicant in writing of the reason for disapproval using the auto-generated letter, according to 3-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 FSA-801's that COC would conditionally 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 of every 60 calendar days. Cancel requests of producers who are no longer interested in participating in ECP and modify request amounts for FSA-801's where needs change. Modify county funding requests, as necessary.

**402 Requests Requiring Special Approvals on FSA-801B****A Requests Requiring Special Approval**

STC- or DAFP-delegated representative review is required for certain FSA-801's before approval. The following table provides the responsible approval or disapproval official.

**Note:** The need for special approval is assessed at the time of application. If a person is considered 1 of the following USDA employees at the time of application, the C/S request requires a special approval authority.

<b>IF a request for ECP C/S on FSA-801 is for...</b>	<b>AND is approved or disapproved by...</b>	<b>THEN FSA-801B must be signed by...</b>
<ul style="list-style-type: none"> <li>• COC members</li> <li>• County Office, FSA, and NRCS Service Center employees</li> <li>• Conservation District Board members</li> </ul>	STC	STC.
FSA and NRCS State Office employees	STC	STC.
STC members	DAFP <u>1/</u>	SED.
SED's	DAFP <u>1/</u>	STC.
other FSA and NRCS employees	DAFP <u>1/</u>	STC.

1/ Submit DAFP approvals to ECP-PM by SharePoint at **FSA-State CD Correspondence Team - ECP/EFRP Correspondence - All Items.**

**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 on FSA-801B (Continued)****B Requested C/S Approval Authority on FSA-801B**

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

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

If a revision or new application changes the required approval authority, the ECP software will route to the appropriate approval authority.

Approval signatures and determination dates may be pen and ink on paper forms, or digital signatures. However, the County Office will enter the official decision date in the ECP software.

**C Submitting Requests to CD**

When submitting C/S requests to ECP-PM in the ECP software, the following information **must** be uploaded in addition to the required documents for each application (FSA-23, FSA-850, etc.):

- photographs
- COC and STC recommendations, as indicated by the COC and STC approval dates, entered and submitted to the National Office.

## 403 Documenting COC Decisions

### A Action

COC must review FSA-801 and document the decision on the hard copy of FSA-801B.

### B COC Determinations

All COC determinations involving action taken on all FSA-801's **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 Notifying Applicant**

If COC approves the request, promptly:

- approve the request in the ECP software using the auto-generated letter, according to 3-ECP
- notify the applicant of the payment scenario extent and approved C/S with a copy of FSA-801B by the appropriate FSA representative before sending to the producer for signature.

**Notes:** Inform the producer that FSA-801B **must** be signed and returned to the County Office within 15 calendar days of the COC decision. If FSA-801B is not returned timely, contact the 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-801B. See Exhibit 18 for a completed example of FSA-801B.

If unable to contact the producer, send a notification of application termination and provide appeal rights according to 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 the 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 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-801B approval date for completing approved practices.

In the event of a catastrophic disaster, and when FSA-850-ER 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 the producer in writing before the expiration date
- for FSA-23 and FSA-850 must be uploaded to the ECP software for submission
- will be evaluated by COC and the request and recommendation forwarded to the STC-delegated representative in the ECP software
- must be documented and approved by STC or DD when delegated by STC.

For practices with an initial expiration date of 6 months, DD may approve the first extension request and STC may approve the second request.

For practices with an initial expiration date of 12 months, submit the extension request to STC for approval.

Submit any extension request exceeding 18 months to ECP-PM in the ECP software.

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

After a decision is made and documented in the minutes, notify the producer of the extension request decision using the extension request letter in Exhibit 104.

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

For ECP practice EC6, STC may approve one 4-month extension beyond the initial 6-month expiration, totaling 10 months. Submit any extension request exceeding 10 months to ECP-PM in the ECP software.

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**

All ECP practice extensions will be requested in writing and submitted in SharePoint at **FSA-State CD Correspondence Team - ECP/EFRP Correspondence - All Items** rather than through the ECP software.

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

- signed SED memorandum to include the following:
  - 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-801B
- 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 the ECP software 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, submit reports to STC.

**B Generating and Issuing Expiration Notice**

Generate and mail or email practice expiration letters to participants with approved practices expiring at least 30 calendar days before the practice scenario expiration date.

**406 Terminating Approvals on FSA-801B****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 3-ECP
- and a partial payment has been issued on a practice, terminate an approved ECP agreement as described in 3-ECP

**Note:** This will generate a receivable.

- and there are other practices on the agreement that have been certified and paid, do not terminate the agreement
- notify the assigned technical agency, if applicable
- document the action taken on FSA-801B
- notify the producer of the termination and provide appeal rights according to 1-APP.

**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-801C, Part D is not filed promptly, the termination may be delayed if:

- certification of performance on FSA-801C, Part D, occurred and the 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 19 for an example of a completed FSA-801C.

**407-427 (Reserved)**





**Section 2 Accepting Practice Performance Reports****428 Filing Performance Reports on FSA-801C****A Summary of Steps**

When the participant completes the approved practice, the participant will file the performance report on FSA-801C.

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 the ECP software and print FSA-801C
- obtain eligible producer and TA provider agency certification on FSA-801C
- issue C/S payment once all requirements have been met and all signatures are obtained
- ensure that payments are issued through NPS.

**B Reporting Performance**

To be eligible for C/S payments, participants who perform approved practices must report performance on FSA-801C and provide any required supporting data by the practice completion date. See Exhibit 19 for an example of a completed FSA-801C.

## 428 Filing Performance Reports on FSA-801C (Continued)

**C Dates and Signatures on Performance Reports**

Performance reports on FSA-801C must be signed and dated by the participant or their authorized representative whose name displays on the approved FSA-801B. All documents must be date-stamped upon receipt.

This table provides guidelines for signatures on performance reports.

<b>IF...</b>	<b>THEN...</b>
FSA-801C, Part D is signed by a person or legal entity other than the participant to whom FSA-801B was issued (see the example)	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 FSA-801B accordingly.
the practice, practices, component, or components were not completed	FSA-801C, Part E will not be signed.
the performance report involves signatures for deceased, missing, or incompetent persons	see 1-CM.

**Example:** 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-801B and FSA-801C because PB&J Partnership has given signature authority to Farmer Betty.

**429 Reporting Dates****A Final Date to Report Performance**

Report performance on or before the expiration date or by the authorized extension date granted by STC or the delegated representative.

**B Filing in Timely Manner**

FSA-801C, Part D 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-801C, Part D was received in a timely manner, do not question the producer's failure to date FSA-801C.

**C Not Filing in Timely Manner**

For reports not filed in a timely manner, enter either of the following on FSA-801C:

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

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

**430 Reporting Payment Scenario Extent****A Information To Be Reported**

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

This table provides guidelines for reporting practice information.

<b>IF...</b>	<b>THEN...</b>
some or all aspects of performance must be certified by another agency	do not process until FSA-801C, item 8 is completed.
a practice is reported in units other than those for which payment is made	convert those units to payment units.
measurements have been reported instead of the acreage	compute the acreage from 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 payment scenario extent from the assigned technical agency's certification on FSA-801C.

## **431 Recording Practice Location**

### **A Record Location**

Record the location of all practices performed for C/S payment on the map portion of the ECP software.

Use the ECP software to identify the following:

- practice
- lifespan
- FY completed.

### **B Retaining Location Records**

See 32-AS for requirements for retaining location records.

**Note:** See 32-AS Supplement for ECP County Office participant files.

## **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 this table.

Step	Action
1	<p>Applicants must provide satisfactory evidence, which may include self-certification of all costs, that may include the following:</p> <ul style="list-style-type: none"> <li>• invoices</li> <li>• canceled checks</li> <li>• paid receipts.</li> </ul> <p><b>Note:</b> See Exhibit 55 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 regardless of if it is a producer self-certification or a TSP certification.</p> <p>Statements will include the following details:</p> <ul style="list-style-type: none"> <li>• dates of work performed (specific dates or date range)</li> <li>• cost per hour charged for labor</li> <li>• expense of equipment used</li> <li>• type and cost of materials used</li> <li>• other applicable information.</li> </ul>
4	All supporting evidence must be collected and maintained for every C/S agreement for auditing purposes only.
5	County Offices will not use supporting evidence to compute C/S items considered eligible for ECP payment scenarios.
6	For ECP payment scenarios, enter the extent completed as certified by TSP, not to exceed the approved extent.
7	Submit a sample of all C/S payments issued and documentation to the State Office for annual review by the NRCS Regional Review Team to adjust rates accordingly in the next FY. See paragraph 155.

**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-801C, they agree to refund all or part of the C/S assistance paid by signing FSA-801C, as determined by COC, if the practice is destroyed or not properly maintained before the expiration of the practice lifespan specified on the ECP agreement.

**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:
  - statement must be attached to the original FSA-801C
  - original participant is no longer responsible for practice maintenance or refund of any C/S as determined by COC
  - 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, 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 or operatorship change.

**Example:** A practice has a lifespan of 10 years. In year 8, 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 2 years remaining in the lifespan divided by 10 total lifespan years equals 20 percent remaining in the lifespan. The producer must refund 20 percent of the total C/S paid for the practice. See 3-ECP for software entry.

**434-454 (Reserved)**



### Section 3 Certifying Performance

#### 455 Certification on FSA-801C for Practices Assigned to FSA

##### A Practices Assigned to FSA

See Exhibit 19 for an example of a completed FSA-801C. The participant's certification on FSA-801C, Part D 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 in FSA-801C, item 7 and sign FSA-801C, Part D.

##### B FSA Verification of Performance

Determine when FSA may require an inspection to verify performance according to this 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"> <li>the extent performed</li> <li>whether specifications have been satisfied</li> </ul>	inspection will be required to verify performance.

##### C Measurements Required

Measure amounts, acreages, and linear feet if the following apply:

- COC believes the participant cannot adequately determine the extent
- 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 the units of measurement table in Exhibit 155.

**456 Certification on FSA-801C When Technical Practices Are 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-801C is required.

- The ECP software will notify the assigned technical agency when FSA-801C is filed.
- 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-801C:

- 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, payments 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 Before Needs Determination**

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

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

**458-478 (Reserved)**



**Section 4 Reporting Contributions****479 Person or Legal Entity Who Share Cost of Practice****A Shared Costs of Practice**

If costs are shared with another producer, an additional agreement will be created for the additional producer. Applications and agreements must have 1 producer only with applicable shares.

**B Additional Criteria**

When creating an additional agreement for the situation described 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.

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

One person or legal entity paying 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, each eligible person or legal entity will be paid equal proportions from their separate agreements.

**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:

- base C/S payments on the individual's contributions according to the shares on each agreement
- 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 the ECP software, 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, compute C/S by subtracting the ineligible contribution from the completed extent. 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 federal 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 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-801C or other information shows 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-801C.

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

If the assigned technical agency's certification on FSA-801C 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. CED will complete a new FSA-23. Use the agreement revision process provided in 3-ECP.

If TSP recommends a change of practice, payment scenario, or extent before 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 before approval, immediately send the producer the auto-generated approval letter and revised FSA-801B after COC conditional approval for the producer's concurrence. The applicant has 15 calendar days to sign and return FSA-801B to the County Office.

COC will approve the agreement for the lesser extent as determined by TSP. Use the agreement modification process provided in 3-ECP.

**C Documenting Revisions**

Signatures are required in FSA-801B, Parts D and E for all FSA-801B 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 if either of the following conditions are satisfied:

- 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 an incorrect practice, payment scenario, or extent.

**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 the ECP software by using the agreement revision process provided in 3-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**

Increase or decrease in extent may result in a different payment scenario being needed. County Offices must revise the agreement to reflect the correct payment scenario for the actual extent approved.

Signatures are required in FSA-801B, Parts D and E for all FSA-801B 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
- measurement error was made
- other similar situation that resulted in a lesser extent or C/S payment.

**B Documenting Revisions**

Signatures are required in FSA-801B, Parts D and E for all FSA-801B 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 of 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 of 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-801C 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 this table.

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

## 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 3-ECP. Payments are automatically issued through the ECP software or accounting interface when performance is recorded on FSA-801C. Complete all of the following before performance is recorded in the system and payments are issued:

- Producer Certification (FSA-801C, Part D)
- TSP Certification (FSA-801C, Part E)
- FSA Certification (FSA-801C, Part F).

**Note:** The person authorizing the payment must review the financial assistance details and sign FSA-801C, Part F only if the payment is approved.

**B Payment Review**

DD will:

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

**C Ineligible Contributions**

Ineligible contributions will be handled according to paragraph 482.

**D Completing CCC-770 ECP-3**

CED or PA will complete CCC-770 ECP-3 before an ECP payment is made. See Exhibit 5.

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

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

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

**F Issuing Payments**

Payments may be issued to:

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



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

C/S advance payments are available on all ECP practices.

During the initial FSA-801 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 3-ECP.

If the advance payment is requested and accepted, 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 the ECP software to create a receivable for advance payments when proof of expenditure is not provided.

**Notes:** The 25 percent advance is held in the ECP software 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.

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

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 Issuing Advance C/S Payments (Continued)**

**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
- 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 payment scenario extent** with or without C/S, within the time prescribed by COC.

If the total payment scenario 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 EC1. 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 approved 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 of the following conditions are satisfied:

- C/S request is made on FSA-801C
- COC and assigned technical agency determine that the completed components are a functional attainment toward completing the practice

**Note:** See subparagraph A, Example 2.

- all completed scenarios are listed on FSA-801C
- participant agrees to complete the practice on FSA-801C 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
- change in plans for land use.

**600-620 (Reserved)**

**Section 9 Issuing Payments****621 Issuing Program Payments****A Common Obligation Framework Software**

All agreements in the ECP software will use the Common Obligation Framework 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 National and State Offices in a timely manner. Funding allocations will be controlled using the Common Obligation Framework 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 following:

- 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 this table.

<b>IF the lease or other agreement indicates that the...</b>	<b>THEN consider...</b>
landlord and tenant share the cost of the practice	both as having contributed to the cost, unless refuted by evidence. Landlord and tenant will each have their own agreement with the applicable share.
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 3-ECP when all of the following have been satisfied:

- performance was appropriately certified on FSA-801C
- producer certifies practice completion on FSA-801C according to paragraph 455
- supporting documentation is submitted according to paragraph 432
- current AD-1026 is on file according to paragraph 5
- current CCC-901 and CCC-902 (as needed) are on file according to paragraph 6
- CCC-860 is on file, when applicable
- other pertinent information is received, if applicable.

**B Reviews Before Payment**

FSA-801C 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-801C, Part F
- must **not** have an interest in the farm involved.

**C Payments Due to 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**

The 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 County Offices.

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

No more than quarterly, the NRCS State Office submits to the FSA State Office (by an agreed-upon documented source, such as email, 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, the following:
  - 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, the 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. The ECP software may assist in reviewing applications, which included NRCS TA.

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, the FSA State Office will:

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

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

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

**F Correcting Payments**

State Offices 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-801C 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-801C, the applicant must sign a corrected FSA-801C 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 3-ECP to generate additional FSA-801C'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, the 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 FSA-276, condition of practice, receipts, etc., must be recorded in the COC or STC minutes.



## 682 Extent of Spot Checks

**A Performing Spot Checks on Current Year Practices**

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

<b>Step</b>	<b>Action</b>
1	Obtain the 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.

**B Performing Spot Checks on Prior Year Practices**

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

<b>Step</b>	<b>Action</b>
1	Prepare or obtain a list of all prior year ECP practices still within their active lifespan not listed on the current year report.  <b>Note:</b> Select EC1 from 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 spot 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)****C   State Office Spot Checks**

To ensure that 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 the producer's **proof of payment** and supporting evidence to ensure that they incurred cost for the requirements of the ECP payment scenario components according to paragraph 681.

**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, 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 or 4-CP when a discrepancy or 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 the 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
- discontinuation of using 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:

- practice has not been maintained
- 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 ECP purpose. 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
- failing to use a practice for the purpose approved
- performing other willful acts that does either of the following:
  - violates reasonable conservation principles
  - offsets conservation accomplishments.

**C Violations Requiring Special Handling**

The following types of violations must be referred to STC:

- 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.

**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 about the following:

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

**B Policy**

When there has been a compliance issue about 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 employee 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 refunds according to 58-FI.

**C Prompt Payment Interest**

In certain instances when the payment is not issued timely and a revision has occurred, the ECP software 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 new applications approved after October 1, 2020, prompt payment interest must be issued through the 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 handbook. In addition, STC will do the following 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 the following:

- COC's determination and the facts upon which it is based
- 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

This 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-3	ECP Checklist – ECP Software	Ex. 5	12, 277, 399, 575
CCC-860	Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification		6, 179, 301, 624
CCC-901	Members Information		6, 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	39, 179, 399, 402, 404, 526
FSA-276	On-Farm Spot Check Record	Ex. 220	681-683
FSA-801	Emergency Conservation Program Cost Share Request	Ex. 16	Text, Ex. 2, 43, 61, 104
FSA-801-1	Continuation Sheet for Cost-Share Request		11
FSA-801A	Emergency Conservation Program Needs Determination	Ex. 17	11, 39, 41, 230, 327, Ex. 61
FSA-801A-1	Continuation Sheet for Needs Determination		11
FSA-801B	Emergency Conservation Program Cost Share Agreement	Ex. 18	Text, Ex. 104
FSA-801B-1	Continuation Sheet for Cost-Share Agreement		11
FSA-801C	Emergency Conservation Program Cost Share Certification	Ex. 19	Text, Ex. 220
FSA-801C-1	Continuation Sheet for Cost-Share Certification and Payment		11

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

## Forms (Continued)

Number	Title	Display Reference	Reference
FSA-850	Environmental Screening Worksheet	Ex. 131	326, 328, 399, 402, 404, Ex. 18
FSA-850-ER	Environmental Screening Worksheet for Emergency Response (ER-850)		301, 324, 325, 404
NRCS-CPA-52	Environmental Evaluation Worksheet		326, 328, 399, 402, 404
Schedule F (Form 1040)	Profit or Loss From Farming		Ex. 2

## Abbreviations Not Listed in 1-CM

This table lists all abbreviations not listed in 1-CM.

Approved Abbreviation	Term	Reference
CD	Conservation Division	11, 35, 329, 402, 404
ECP-PM	Emergency Conservation Program - Program Manager	Text, Ex. 2, 43
ECPR	Estimated Calculated Payment Report	39, 301, 374, Ex. 61
ENV	Environmental Activities Division	325
FPAC	Farm Production and Conservation	11, 35, 325, Ex. 5, 131
IPAC	Intra-Governmental Payment and Collection System	254, 626
LAR	Loss Assessment Report	9, 277
MOA	memorandum of agreement	226, 227, 253, 626, Ex. 76
NECM	National Environmental Compliance Manager	325
O&M	Operation and Maintenance	150, 153, Ex. 2
PA	Program Analyst	37, 39, 575
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
STORM	Systematic Tracking for Optimal Risk Management	9, 277
TA	technical assistance	Text, Ex. 2
THPO	Tribal Historic Preservation Office	325, 326
TSP	Technical Service Provider	Text, Ex. 2, 16, 43, 61, 103, 104

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

This table lists redelegations of authority in this handbook.

<b>Redelegation</b>	<b>Reference</b>
STC authorities may be delegated to SED or DD only for the first practice 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.

**Conditional Approval**

Conditional approval is the amount of C/S COC has approved and is conditional upon the producer's concurrence.

**Cost**

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

**Cost Share (C/S) Payments**

C/S payments are the payments made to a participant under ECP. The percentage of the cost is paid by the Federal Government for completing the installation of a practice.

**County Committee (COC)**

COC is a committee elected by the agricultural producers in the county or area, according to Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

**County Executive Director (CED)**

CED is the FSA employee responsible for directing and managing program and administrative operations in 1 or more FSA County Offices.

**Definitions of Terms Used in This Handbook (Continued)****Deputy Administrator for Farm Programs (DAFP)**

DAFP is responsible for overseeing and implementing policies and procedures to regulate the delivery of federal farm programs for FSA.

**District**

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

- are formed under State law to do either of the following:
  - 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.

**Eligible Permanent Farm Fencing**

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

**Emergency Designation**

An emergency designation is a determination by COC that a geographic area in the county has suffered damage by a natural disaster. In the case of severe drought, an emergency program designation is made by ECP-PM.

**Farmland**

Farmland is the sum of the following:

- cropland
- noncropland.



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

**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.

## Definitions of Terms Used in This Handbook (Continued)

### Livestock (Continued)

Animals that are **ineligible** include those:

- exclusively used for recreational activities or recreational business, such as racehorses, pack animals, recreational use of livestock in rodeos, and polo ponies

**Note:** As determined by STC or COC, they:

- use horse breeding operations in the business of producing horse breeding stock for commercial use as a part of their farming operation
- 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.

### Natural Disaster

A natural disaster is a disaster that is 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.

**Definitions of Terms Used in This Handbook (Continued)****Natural Resources Conservation Service (NRCS)**

NRCS is an agency of the U.S. Department of Agriculture that provides technical assistance to FSA for ECP.

**Onsite Inspection**

Within 45 calendar days of the producer submitting FSA-801, FSA or TSP must complete an onsite inspection of damage at the physical location of the damage to gather information about the damage resulting from a natural disaster. See paragraph 324.

**Operation and Maintenance (O&M)**

O&M is work performed by the participant to keep the applied conservation practice functioning for the intended purpose during its lifespan. 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 practice deterioration, damage repairs, or practice replacement to its original condition if 1 or more components fail.

**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 1 payment scenario may be defined for a practice or activity.

## Definitions of Terms Used in This Handbook (Continued)

## Payment Scenario Regions

The United States and its territories are divided into 15 payment scenario regions based on C/S needs and regional environmental needs of the specific area.

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

**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.

**Practice Instance**

A practice instance is the spatial representation of the practice, which can either be grouped together under a single practice instance or separated into multiple instances of the same practice. The ECP software provides flexibility for users to decide how to best represent practices on the ECP application. Users may include an entire practice under a single practice instance, or they may use multiple instances of the same practice to represent different disaster-impacted areas.

**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**

Qualified producers are designated socially disadvantaged, limited resource, and beginning farmer or rancher according to 1-CM. This is referenced in the ECP software as Historically Underserved Producer (HUP).

**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**

A 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.

**Definitions of Terms Used in This Handbook (Continued)****State Committee (STC)**

STC is a committee in a State or the Caribbean Area (Puerto Rico and the Virgin Islands), appointed by the Secretary according to Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

**State Executive Director (SED)**

SED is authorized to direct and supervise FSA activities in a State or 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 according to 16 U.S.C. 3861, which provide information, analysis, and recommendations to USDA.

**Technical Assistance (TA)**

TA 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 using natural resources.

**Technical Service Provider (TSP)**

TSP 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.

**Willing to Approve**

Willing to approve is the amount of C/S COC will approve in the event Congress appropriates additional funding. This status is only in effect when a lack of funding is available.

**CCC-770 ECP-3, ECP Checklist – ECP Software**

This is an example of CCC-770 ECP-3, which is available from the FPAC Forms Intranet Website.

<b>CCC-770 ECP-3 U.S. DEPARTMENT OF AGRICULTURE</b> (02-12-24) Commodity Credit Corporation		1. Producer's Name <input type="text"/>		
<b>ECP CHECKLIST - ECP SOFTWARE</b>		2A. State FIPS Code <input type="text"/>	2B. County FIPS Code <input type="text"/>	
		3. FSN <input type="text"/>	4. Application Number <input type="text"/>	
		5. Disaster Type, Disaster ID <input type="text"/>	6. FY Disaster Started <input type="text"/>	
		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 ensure accountability of actions.		
<p align="center"><b>Completion of this form is required by 1-ECP (Rev. 8) for disasters occurring on or after October 1, 2023.</b></p>				
<b>Implementation</b>	<b>Handbook or Other Applicable References</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
7A. Has the physical location county of application been approved to implement ECP?	1-ECP paragraphs 94, 96	<input type="checkbox"/>	<input type="checkbox"/>	
7B. If administrative county, is a copy of implementation approval notification attached to the application?	1-ECP paragraphs 94, 96	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Does land meet eligibility requirements?	1-ECP paragraph 94	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does applicant meet eligibility requirements <i>(required leases on file)</i> ?	1-ECP paragraphs 66, 67, 68, 69, 70, 71, 72, 623	<input type="checkbox"/>	<input type="checkbox"/>	
10. Are acceptable Business File or CCC-902 and associated CCC-903, if applicable, on file?	1-ECP paragraphs 6, 624, 6-PL	<input type="checkbox"/>	<input type="checkbox"/>	
11. Are applicants and affiliates in AD-1026 compliance? See 6-CP for determining affiliated persons.	1-ECP paragraphs 5, 624, 6-PL, 6-CP	<input type="checkbox"/>	<input type="checkbox"/>	
12. Do all beginning, socially disadvantaged, and limited resource farmers/ranchers have an FSA-860 on file and recorded in Subsidiary?	1-ECP paragraphs 6, 179, 301, 624	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Was the application submitted during designated signup period <i>(or prior)</i> ?	1-ECP paragraphs 300, 301, 374, 399	<input type="checkbox"/>	<input type="checkbox"/>	
14. If "NO", do late-filed provisions apply <i>(30 days after the end of the signup period)</i> ?	1-ECP paragraph 301	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. If ECP software was not available at time of request, was the application entered in ECP software within 5 business days of the software becoming available?	1-ECP paragraph 11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Does the ECP application show all requested payment scenarios?	Exhibit 16, 3-ECP	<input type="checkbox"/>	<input type="checkbox"/>	
17. Was the minimum qualifying cost of restoration met?	1-ECP paragraph 204	<input type="checkbox"/>	<input type="checkbox"/>	
18. Has an onsite inspection been completed, or is a DAEP approved waiver on file?	1-ECP paragraphs 301, 324	<input type="checkbox"/>	<input type="checkbox"/>	
19. If an onsite waiver was approved, are photos and/or GPS points attached to onsite inspection waiver?	1-ECP paragraph 324	<input type="checkbox"/>	<input type="checkbox"/>	
20. Was the Needs Determination FSA-801A, completed, signed and dated by agency with technical responsibility, and entered in software?	1-ECP paragraph 230	<input type="checkbox"/>	<input type="checkbox"/>	
21A. Was the practice(s) started after the producer requested ECP assistance, and after Environmental Review was completed?	1-ECP paragraphs 324, 325, 326, 399	<input type="checkbox"/>	<input type="checkbox"/>	
21B. If "NO", was relief approved by COC?	1-ECP paragraph 399	<input type="checkbox"/>	<input type="checkbox"/>	
21C. Was the decision documented in COC minutes?	1-ECP paragraph 399	<input type="checkbox"/>	<input type="checkbox"/>	
22. Was the FSA-850, NRCS CPA-052 or State equivalent approved and on file?	1-ECP paragraphs 325, 326 and 1-EQ	<input type="checkbox"/>	<input type="checkbox"/>	
23. If a Programmatic FSA-850 is being used, does restoration follow all parameters <i>(in Item 13 Comments)</i> ?	1-ECP paragraphs 325, 326 and 1-EQ	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Are all easements, permits, rights-of-way, water rights on file/in compliance?	1-ECP paragraph 43	<input type="checkbox"/>	<input type="checkbox"/>	
25. Was the COC determination of agricultural market value of the land for year of disaster documented in COC minutes?	1-ECP paragraph 179	<input type="checkbox"/>	<input type="checkbox"/>	
26A. Was the FSA-23 completed, signed and dated by preparer and included in the file?	Exhibit 61	<input type="checkbox"/>	<input type="checkbox"/>	
26B. Does the C/S assistance exceed 50 percent of the agricultural market value of the land <i>(documented on FSA-23)</i> for all producers associated with the land?	1-ECP paragraph 179	<input type="checkbox"/>	<input type="checkbox"/>	
26C. If "YES" Was the maximum cost share amount from the FSA-23 <i>(limited to 50 percent)</i> , recorded in ECP software as the Maximum Cost Share?	3-ECP	<input type="checkbox"/>	<input type="checkbox"/>	

**CCC-770 ECP-3, ECP Checklist – ECP Software (Continued)**

CCC-770 ECP-3 (02-12-24)		Page 2 of 3		
Implementation	Handbook or Other Applicable References	YES	NO	N/A
27. Is the land enrolled in WRP, EWP or any other FSA or NRCS C/S program that would create duplicate benefits and therefore ineligible?	1-ECP paragraph 99	<input type="checkbox"/>	<input type="checkbox"/>	
28. Has STC representative reviewed the required percentage of ECP requests before COC approval?	1-ECP paragraphs 12, 399	<input type="checkbox"/>	<input type="checkbox"/>	
29. Certification: I (we) the undersigned certify the above items have been verified or updated accordingly.				
29A. Signature of Preparer	29B. Date (MM/DD/YYYY) <div style="border: 1px solid black; height: 20px; width: 100px; margin: 0 auto;"></div>			
30A. I concur/do not concur the above items have been verified and updated.		<input type="checkbox"/> Concur	<input type="checkbox"/> Do Not Concur	
30B. CED Signature	30C. Date (MM/DD/YYYY) <div style="border: 1px solid black; height: 20px; width: 100px; margin: 0 auto;"></div>			
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. DD Signature	31C. Date (MM/DD/YYYY) <div style="border: 1px solid black; height: 20px; width: 100px; margin: 0 auto;"></div>			
<b>Approval</b>				
32. Has delegation of authority been documented in the COC minutes?	1-ECP paragraph 41	<input type="checkbox"/>	<input type="checkbox"/>	
33. Has the application been reviewed and approved by the applicable authority based on approval authority for the cost share amount limits and special approval authority guidance?	1-ECP paragraph 402	<input type="checkbox"/>	<input type="checkbox"/>	
34A. Has the COC/CED approved/disapproved the FSA-801B 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 paragraph 400	<input type="checkbox"/>	<input type="checkbox"/>	
34B. If disapproved, was the reason documented according to policy in the determination letter and were appeal rights provided to the producer?	1-ECP paragraph 400	<input type="checkbox"/>	<input type="checkbox"/>	
35. Was the FSA-801B signed & dated by appropriate FSA representative (prior to sending to producer)?	1-ECP paragraph 403	<input type="checkbox"/>	<input type="checkbox"/>	
36. Was the FSA-801B sent to producer for signature?	1-ECP paragraph 403	<input type="checkbox"/>	<input type="checkbox"/>	
37. Did the producer concur and return a signed FSA-801B within 15 calendar days of COC decision?	1-ECP paragraph 403	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Processing Cost Share</b>				
38A. Was the practice completed prior to expiration, and supporting documentation submitted?	1-ECP paragraphs 301, 404, 429, 432	<input type="checkbox"/>	<input type="checkbox"/>	
38B. If "NO", was an extension requested by the producer in writing to the COC?		<input type="checkbox"/>	<input type="checkbox"/>	
38C. If "YES", was the extension documented in the COC minutes and recorded in software?		<input type="checkbox"/>	<input type="checkbox"/>	
39A. If 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-801B?	1-ECP Part 7, Section 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39B. Was the producer notified of the change in extent?	1-ECP Exhibit 83	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39C. Was producer signature on the revised FSA-801B received within 15 days of notification?	1-ECP paragraph 403	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Payments</b>				
40. Did the producer turn in evidence of practice completion (cost share itemization of personal labor/equipment, bills, invoices, etc.)?	1-ECP paragraph 432	<input type="checkbox"/>	<input type="checkbox"/>	
41. Has the FSA-801C has been signed and dated by the eligible producer receiving a share of the payment or a person with documented signature authority?	1-ECP paragraph 428	<input type="checkbox"/>	<input type="checkbox"/>	
42. Has the producer met all payment eligibility requirements?	Part 2, 1-ECP Sections 1 & 2	<input type="checkbox"/>	<input type="checkbox"/>	
43A. Has the final onsite inspection of project completion been done or are pictures on file (producer certification)?	1-ECP paragraph 455	<input type="checkbox"/>	<input type="checkbox"/>	
43B. If "YES", was the FSA-801C completed and signed by the responsible technical agency?	1-ECP paragraphs 430, 456	<input type="checkbox"/>	<input type="checkbox"/>	
44A. Has the location of the practices changed from what was requested?	1-ECP paragraph 431	<input type="checkbox"/>	<input type="checkbox"/>	



**CCC-770 ECP-3, ECP Checklist – ECP Software (Continued)**

CCC-770 ECP-3 (02-12-24)		Page 3 of 3		
Payments	Handbook or Other Applicable References	YES	NO	N/A
44B. If "NO", has the updated location of the completed/installed practice been recorded in ECP software map? Note: acres are estimated and location is approximate.	1-ECP paragraph 431, 3-ECP	<input type="checkbox"/>	<input type="checkbox"/>	
45. Has the FSA-801C been updated with final performance data in software?	1-ECP Part 8, Section 3	<input type="checkbox"/>	<input type="checkbox"/>	
46. Does the C/S payment exceed 75 percent or 90 percent, as applicable, of the total allowable cost?	1-ECP paragraphs 179, 180	<input type="checkbox"/>	<input type="checkbox"/>	
47. Does the payment exceed 50 percent of the agricultural market value of the land as documented on the FSA-23 and recorded in ECP software as the Maximum Cost Share?	1-ECP paragraph 179, 3-ECP	<input type="checkbox"/>	<input type="checkbox"/>	
48. Has the payment been second party reviewed and completed with an initial and date on the FSA-801C?	1-ECP paragraph 624	<input type="checkbox"/>	<input type="checkbox"/>	
49. Were payments issued timely? See 61-FI for prompt payment provisions. Interest payments must be issued outside of ECP software using Online Payments.	1-ECP, 64-FI	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Spot Checks</b>				
50. Was the spot check completed within the practice lifespan?	1-ECP paragraphs 680, 681	<input type="checkbox"/>	<input type="checkbox"/>	
51. Did the producer provide original proof of expenses?	1-ECP paragraphs 681, 682	<input type="checkbox"/>	<input type="checkbox"/>	
52. Was a summary of visit (condition of practice, receipts provided, completed FSA-270 form, etc.) documented in the file with signature and date?	1-ECP paragraph 681	<input type="checkbox"/>	<input type="checkbox"/>	
53. Remarks <div style="border: 1px solid black; height: 40px; width: 100%;"></div>				
54. Certification: I (we) the undersigned certify the above items have been verified or updated accordingly.				
54A. Signature of Preparer		54B. Date (MM/DD/YYYY) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		
55A. I concur/do not concur the above items have been verified and updated.		<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur		
55B. CED Signature		55C. Date (MM/DD/YYYY) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		
56A. I concur/do not concur the above items have been verified and updated.		<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur		
56B. DD Signature		56C. Date (MM/DD/YYYY) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		

*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) 720-2000 (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](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 (800) 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](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.*



FSA-801, Emergency Conservation Program Cost Share Request

A Example of Completed FSA-801

This is an example of a completed FSA-801.

OMB Approval No. 0560-0082 OMB Expiration Date: 12/31/2026									
<b>FSA-801</b> (01-22-24)  <b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency  <b>EMERGENCY CONSERVATION PROGRAM</b>  <b>COST SHARE REQUEST</b>	<b>DISASTER INFORMATION (For County Office Use Only)</b> <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%;">1. Administrative State Iowa (19)</td><td style="width: 50%;">2. Administrative County Boone (015)</td></tr><tr><td>3. Program Year 2024</td><td>4. Disaster Name</td></tr><tr><td>5. Disaster Event ID 603</td><td>6. Disaster Type Flood</td></tr><tr><td colspan="2">7. Application Number: 1573</td></tr></table>	1. Administrative State Iowa (19)	2. Administrative County Boone (015)	3. Program Year 2024	4. Disaster Name	5. Disaster Event ID 603	6. Disaster Type Flood	7. Application Number: 1573	
1. Administrative State Iowa (19)	2. Administrative County Boone (015)								
3. Program Year 2024	4. Disaster Name								
5. Disaster Event ID 603	6. Disaster Type Flood								
7. Application Number: 1573									
<b>INSTRUCTIONS:</b> Return completed form to your Administrative County FSA Office or USDA (Name and address) BOONE COUNTY FARM SERVICE AGENCY 1602 SNEDDEN DR BOONE, IA 50036-5421									
<b>PART A - APPLICANT INFORMATION</b>									
1. Applicant's Name (Individual or Legal Entity) SALLY FARMER									
2A. Address Line 1 PO BOX 5500	3A. Primary Phone Number (999) 999-9999 <input checked="" type="checkbox"/> Home <input type="checkbox"/> Cell								
2B. Address Line 2	3B. Alternate Phone Number <input type="checkbox"/> Home <input type="checkbox"/> Cell								
2C. City BOXHOLM	2D. State Iowa								
2E. Zip 50040-5500	4. Email Address								
<b>PART B - PAYMENT SCENARIO INFORMATION</b>									
1. Advance Payment Requested? <input type="checkbox"/> EC1 <input type="checkbox"/> EC2 <input type="checkbox"/> EC3 <input type="checkbox"/> EC4 <input type="checkbox"/> EC5 <input type="checkbox"/> EC6 <input type="checkbox"/> EC7 <input type="checkbox"/> EC8									
2. ECP Practice	3. Physical County	4. Scenario Number	5. Payment Scenario Description	6. Unit of Measure	7. Extent Requested	8. Producer Share (%)	9. Other Producer(s) (*For information only)		
EC1-1	Boone	500 037	Removal and disposal of light scattered debris	Acre	35.00	100.00%			
EC2-1	Boone	342 001	Native or Introduced Vegetation - Normal Tillage (Organic and Non-Organic)	Acre	9.00	100.00%			
*Other producer(s) may share a percent of the same land but is not considered a part of this request.									
Page 1 of 3									

FSA-801, Emergency Conservation Program Cost Share Request (Continued)

A Example of Completed FSA-801 (Continued)

FSA-801 (01-22-24)		
<b>PART C - PROGRAM ELIGIBILITY</b>		
1. Are the Person Eligibility requirements met as defined in 1-ECP, Part 2, Section 1?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
2. Are the Land Eligibility requirements met as defined in 1-ECP, Part 2, Section 2?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
<b>PART D - PRODUCER ACKNOWLEDGMENT</b>		
<p>By signing the application for assistance, you are certifying that you cannot afford to complete the repairs without federal assistance and acknowledging that:</p> <ul style="list-style-type: none"> <li>It is your responsibility to ensure that an environmental review has been completed before any work is started. Activities that disturb the soil below the plow zone will result in the application not being eligible for ECP if the activity is done prior to an environmental review. Waivers may be available on a case-by-case basis if applicable.</li> <li>Starting a practice prior to filing an ECP application and/or COC approval is at your own financial risk. Waivers may be available on a case-by-case basis if applicable.</li> <li>If you are a limited resource producer, beginning farmer, or socially disadvantaged (not including gender), you may qualify for a 90 percent cost share rate rather than the 75 percent rate. To determine if you are a limited resource producer, socially disadvantaged, or beginning farmer, (1) go to <a href="http://www.lrftool.sc.egov.usda.gov">www.lrftool.sc.egov.usda.gov</a> and complete the questions, (2) complete form CCC-860, and (3) provide the information to the local FSA office. CCC-860 payment eligibility will be based on the year of the disaster or the year a new participant is added to an application.</li> <li>Cost share cannot be earned on land on which you have or will receive funding from any other Federal cost share program for the same or similar expenses.</li> <li>The original application for cost share is an estimate of the potential cost share that may be earned.</li> <li>Total cost share paid cannot exceed 50 percent of the value of the land, as determined by FSA.</li> <li>If an advance payment is accepted for any ECP practice, you must provide verification that the advance payment has been expended within the applicable time allowed by policy, or the advance payment must be refunded, less any cost share earned for partial performance completed.</li> <li><b>You must return this completed and signed form to your County FSA Office for your request to be considered.</b></li> </ul>		
<b>PART E - PRODUCER CERTIFICATION</b>		
1. Signature (By)	2. Title/Relationship of Representative	3. Date (MM-DD-YYYY)
Page 2 of 3		

## FSA-801, Emergency Conservation Program Cost Share Request (Continued)

### A Example of Completed FSA-801 (Continued)

FSA-801 (01-22-24)

**NOTE: Privacy Act Statement:** 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, and 16 U.S.C. § 2201. 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. 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.

**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.

**Non-Discrimination Statement:** 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.

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Page 3 of 3

**FSA-801, Emergency Conservation Program Cost Share Request (Continued)**

**B Letters Mailed to Producer After Completing FSA-801**

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 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 104 for producer letter examples.

## FSA-801A, Emergency Conservation Program Needs Determination

This is an example of a completed FSA-801A.

OMB Approval No. 0560-0082 OMB Expiration Date: 12/31/2026									
<b>FSA-801A</b> (01-22-24)  <b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency  <b>EMERGENCY CONSERVATION PROGRAM</b>  <b>NEEDS DETERMINATION</b>	<b>DISASTER INFORMATION (For County Office Use Only)</b> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1. Administrative State Iowa (19)</td> <td style="width: 50%;">2. Administrative County Boone (015)</td> </tr> <tr> <td>3. Program Year 2024</td> <td>4. Disaster Name</td> </tr> <tr> <td>5. Disaster Event ID 603</td> <td>6. Disaster Type Flood</td> </tr> <tr> <td colspan="2">7. Application Number: 1573</td> </tr> </table>	1. Administrative State Iowa (19)	2. Administrative County Boone (015)	3. Program Year 2024	4. Disaster Name	5. Disaster Event ID 603	6. Disaster Type Flood	7. Application Number: 1573	
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<b>INSTRUCTIONS:</b> Return completed form to your Administrative County FSA Office or USDA (Name and address) BOONE COUNTY FARM SERVICE AGENCY 1602 SNEDDEN DR BOONE, IA 50036-5421									
<b>PART A - APPLICANT INFORMATION</b>									
1. Applicant's Name (Individual or Legal Entity) SALLY FARMER									
2A. Address Line 1 PO BOX 5500	3A. Primary Phone Number (999)999-9999 <input checked="" type="checkbox"/> Home <input type="checkbox"/> Cell								
2B. Address Line 2	3B. Alternate Phone Number <input type="checkbox"/> Home <input type="checkbox"/> Cell								
2C. City BOXHOLM	2D. State Iowa								
2E. Zip 50040-5500	4. Email Address								
<b>PART B - NEEDS DETERMINATION (On-site inspection is required unless a waiver was approved in advance.)</b>									
1. ECP Practice	2. Physical County	3. Scenario Number	4. Payment Scenario Description	5. Extent Requested	6. Extent Needed	7. Unit of Measure	8. Date Referred		
EC1-1	Boone	500 037	Removal and disposal of light scattered debris	35.00	35.00	Acre	08/21/2024		
EC2-1	Boone	342 001	Native or Introduced Vegetation - Normal Tillage (Organic and Non-Organic)	9.00	9.00	Acre	08/21/2024		
9. Acres Served:									
EC1: <span style="color: blue;">35.00</span> EC2: <span style="color: blue;">9.00</span> EC3: EC4: EC5: EC6: EC7: EC8:									

FSA-801A, Emergency Conservation Program Needs Determination (Continued)

FSA-801A (01-22-24)		
<b>PART C - TSP CERTIFICATION OF EXTENTS NEEDED</b>		
By signing this form, I certify:		
I have reviewed the producer's ECP Cost Share Request and determined the Practice instance(s), Payment Scenario(s), Extent(s) Needed, and Acres Served indicated in Part B are needed and feasible to restore the land due to the impacts of the disaster listed in Item 4. Additional technical guidance to assist the producer with implementing the needed activities will be provided to the producer, as applicable.		
1. Signature of Technical Service Provider JOHN SMITH	2. Agency / Affiliation FSA	3. Date (MM-DD-YYYY) 08/30/2024

Page 2 of 3



## FSA-801A, Emergency Conservation Program Needs Determination (Continued)

FSA-801A (01-22-24)

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**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.

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# FSA-801B, Emergency Conservation Program Cost Share Agreement

## A Example of Completed FSA-801B

This is an example of a completed FSA-801B.

OMB Approval No. 0560-0082 OMB Expiration Date: 12/31/2026										
<b>FSA-801B</b> (01-22-24)  <b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency  <b>EMERGENCY CONSERVATION PROGRAM</b>  <b>COST SHARE AGREEMENT</b>	<b>DISASTER INFORMATION (For County Office Use Only)</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1. Administrative State Iowa (19)</td> <td style="width: 50%;">2. Administrative County Boone (015)</td> </tr> <tr> <td>3. Program Year 2024</td> <td>4. Disaster Name</td> </tr> <tr> <td>5. Disaster Event ID 603</td> <td>6. Disaster Type Flood</td> </tr> <tr> <td colspan="2">7. Application Number: 1573</td> </tr> </table>	1. Administrative State Iowa (19)	2. Administrative County Boone (015)	3. Program Year 2024	4. Disaster Name	5. Disaster Event ID 603	6. Disaster Type Flood	7. Application Number: 1573		
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7. Application Number: 1573										
<b>INSTRUCTIONS:</b> Return completed form to your Administrative County FSA Office or USDA (Name and address) BOONE COUNTY FARM SERVICE AGENCY 1602 SNEDDEN DR BOONE, IA 50036-5421										
<b>PART A - APPLICANT INFORMATION</b>										
1. Applicant's Name (Individual or Legal Entity) SALLY FARMER										
2A. Address Line 1 PO BOX 5500	3A. Primary Phone Number (999)999-9999 <input checked="" type="checkbox"/> Home <input type="checkbox"/> Cell									
2B. Address Line 2	3B. Alternate Phone Number <input type="checkbox"/> Home <input type="checkbox"/> Cell									
2C. City BOXHOLM	2D. State Iowa									
2E. Zip 50040-5500	4. Email Address									
<b>PART B - PAYMENT SCENARIO INFORMATION</b>										
1. Advance Payment Requested? <input type="checkbox"/> EC1 <input type="checkbox"/> EC2 <input type="checkbox"/> EC3 <input type="checkbox"/> EC4 <input type="checkbox"/> EC5 <input type="checkbox"/> EC6 <input type="checkbox"/> EC7 <input type="checkbox"/> EC8										
2. ECP Practice	3. Physical County	4. Scenario Number	5. Payment Scenario Description	6. Unit of Measure	7. Extent Requested	8. Extent Approved	9. Producer Share (%)	10. Practice Lifespan	11. Practice Expiration Date	12. Agency Determination Date
EC1-1	Boone	500 037	Removal and disposal of light scattered debris	Acre	35.00	35.00	100.00%	10	02/28/2025	09/01/2024
EC2-1	Boone	342 001	Native or Introduced Vegetation - Normal Tillage (Organic and Non-Organic)	Acre	9.00	9.00	100.00%	10	02/28/2025	09/01/2024

Page 1 of 3

FSA-801B, Emergency Conservation Program Cost Share Agreement (Continued)

A Example of FSA-801B (Continued)

FSA-801B (01-22-24)

**PART C - PRODUCER ACKNOWLEDGMENT**

By signing this agreement, you are certifying that you cannot afford to complete the repairs without federal assistance and acknowledging that:

- Cost share cannot be earned on land on which you have or will receive funding from any other Federal cost share program for the same of similar activity(ies).
- Actual cost share will be based off the extent of activities performed in compliance with Natural Resource Conservation Services (NRCS) Standards and Specifications. Fence repair does not have to meet standards, but cost share is paid at a reduced rate versus fence replacement.
- Cost share is based on the typical average cost and is not based on submitted receipts.
- Total cost share paid cannot exceed 50 percent of the value of the land, as determined by FSA.
- If an advance payment is accepted for any ECP practice, you must provide verification that the advance payment has been expended within the applicable time allowed by policy, receipt of payment, or the advance payment must be refunded, less any cost share earned for partial performance completed.
- You must keep a log of receipts/invoices for all the materials, labor and equipment (including personal labor) amounts spent for completing the ECP practice. If you are completing the work, with your own labor, equipment, and/or materials you must submit signed and dated statements detailing dates of work performed, cost/hour for labor, expense of equipment used, type and cost of materials used, and other applicable information. If you are using a contractor, the contractor must provide an itemized bill. Records must be kept separate for each practice. Example: Fencing receipts and fencing labor records must be kept separate from debris removal receipts and debris removal labor records.
- During the rehabilitation process, if you feel the extent needed is not correct and should be reviewed, it is your responsibility to request a secondary review.
- If the practice cannot be completed by the expiration date, an extension must be requested in writing prior to the practice expiration date.
- You will be required to properly maintain the practice for the applicable lifespan of all payment scenarios approved for cost share.
- Failure to certify completion of the practice and submit cost share documents prior to practice expiration date will result in termination of this agreement.
- Failure to complete the practice will result in refunding all advance and partial cost share paid to me under this practice(s).
- **You must return this completed and signed form to your County FSA Office within 15 days of receipt.**

**PART D - FSA APPROVAL**

1. Signature of FSA Representative  <i>Janet Jones</i>	2. Title  <i>COC CHAIRPERSON</i>	3. Date (MM-DD-YYYY) (Indicates the date FSA approved this agreement)  <i>09/01/2024</i>
--	--	--

**PART E - PRODUCER CONCURRENCE**

1. Signature (By)  <i>Sally Farmer</i>	2. Title/Relationship of Representative	3. Date (MM-DD-YYYY)  <i>09/03/2024</i>
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**RECEIVED**

SEP 03 2024

FSA-801B, Emergency Conservation Program Cost Share Agreement (Continued)

A Example of FSA-801B (Continued)

FSA-801B (01-22-24)

**NOTE: Privacy Act Statement:** 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, and 16 U.S.C. § 2201. 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. 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.

**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 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.

**Non-Discrimination Statement:** 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](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](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.

Page 3 of 3

**FSA-801B, Emergency Conservation Program Cost Share Agreement (Continued)**

**B Letters Mailed to Producer After Completing FSA-801B**

Once COC has approved or disapproved the producer's C/S application, the County Office will mail or email the ECP software auto-generated COC determination 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 email practice expiration letters to participants with approved practices expiring at least 30 calendar days before the practice scenario expiration date.

If the producer requests a practice expiration date extension in writing, send the producer the extension decision letter after COC reviews the written request, refers it to the appropriate approving official, and makes a decision.

**Note:** See Exhibit 104 for producer letter examples.

FSA-801C, Emergency Conservation Program Cost Share Certification

This is an example of a completed FSA-801C.

OMB Approval No. 0560-0082 OMB Expiration Date: 12/31/2026										
<b>FSA-801C</b> (01-22-24)  <b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency  <b>EMERGENCY CONSERVATION PROGRAM</b>  <b>COST SHARE CERTIFICATION</b>	<b>DISASTER INFORMATION (For County Office Use Only)</b> <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 2px;">1. Administrative State Iowa (19)</td><td style="width: 50%; padding: 2px;">2. Administrative County Boone (015)</td></tr><tr><td style="padding: 2px;">3. Program Year 2024</td><td style="padding: 2px;">4. Disaster Name</td></tr><tr><td style="padding: 2px;">5. Disaster Event ID 603</td><td style="padding: 2px;">6. Disaster Type Flood</td></tr><tr><td colspan="2" style="padding: 2px;">7. Application Number: 1573</td></tr></table>	1. Administrative State Iowa (19)	2. Administrative County Boone (015)	3. Program Year 2024	4. Disaster Name	5. Disaster Event ID 603	6. Disaster Type Flood	7. Application Number: 1573		
1. Administrative State Iowa (19)	2. Administrative County Boone (015)									
3. Program Year 2024	4. Disaster Name									
5. Disaster Event ID 603	6. Disaster Type Flood									
7. Application Number: 1573										
<b>INSTRUCTIONS:</b> Return completed form to your Administrative County FSA Office or USDA (Name and address) BOONE COUNTY FARM SERVICE AGENCY 1602 SNEDDEN DR BOONE, IA 50036-5421										
<b>PART A - APPLICANT INFORMATION</b>										
1. Applicant's Name (Individual or Legal Entity) SALLY FARMER										
2A. Address Line 1 PO BOX 5500	3A. Primary Phone Number (999)999-9999 <input checked="" type="checkbox"/> Home <input type="checkbox"/> Cell									
2B. Address Line 2	3B. Alternate Phone Number <input type="checkbox"/> Home <input type="checkbox"/> Cell									
2C. City BOXHOLM	2D. State Iowa	2E. Zip 50040-5500	4. Email Address							
<b>PART B - PAYMENT SCENARIO INFORMATION</b>										
1. Advance Payment Requested? <input checked="" type="checkbox"/> EC1 <input type="checkbox"/> EC2 <input type="checkbox"/> EC3 <input type="checkbox"/> EC4 <input type="checkbox"/> EC5 <input type="checkbox"/> EC6 <input type="checkbox"/> EC7 <input type="checkbox"/> EC8										
2. ECP Practice	3. Physical County	4. Scenario Number	5. Payment Scenario Description	6. Unit of Measure	7. Extent Approved	8. Extent Performed	9. Agency Certified Extents	10. Remaining Extents to be Performed	11. Practice Expiration Date	12. COC Determination Date
EC1-1	Boone	500 037	Removal and disposal of light scattered debris	Acre	35.00	35.00	35.00	0.00	2025-02-28	01/18/2025
EC2-1	Boone	342 001	Native or Introduced Vegetation - Normal Tillage (Organic and Non-Organic)	Acre	9.00	9.00	9.00	0.00	2025-02-28	01/18/2025

**FSA-801C, Emergency Conservation Program Cost Share Certification (Continued)**

FSA-801C (01-22-24)

**PART C - PRODUCER ACKNOWLEDGEMENT**

I certify that:

- The above information is true and correct.
- The entry(ies) in Part B show that the extent(s) was performed in accordance with the ECP Payment Scenario specifications and other requirements.
- I agree to complete the total ECP Extent Approved for this practice(s) by the practice expiration date.
- I agree to keep a log of receipts/invoices for all the costs incurred for: materials, labor, and equipment (including personal labor) for completing the ECP practice(s). For activities performed using personal labor, equipment, and/or materials I will submit signed and dated statements detailing dates of work performed, cost/hour for labor, expense of equipment used, type and cost of materials used, and other applicable information. For activities performed by a contractor, the contractor must provide an itemized bill. I will maintain separate records for each practice. (Example: Fencing receipts and fencing labor records will be kept separate from debris removal receipts and debris removal labor records.)
- I will properly maintain the practice(s) for the applicable lifespan of all Payment Scenarios approved for cost share.
- I understand that failure to certify completion of the approved practice(s) and submit cost share documents prior to the practice expiration date will result in termination of this agreement.
- I agree to refund cost share paid to me if:
  - I fail to complete the Practice(s) in accordance with the required specifications and report performance by the expiration date.
  - Before the expiration of the Practice Lifespan specified above, (a) I destroy or fail to properly maintain the practice(s) 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 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. If the entire Payment Scenario extent is not complete, I request cost-share payment for the completed extent(s) performed in Part B.

Page 2 of 4



## FSA-801C, Emergency Conservation Program Cost Share Certification (Continued)

FSA-801C (01-22-24)		
<b>PART D - PRODUCER CERTIFICATION</b>		
1. Signature (By)	2. Title/Relationship of Representative	3. Date (MM-DD-YYYY) <i>01/12/2025</i>
<b>PART E - TSP CERTIFICATION</b>		
1. Signature (By)	2. Title or Affiliation	3. Date (MM-DD-YYYY) <i>01/15/2025</i>
4. Remarks		
<b>PART F - FSA CERTIFICATION</b>		
1. Signature of FSA Representative		2. Date (MM-DD-YYYY) <i>01/18/2025</i>
3. Remarks		

**RECEIVED**  
  
JAN 12 2025

Page 3 of 4

FSA-801C, Emergency Conservation Program Cost Share Certification (Continued)

FSA-801C (01-22-24)

**NOTE: Privacy Act Statement:** 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, and 16 U.S.C. § 2201. 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. 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.

**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 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.

**Non-Discrimination Statement:** 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](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](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.

# CCC-170, Agreement for ECP Assistance for Levees Not Yet Repaired to Corps of Engineers' Specifications

This is an example of a completed CCC-170.

<b>CCC-170</b> (04-07-21)		U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation	
<b>AGREEMENT FOR ECP ASSISTANCE FOR LEVEES NOT YET REPAIRED TO CORPS OF ENGINEERS' SPECIFICATIONS</b>			
<p><b>NOTE:</b> The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a - as amended). The authority for requesting the information identified on this form is 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.</p> <p><b>Paperwork Reduction Act (PRA) Statement:</b> 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. <b>RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</b></p>			
1. STATE NAME  Pennsylvania		2. COUNTY NAME  Lebanon	
3. PRODUCER'S NAME  James Michaels		4. FARM NUMBER  A-45	
<p>Until levee repairs are completed and in the event of subsequent damage as a result of a natural disaster, such as flooding, I agree to either of the following:</p> <ul style="list-style-type: none"> <li>• restore the ECP practice or practices for which cost shares are paid, without the benefit of additional cost shares.</li> <li>• refund cost shares as determined by the County FSA Committee for the county in Item 2 above</li> </ul>			
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.

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## National ECP Practices

### A Practice Overviews

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

<b>Code</b>	<b>Practice</b>	<b>Subparagraph</b>
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, the following:

- 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, except for fence repair.

State and County Offices may access NRCS standard or specification guidelines for their applicable county or area on the NRCS Field Office Technical Guide.

## National ECP Practices (Continued)

### A Practice Overviews (Continued)

This table provides the steps to access the NRCS Field Office Technical Guide.

Step	Action
1	Access the NRCS Field Office Technical Guide at <a href="https://efotg.sc.egov.usda.gov/#/">https://efotg.sc.egov.usda.gov/#/</a> .
2	Select your State from the drop-down list and click the blue arrow to submit.
3	Click the “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. This is an example of a reference guide.

Practice Name and Units	Technical 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 the following:

- carrying by hand or snaring, and dragging by light equipment
- excavating, burning, chipping, shredding, hauling, and burying at approved locations within environmental compliance guidelines
- sand and silt hauling and disposing at approved locations within environmental compliance guidelines.

**Note:** Recycling or reusing 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:** Successfully completing an environmental evaluation is required, even if the ECP activity only involves debris removal. See paragraphs 325 and 326.

**National ECP Practices (Continued)**

**B EC1 – Removing Debris From Farmland (Continued)**

This table provides the C/S policy.

<b>IF component is removing debris...</b>	<b>THEN financial assistance is...</b>
<p>from farmland that meets all of the following criteria:</p> <ul style="list-style-type: none"> <li>• materially affects the productive capacity of the land</li> <li>• prevents carrying out effective conservation measures</li> <li>• prevents returning the land to productive agricultural use</li> <li>• is of a magnitude that requires the use of labor or equipment to remove the debris</li> </ul> <p><b>Note:</b> Debris must be disposed of in a way that will <b>not</b>:</p> <ul style="list-style-type: none"> <li>• interfere with existing conservation facilities</li> <li>• create a health hazard or an environmental problem, onsite or offsite.</li> </ul>	<p>authorized using technical practice code 500.</p>
<p>from farmsteads and access roadways that could significantly interfere with normal farming operations</p> <p><b>Note:</b> The access roadway must be privately maintained and on the privately owned, rented, or leased farmland with damage reported on a corresponding FSA-801.</p>	
<p>that will not interfere with normal farming operations</p>	<p><b>not</b> authorized.</p>

**Note:** 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)**

This table provides the C/S policy.

<b>IF component is...</b>	<b>THEN financial assistance is...</b>
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	
<b>Note:</b> 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 <b>all</b> the following are present:	<b>not</b> authorized.
<ul style="list-style-type: none"> <li>• grading and shaping are required for rehabilitation of the area</li> <li>• pre-existing permanent vegetative cover was destroyed</li> <li>• area involved would be subject to critical wind or water erosion unless the cover is re-established</li> </ul>	
<b>Note:</b> 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 are 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 wire, smooth, high tensile wire, or woven wire) requiring restoration or replacement, materials and design must restore the fence to a type (barbed wire, smooth, high tensile wire, or 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 the purpose of excluding or enclosing livestock
- if fence was used to exclude wildlife from agricultural land
- type of fence existing before the disaster
- agricultural function of fence before the disaster
- extent of damage to fence.

This practice must have been functioning before 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 disasters.

This table provides the C/S policy.

<b>IF request is for replacing or restoring...</b>	<b>THEN financial assistance is...</b>
fences needed to return the land to productive agricultural use	authorized using technical practice code 382.
livestock inclusion or exclusion	
livestock or wildlife exclusion fence used to protect the 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 fences	
reusable material from the fence damaged by the disaster	<b>not</b> authorized.
the following types of fences:	
<ul style="list-style-type: none"> <li>• ornamental fences</li> <li>• temporary fences</li> <li>• commercial hunting or recreational fences</li> </ul>	
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 before the disaster
- adjust extent needed based on the functionality of the practice before 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)**

This table provides the C/S policy.

<b>IF component is...</b>	<b>THEN financial assistance is...</b>
dams, ponds, and other water impoundments for agricultural uses	authorized using technical practice 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 along with:	
<ul style="list-style-type: none"> <li>• eligible structures</li> <li>• installations to prevent critical erosion and siltation</li> </ul>	
animal waste lagoons repaired or replaced <b>outside</b> the 100-year floodplain	<b>not</b> authorized.
silt removal	
animal waste lagoons repaired or replaced <b>within</b> the 100-year floodplain	
irrigation wells	
portable pumps	
motors	
portable pipes	
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.

This table provides the C/S policy.

<b>IF component is...</b>	<b>THEN financial assistance is...</b>
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.

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

### **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 ECP, submit to STC and ECP-PM copies of the information listed in paragraph 277.

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
- 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

**Note:** 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



**National ECP Practices (Continued)**

**G EC6 – Drought Emergency Measures (Continued)**

- 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 ECP is no longer needed, STC must direct COC to:
  - discontinue issuing approvals
  - return all unobligated funds.

**Note:** Notify ECP-PM when:

- ECP is terminated in the State
- unobligated funds are being returned to ECP-PM.

This table provides the C/S policy.

<b>IF component is...</b>	<b>THEN financial assistance is...</b>
installing pipe to an existing or newly developed source of water because the primary source is inadequate  <b>Note:</b> 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 the ECP payment scenario. Charges for fees and water service must be wholly borne by the producer.	authorized using technical practice 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 the time of the disaster	
solar panels to provide power to pump water for livestock, and solar panels are the least costly alternative	

**National ECP Practices (Continued)**

**G EC6 – Drought Emergency Measures (Continued)**

<b>IF component is...</b>	<b>THEN C/S is...</b>
water hauling	<b>not</b> authorized.
repairing or deepening ponds	
removing silt from water impoundments	
constructing pipelines to supply water for vegetable or other short-term crops	
establishing permanent or temporary grazing or 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 pasture crops, or supplemental pasture crops	
water facilities primarily for headquarters	
<b>Note:</b> Incidental use of water at headquarters is permitted if it does not lessen the effectiveness of the emergency water facility in serving its primary purpose.	
livestock water facilities to provide water on land on which the cover will be used for:	
<ul style="list-style-type: none"> <li>• hay</li> <li>• silage</li> <li>• field chopped and hauled to headquarters for feeding</li> </ul>	
wells that do not produce sufficient water	
pumps or motors not permanently installed in wells	
waterlines to bring rural water to a farm before installing 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 the 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.

This table provides the C/S policy.

<b>IF the component is...</b>	<b>THEN financial assistance is...</b>
replacing or restoring a conservation or pollution abatement practice damaged by the natural disaster	authorized.
restoring eligible land to its normal production capacity	
returning eligible land to productive agricultural use as a result of damage directly related to a natural disaster	
conserving or enhancing water resources	
for the solution of conservation or environmental problems existing before the natural 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, C/S 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.

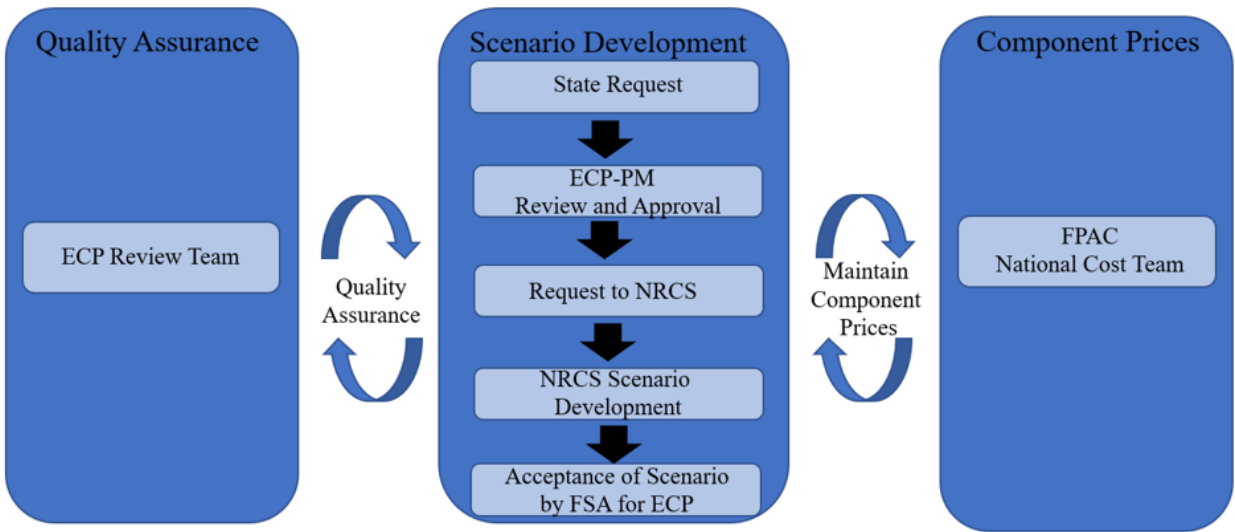
Apply this policy to field windbreaks and farmstead shelterbelts that have been seriously damaged by a natural disaster.

This table provides the C/S policy.

<b>IF the component is...</b>	<b>THEN financial assistance is...</b>
removing debris from field windbreaks or farmstead shelterbelts	authorized using technical practice 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 or shrubs are established	
chemical or mechanical weed control measures only:	
<ul style="list-style-type: none"> <li>• where needed to establish trees for the windbreak</li> <li>• during the first 24 months after planting</li> </ul>	<b>not</b> authorized.
windbreaks or shelterbelts that:	
<ul style="list-style-type: none"> <li>• were not pre-existing</li> <li>• were not damaged by the natural disaster</li> <li>• are in CRP</li> </ul>	
planting orchard trees or ornamental plantings	

NRCS Payment Scenario Development and Management Flow Chart

This flow chart explains payment scenario development and management.





### Example of C/S Itemization

This is an example of C/S 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

122 hours @ \$20.00 per hour 2440.00

122 hours @ \$10.00 per hour 1220.00

60 hours @ \$10.00 per hour 600.00

Total Cost \$11,002.00

7-28-2020





**FSA-23, Determining Agricultural Market Value and Cost Share Per Acre Worksheet**

**A Completing FSA-23**

Complete FSA-23 for each application, to include all practices included on the corresponding FSA-801, according to the following instructions.

<b>Item</b>	<b>When C/S Is Limited by the Agricultural Market Value of the Land</b>	<b>When C/S Is Limited by the Value of Animal Units in Confinement</b>
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-801.	Enter the practices requested according to the applicable FSA-801.
5	Not applicable.	Not applicable.
6	Enter the total practice C/S requested and needed from ECPR on the applicable FSA-801.	Enter the total practice C/S requested and needed from ECPR on the applicable FSA-801.
7	Enter the acres determined needed per practice according to the ECP software on the applicable FSA-801A. <u>1/</u>  <b>Note:</b> See subparagraph B for examples.	Not applicable.
8	Not applicable.	Enter the number of animal units served by the requested C/S.
9	Not applicable.	Enter the type of animals in the confined operation.
10	Enter the agricultural market value as determined by COC 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/ Complete FSA-23 after TSP determines scenarios and extents needed.

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 the explanation in item 14.

**FSA-23, Determining Agricultural Market Value and Cost Share Per Acre Worksheet**  
**(Continued)**

**A Completing FSA-23 (Continued)**

<b>Item</b>	<b>When C/S Is Limited by the Agricultural Market Value of the Land</b>	<b>When C/S Is Limited by the Value of Animal Units in Confinement</b>
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 item 14.</p>	<p>Multiply the total number of animal units multiplied by animal unit value of livestock to equal 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	The preparer will sign.	The preparer will sign.
16	Enter the preparer's title.	Enter the preparer's title.
17	Enter the date prepared.	Enter the date prepared.

**FSA-23, Determining Agricultural Market Value and Cost Share Per Acre Worksheet**  
**(Continued)**

**B Examples of Acres Served**

This table provides examples of acres served.

<b>IF the practice is...</b>	<b>AND the situation is...</b>	<b>THEN in item 7...</b>
EC1	heavy concentrated debris	enter the scenario extent.
	scattered debris	enter acreage over which debris is scattered.
	sand and silt greater than 12 inches deep, which must be removed from the field	enter acreage of sand and silt deposits.
	tree removal	enter acreage where the trees and any parts of the trees are located.
EC2	depth of the gully can still be driven over for farming	enter the area of the gully itself.
	depth of the gully is so deep it cannot be driven over	revise the request for EC2 to an EC4 practice, and the corresponding acres served will be determined by NRCS.
	sand and silt deposits between 6 to 12 inches	enter acreage where the sand is and the acreage where the sand will be spread in the field.
EC3		enter acreage included in the fenced area, or fenced-in area or within the footprint of the fenced area.
EC4		enter acres served as determined by NRCS.
	includes ponds when used to water livestock	enter acres of pastures to which the pond provides water for livestock.
EC5		enter the scenario extent.
EC6	livestock pipeline and waterers	enter acreage of the fields the livestock watering facilities serve.
	well	enter acreage of fields to which the well will provide water.
	tailwater recovery	enter acreage of the orchard or vineyard served by the irrigation lines.
EC8		enter acres where the damaged or destroyed trees will be removed and new ones established.

**FSA-23, Determining Agricultural Market Value and Cost Share Per Acre Worksheet**  
**(Continued)**

**C Example of Completed FSA-23 for the Same Acres Served**

The 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:** 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					
<b>INSTRUCTIONS:</b> 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.					
<b>NOTE:</b> C/S per acres shall not exceed 50 percent of the agricultural market value per acre as determined by COC. For confined operations, C/S shall not exceed 50 percent of the agricultural market value per animal.					
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](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](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.

**FSA-23, Determining Agricultural Market Value and Cost Share Per Acre Worksheet**  
**(Continued)**

**D Example of Completed FSA-23 for Different Acres Served**

The 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:** FSA-23 determines the agricultural market value of the land and C/S per acre.

<b>FSA-23</b> (04-07-21)						<b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency	
<b>DETERMINING AGRICULTURAL MARKET VALUE AND COST SHARE PER ACRE WORKSHEET</b>							
<b>INSTRUCTIONS:</b> Complete the following to determine the agricultural market value and C/S (cost share) per acre.							
<b>1. Producer's Name and Address (Include Zip Code)</b> Ima Farmer 1234 Production Way Better Yields, USA				<b>2. State and County Name</b> Awesome State, Awesome County		<b>3. Farm Number(s)</b> 1 & 2	
<b>4. Practice(s) Requested</b>	<b>5. Total Eligible Cost (\$)</b>	<b>6. Cost Share(s) Requested (\$)</b>	<b>7. Acres Requested</b>	<b>8. Number of Animals in Confined Operations</b>	<b>9. Type of Animals in Confined Operation</b>		
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		
<b>10. Agricultural Market Value of Affected Land Per Acre</b>				<b>\$ 2,500</b>			
<b>11. Cost Shares per Acre</b>				<b>\$ 676.70</b>			
<b>12. Acres Served</b>				<b>30</b>			
<b>13. Cost Shares per Animal</b>				<b>\$ N/A</b>			
<b>14. Remarks</b> 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.							
<b>NOTE:</b> C/S per acres shall not exceed 50 percent of the agricultural market value per acre as determined by COC. For confined operations, C/S shall not exceed 50 percent of the agricultural market value per animal.							
<b>15. Prepared by</b> Expert Program Tech			<b>16. Title</b> P.T.		<b>17. Date Prepared (MM-DD-YYYY)</b> 08/30/2021		
<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 <a href="http://www.ascr.usda.gov/complaint_filing_cust.html">http://www.ascr.usda.gov/complaint_filing_cust.html</a> 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: <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider, employer, and lender.</small>							

**FSA-23, Determining Agricultural Market Value and Cost Share Per Acre Worksheet**  
**(Continued)**

**E Example of Completed FSA-23 for C/S Payment Limited by Agricultural Market Value of the Land**

The 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 3 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 is \$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:** FSA-23 determines the agricultural market value of the land.

<b>FSA-23</b> (04-07-21)						<b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency	
<b>DETERMINING AGRICULTURAL MARKET VALUE AND COST SHARE PER ACRE WORKSHEET</b>							
<b>INSTRUCTIONS:</b> 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	\$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. <b>COST SHARE IS LIMITED TO \$1,250 PER ACRE. (50% Ag Market Value of land)</b>							
<b>NOTE:</b> C/S per acres shall not exceed 50 percent of the agricultural market value per acre as determined by COC. For confined operations, C/S shall not exceed 50 percent of the agricultural market value per animal.							
15. Prepared by			16. Title		17. Date Prepared (MM-DD-YYYY)		
Expert Program Tech signature			P.T.		08/30/2021		
<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 <a href="http://www.ascr.usda.gov/complaint_filing_cust.html">http://www.ascr.usda.gov/complaint_filing_cust.html</a> 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: <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider, employer, and lender.</small>							

**FSA-23, Determining Agricultural Market Value and Cost Share Per Acre Worksheet**  
**(Continued)**

**F Example of Completed FSA-23 for C/S Calculate Using Animal Units**

The following is an example of a completed FSA-23 when C/S is calculated using animal units in confined operations. In this example, the producer has requested EC4 for both beef and swine confined operations. The total cumulative C/S requested for the 2 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:** FSA-23 determines the value of the animal units in confinement.

<b>FSA-23</b> (04-07-21)		<b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency			
<b>DETERMINING AGRICULTURAL MARKET VALUE AND COST SHARE PER ACRE WORKSHEET</b>					
<b>INSTRUCTIONS:</b> 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
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).					
<b>NOTE:</b> C/S per acres shall not exceed 50 percent of the agricultural market value per acre as determined by COC. For confined operations, C/S shall not exceed 50 percent of the agricultural market value per animal.					
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](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](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.*





## MOA Between NRCS and FSA

This is the current MOA between NRCS and FSA.

### **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

MOA Between NRCS and FSA (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.

MOA Between NRCS and FSA (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,

MOA Between NRCS and FSA (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.

MOA Between NRCS and FSA (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

 *SEP. 27, 2019*  
Richard Fordyce  
Administrator, FSA Date



## Example for Providing Disaster Information to News Media

This 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](https://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 these 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 C/S request submitted through the ECP 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 employee 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

**Atypical Circumstances Customer Service (Continued)**

**C ECP Customer Worksheet**

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 employee resources are debilitated or overwhelmed.

<b>ECP CUSTOMER WORKSHEET</b>  <i>For use in extreme disaster conditions to assist County Offices in collecting critical information from producers.</i>		County Office Name & Address:			
		State Code:		County Code:	
		Disaster ID:			
Customer Interaction Type: <input type="checkbox"/> Phone <input type="checkbox"/> E-Mail <input type="checkbox"/> Farm Visit <input type="checkbox"/> Office Visit <input type="checkbox"/> Other:					
<b>Customer Information</b>					
Producer Name					
Producer Address					
Producer Phone Number(s):					
E-mail Address:					
Forms Provided to Producer		<input type="checkbox"/> AD-2047 <input type="checkbox"/> CCC-902 <input type="checkbox"/> FSA-848 <input type="checkbox"/> CCC-860 <input type="checkbox"/> FSA-848-1 <input type="checkbox"/> AD-1026 <input type="checkbox"/> Other: _____			
Forms Received from Producer (if applicable)		<input type="checkbox"/> AD-2047 <input type="checkbox"/> CCC-902 <input type="checkbox"/> FSA-848 <input type="checkbox"/> CCC-860 <input type="checkbox"/> FSA-848-1 <input type="checkbox"/> AD-1026 <input type="checkbox"/> Other: _____			
Customer Interaction(s) Loaded in Farmers.gov		1 <sup>st</sup> Interaction Date		2 <sup>nd</sup> Interaction Date	
<b>Disaster Information</b>					
Disaster Event & Description					
Disaster Date(s)					
FSN/Tract	Owner	Address	Type of Damage	Estimated Cost to Repair	Eligible for Cost-Share through other programs?

**Atypical Circumstances Customer Service (Continued)**

**C ECP Customer Worksheet (Continued)**

FSN/Tract	Owner	Address	Type of Damage	Estimated Cost to Repair	Eligible for Cost-Share through other programs?

# 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 C/S assistance. A C/S request must be completed in the ECP software, reviewed by TSP for needs determination and environmental compliance, and approved by COC.

<b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency			<b>GENERAL INFORMATION</b> Producer Name																								
<b>ON-FARM DISASTER DATA COLLECTION WORKSHEET</b> <b>Emergency Conservation Program (ECP)</b>			Recording State & County																								
<b>Form Directions &amp; Important Emergency Conservation Program Reminders</b> <ul style="list-style-type: none"> <li>○ When it is safe to do so, use this worksheet as a ledger to assist with documenting damage resulting from the recent disaster event.</li> <li>○ 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.</li> <li>○ 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.</li> <li>○ Insurance and other assistance payments for damage incurred may eliminate or reduce your ECP payment eligibility.</li> <li>○ Applicants should not begin repair work prior to applying for ECP assistance. In emergency situations please contact your local FSA Office for additional provisions.</li> <li>○ It is the applicant's responsibility to ensure that an Environmental Assessment has been completed by FSA before any work is initiated.</li> <li>○ 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.</li> </ul>																											
<b>Your Contact Information</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%;">Address</th> <th style="width: 30%;">Phone</th> <th style="width: 30%;">E-Mail</th> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </table>							Address	Phone	E-Mail																		
Address	Phone	E-Mail																									
<b>Disaster Dates &amp; Description</b> Use this space to describe the disaster event affecting your farm(s). Indicate dates, weather events, losses, etc.																											
<b>Farm/Tract/Field Level Documentation</b> 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: 30%;">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	
Farm	Tract	Field	Detailed Description of Damage	Extent of Damage (acres, feet)	Photo Attached or E-Mailed? Include file name	County Office Use Only																					
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999 Example	888	009	Five gullies across corn field. Depth of gullies 2-6', 100-150' in length.	16 Acres	Gullies.jpg																						

**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

## **Producer Letter Examples**

### **A Overview**


All letters must be prepared in duplicate with a copy kept in the application file and a copy mailed to the producer.

If the needed letter is not generated by the ECP software, 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

This is an example of a Lack of Funds Letter.

	<b>United States Department of Agriculture</b>	<b>Farm and Foreign Agricultural Services</b>	<b>Farm Service Agency</b>	<b>JOHNSON COUNTY FSA OFFICE</b>  WARRENSBURG, MO 64093-7913 (660) 747-8400
---	--	---	------------------------------------	--

---

01/01/0101

Ima Farmer  
1234 Production Way  
Better Yields, USA

Application #:123456789

PROGRAM: ECP (from program table) | ONLY MAKE AVAILABLE WHEN FUNDS ARE  
NOT AVAILABLE  
RE: LACK OF FUNDS LETTER

The FSA County Committee (COC) has reviewed your cost share request, needs  
determination, and environmental evaluation for the practice(s) requested below:

Practice	Practice Description	Scenario Description

The demand for financial assistance under this program has exceeded the funds currently  
available to the FSA COC. Until confirmation of funding is received, the FSA COC is unable to  
make a determination at this time.

If additional funds become available, the FSA County Office staff will contact you to  
determine whether you still wish to carry out the practice.

Any practice initiated prior to FSA COC approval is the applicant's financial responsibility and  
may be ineligible for cost share assistance.

Sincerely,

CED

USDA is an equal opportunity provider, employer, and lender.



**Producer Letter Examples (Continued)**

**C Using Lack of Funds Letter**


After FSA-801 for C/S assistance application has been signed by the producer, this letter is used to notify the producer of the following:

- FSA-801 has been received and reviewed
- identity of the EC practice requested
- funding request has been submitted
- any practice initiated before COC approval is the applicant's financial responsibility and may be ineligible for C/S assistance.

## Producer Letter Examples (Continued)

### D Example of TSP Referral Letter

This is an example of a TSP Referral Letter.

	United States Department of Agriculture	Farm and Foreign Agricultural Services	Farm Service Agency	JOHNSON COUNTY FSA OFFICE WARRENSBURG, MO 64083-7913 (888) 747-8400
---	---	--	---------------------------	---

---

01/01/0101

Ima Farmer  
1234 Production Way  
Better Yields, USA

Application #: 123456789  
Program : ECP

**RE: TSP REFERRAL NOTIFICATION**

The FSA County Committee (COC) has referred (practice description) to the technical service provider to determine the practice is need and the extent needed.

Practice	Practice Description	Scenario Description	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 for number of years listed in the chart above as 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

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## **Producer Letter Examples (Continued)**

### **E Using TSP Referral Letter**

After FSA-801 for C/S assistance application has been signed by the producer and FSA-801 has been referred to the appropriate TSP, this letter is used to notify the producer of the following:

- FSA-801 has been received and reviewed
- identity of the EC practices, practice descriptions, scenario descriptions, and lifespans on the request


**Note:** Send 1 letter for each application.

- request for needs determination has been referred to the appropriate TSP
- onsite farm visit will be scheduled by TSP
- TSP will provide COC with the needs determination, COC will review the request, and FSA will notify of determination in writing
- not to start any activity on the practice until the environmental evaluation has been completed, written approval has been provided, and producer has signed a copy of FSA-801B
- if the producer receives financial assistance to complete the practices, the practices must be maintained for the lifespan
- if the producer decides not to perform the practices, notify the FSA office.

Producer Letter Examples (Continued)

F Example of COC Determination Letter

This is an example of a COC Determination Letter.

	United States Department of Agriculture	Farm Production and Conservation	Farm Service Agency	BOONE COUNTY FARM SERVICE AGENCY 1602 SNEDDEN DR BOONE, IA 50036-5421 (515)432-4320
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March 14, 2024

SALLY FARMER PO BOX 5500 BOXHOLM, IA 50040-5500	Program: ECP Application #: 1573
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RE: COC DETERMINATION LETTER

Your request for cost share assistance under the Emergency Conservation Program (ECP) has been reviewed by the FSA County Committee (COC). The approved practice statuses are summarized below.

**APPROVED PRACTICES**

**EC1-1, EC2-1**

- If you are satisfied with the approved practices, please sign, date and return the attached Cost Share Agreement Form within 15 days to your local county FSA office. Final approval of these practices occurs upon FSA's timely receipt of the Cost Share Agreement Form signed by you.
- If you are not satisfied with the practice(s) or cost share-assistance approved, you may appeal in writing to the COC within 30 days from the date of this letter.

PRACTICES APPROVED BY COC				
ECP Practice	ECP Practice Description	Scenario Description	Practice Expiration	Practice Lifespan
EC1-1	Removing Debris From Farmland	500 - Obstruction Removal - Removal and disposal of light scattered debris	04/10/2024	10
EC2-1	Grading, Shaping, Releveling, or Similar Measures	342 - Critical Area Planting - Native or Introduced Vegetation - Normal Tillage (Organic and Non-Organic)	04/10/2024	10

**APPROVED PRACTICES**

Your request for ECP cost share assistance has been conditionally approved for the

Continued on next page.  
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Producer Letter Examples (Continued)

F Example of COC Determination Letter (Continued)

Application #: 1573

practice(s) indicated on the attached Cost Share Agreement Form and as summarized in the table labeled "Practices Approved by COC" above.

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 Natural Resources Conservation Services (NRCS) Standards and Specifications to qualify for the payment of the cost share assistance approved.  
Note: Fence "Repair" is exempt from the NRCS Standards and Specifications.
4. Participants are required to maintain the practice for the years listed under Practice Lifespan.
5. If you are unable to complete the practice(s), please notify the county office prior to the expiration date listed above. If the reasons justify an extension of time, the COC may approve a written extension request from the participant.

Sincerely,

---

County Executive Director

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Page 2 of 2

## **Producer Letter Examples (Continued)**

### **G Using COC Determination Letter**

After FSA-801B has been reviewed by COC, this letter is dynamic and will include disapprovals and partial approvals as applicable. This letter is used to notify the producer of the following:

- FSA-801B must be signed within 15 calendar days

**Note:** Failure to do so will result in termination of FSA-801B.

- final approval occurs on timely receipt of the signed FSA-801B from the producer
- identifies the EC practice on the request
- provides instructions on the steps necessary to complete and report the practice
- provides the completion deadline and lifespan
- reminds the producer that the installed practice must meet NRCS standards and specifications to qualify for financial assistance
- reminds that the participant is required to maintain the practice for the years listed under the practice lifespan
- lists the disapproved practices and reasons for disapproval
- provides appeal rights, which must be added separately
- lists the practices awaiting determination.

**Note:** A copy of FSA-801B for signature must be sent with the letter.

## Producer Letter Examples (Continued)

### H Example of Practice Expiration Notification Letter

This is an example of a Practice Expiration Notification Letter.

01/01/0101

Ima Farmer  
1234 Production Way  
Better Yields, USA

Application #:123456789  
Program: ECP

RE: PRACTICES EXPIRATION NOTIFICATION LETTER (this will be used for both 60 days/8 month notification)

The practice(s) associated with the cost share agreement will expire according to the table:

Practice	Practice Description	Scenario Description	Practice Expiration	Practice Lifespan
EC1	Removing Debris <u>From</u> Farmland Measures	Removal and Disposal of Brush and Trees > <u>8 inch</u> Diameter	Populate from the date of FSA	10
			approval (with ability to modify)	

If the practice(s) has/have been completed, please submit all supporting evidence of completion to the (name of the County office) prior to the expiration date listed above.

If the practice(s) has/have not been completed, a written extension request explaining why the practice(s) is not completed must be submitted prior to the expiration date for County Committee consideration.

If practice completion has not been reported or an extension request is not submitted to the County Committee prior to the expiration date, then the cost-share agreement will be terminated.

Sincerely,  
CED

## **Producer Letter Examples (Continued)**

### **I Using Practice Expiration 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 before the practice scenario expiration date. Similarly, for practice scenarios with initial expiration dates of 6 months, the 60-day notification letter must be sent to the producers 60 calendar days before the practice scenario expiration date. This letter is used to notify the producer of the following:

- that the C/S agreement will expire in 6 months or 60 calendar days
- identity of the EC practices and practice scenarios on the agreement

**Note:** Send 1 letter for each agreement.

- provides the date of expiration
- provides instructions on how to certify completion or request an extension
- that failure to act before expiration will result in agreement termination.



## Producer Letter Examples (Continued)

### J Example of Extension Request Approval Letter

This is an example of an Extension Request Approval Letter.

01/01/0101

Ima Farmer  
1234 Production Way  
Better Yields, USA

Application #:123456789  
Program: ECP

RE: EXTENSION REQUEST

Your extension request has been reviewed by:

\_\_\_\_\_ the District Director  
\_\_\_\_\_ the State Committee  
\_\_\_\_\_ the Deputy Administrator for Farm Programs.

Your request for an extension was approved for the following:

Practice	Practice Description	Scenario Description	Original Expiration Date	Extended Expiration Date

Once the above practice(s) has/have been completed, please submit all supporting evidence of completion to the (name of the County office).

If the above practice(s) will not be completed, a written extension request explaining why the practice(s) is not completed must be submitted prior to the extended expiration date for County Committee consideration.

If practice completion has not been reported or a subsequent extension request is not submitted to the County Committee prior to the extended expiration date, then the cost-share agreement will be terminated.

Sincerely,

CED

**Producer Letter Examples (Continued)**

**K Using 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 is not completed by the new expiration date, the request must be resubmitted and referred to the appropriate approving official
- that if the practice scenario completion has not been reported or an additional extension request has been submitted by the practice scenario expiration date, the agreement will be terminated.

**Note:** Send 1 letter for each agreement.

## Producer Letter Examples (Continued)

### L Example of Extension Request Disapproval Letter

This is an example of an Extension Request Disapproval Letter.

01/01/0101

Ima Farmer  
1234 Production Way  
Better Yields, USA

Application #:123456789  
Program: ECP

**RE: EXTENSION REQUEST DISAPPROVED**

Your extension request has been reviewed by:

- ☐ the District Director
- ☐ the State Committee
- ☐ the Deputy Administrator for Farm Programs.

Your request for an extension was disapproved for the following:

Practice	Practice Description	Scenario Description	Original Expiration Date	Reason
				Provide if available for selection in the system

If the above practice(s) has/have been completed, please submit all supporting evidence of completion to the (name of the County office) prior to the original expiration date(s) listed above.

If practice(s) completion is not reported by the original expiration date, then the cost-share agreement will be terminated.

If you believe we have not properly interpreted your request or have erred in disapproving the request, you may appeal this determination.

**Appeal rights** are included as an attachment to this letter.

If you have any questions regarding any FSA program, please contact your local FSA Service Center.

Sincerely,

CED

**Producer Letter Examples (Continued)**

**M Using 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
- reason the request was disapproved, which is added manually when the letter is signed
- appeal rights if the producer wants to appeal the decision.

**Note:** Send 1 letter for each agreement.

Producer Letter Examples (Continued)

N Example of 30-Day Notification Letter

This 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)**

**O Using 30-Day Notification Letter**

This letter must be mailed to the producer 30 calendar days before the practice scenario expiration dates. This letter is used to notify the producer of the following:

- that the C/S agreement is about to expire
- identifies the practice scenarios on the agreement
- provides the date of expiration
- provides instructions on how to certify completion or request an extension
- that failure to act before expiration will result in agreement termination.

**Note:** Send 1 letter for each agreement.

## Producer Letter Examples (Continued)

### P Example of Termination Letter

This is an example of a Termination Letter.

p1/01/0101

Ims Farmer  
1234 Production Way  
Better Yields, USA

Application #:123456789  
Program: ECP

#### RE: TERMINATION LETTER

Your request for cost share assistance under the Emergency Conservation Program (ECP) has been terminated by the FSA County Committee (COC) according to the below:

Practice	Practice Description	Scenario Description	Termination Reason(s)
EC2-1	Grading and Shaping		The practice is not environmentally compliant. (500 character limit in software)

If you have any questions regarding any FSA/NRCS program, please contact your local FSA Service Center

If you believe we have not properly interpreted your request or have erred in terminating the agreement, you may appeal this determination.

Appeal rights are included as an attachment to this letter.

Sincerely,  
CED

**Producer Letter Examples (Continued)**

**Q Using Termination Letter**

After an ECP C/S agreement has been terminated, this letter is used to notify the producer of the following:

- agreement has been terminated for 1 of the following reasons:
  - extension request was not submitted before the practice expiration date
  - supporting financial documents were not submitted before the practice expiration date
  - practice was not completed before the practice expiration date
  - practice did not meet NRCS standards and specifications
  - other
- appeal rights are provided.



## Producer Letter Examples (Continued)

### R Example of Producer Withdrawal Letter

This is an example of a Producer Withdrawal Letter.

01/01/0101

Ima Farmer  
1234 Production Way  
Better Yields, USA

Application #:123456789

Program: ECP

#### RE: PRODUCER WITHDRAWAL LETTER

Per your request on (01/01/0101), cost share for the item listed below has been withdrawn.

Practice	Practice Description	Scenario Description
EC1	Removing Debris From Farmland Measures	Removal and Disposal of Brush and Trees > 6 inch Diameter

If you have any questions regarding any FSA/NRCS program, please contact your local FSA Service Center.

Sincerely,  
CED

**Producer Letter Examples (Continued)**

**S Using 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.

**Note:** Send 1 letter for each C/S request, application, or 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 the ECP software.

# FSA-850, Environmental Screening Worksheet

This is an example of FSA-850, which is available from the FPAC Forms Intranet Website.

<b>FSA-850</b> (03-23-22)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		<b>1. GENERAL INFORMATION</b>	
<b>ENVIRONMENTAL SCREENING WORKSHEET</b>		1A. Producer or Applicant Name			
		1B. State & County Code			
1C. Location of Proposed Action (Farm, Tract, Field numbers, GPS location, etc.)					
<b>2A. BACKGROUND</b>					
(1) FSA's proposed action is: (Describe Action Below)					
(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?					
<b>2B. LISTED CATEGORICAL EXCLUSIONS (L-CATEX)</b>				<b>YES</b>	<b>NO</b>
(1) Do any of the "L" CATEX's fully cover the proposed action, as listed in Handbook 1-EQ (Rev. 3) Exhibit 17 (7 CFR Part 799.31)?				<input type="checkbox"/>	<input type="checkbox"/>
If "YES", record the assigned code for the applicable "L" Categorical Exclusion:					
(2) Are there extraordinary circumstances, as listed in Handbook 1-EQ Paragraph 25, triggered?				<input type="checkbox"/>	<input type="checkbox"/>
<b>IF ITEM 2B1 IS ANSWERED "YES", AND ITEM 2B2 IS ANSWERED "NO", PROCEED TO ITEM 15.</b>					
<b>2C. SUPPORTED CATEGORICAL EXCLUSIONS (S-CATEX)</b>				<b>YES</b>	<b>NO</b>
Do any of the "S" CATEX's fully cover the proposed action, as listed in Handbook 1-EQ (Rev. 3) Exhibit 17 (7 CFR Part 799.32)? (If operation is a medium or large CAFOs see Instructions)				<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "YES", record the assigned code for the applicable "S" Categorical Exclusion:					
<b>IF ITEM 2B1 IS ANSWERED "NO" AND ITEM 2C IS ANSWERED "NO", AN ENVIRONMENTAL ASSESSMENT IS REQUIRED. PROCEED TO ITEM 15 AND SELECT FINDING B OR C, AS APPROPRIATE.</b>					

FSA-850, Environmental Screening Worksheet (Continued)

FSA-850 (03-23-22)

Page 2 of 5

3. REQUIRED REVIEW				
3A. Date of Site Visit: _____				
For the below listed environmental resources, check the box in Column (1) 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). Attach appropriate documentation. Check the box as appropriate in Column (2) to the right to indicate land uses and environmental resources which may potentially be adversely impacted.	(1) Check if the resource is located within the area of potential effect.		(2) There is potential to impact the resource.	
	YES	NO		
<b>3B. Listed Endangered and Threatened Species or critical habitat.</b>  <b>Attach IPaC map to this form.</b> If the box in Column (2) is checked, then consult with the U.S. Fish and Wildlife and 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3C. Cultural Resources (NHPA Section 106 Compliance)</b>  Does the action: (1) include ground disturbing activities below the level of previous ground disturbance; (2) affect a building or structure that is at a minimum 50 years old or (3) affect a historic landscape?  YES <input type="checkbox"/> NO <input type="checkbox"/> (Proceed to Item 3D.)  If "YES", complete the check boxes in Column (1) & (2) to the right based on the results of the required consultations and attach the following:  (1) Conduct research to identify the presence of cultural resources. (check National Register, State archaeological site files, tribal resources, and owner discussions) (2) Consultation with SHPO, THPO and Indian Tribes, as appropriate, to determine if further consultation required (needed identification surveys)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3D. Coastal Barrier in Coastal Barrier Resources System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3E. Approved Coastal Zone Management Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3F. Wilderness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3G. Wild and Scenic River, or listed on the Nationwide Rivers Inventory	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3H. National Natural Landmark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3I. Sole Source Aquifer (Designated by Environmental Protection Agency)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3J. Floodplains – Flood Map Panel # _____</b>  For actions with disturbances or development to occur within a floodplain, attach applicable floodplain development permit, elevation surveys, and maps, if available.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3K. Wetlands</b>			<b>YES</b>	<b>NO</b>
(1) Does the proposed action have potential to adversely impact a wetland (e.g., ground disturbance, livestock, or nutrient waste)?  If "YES", proceed to Item 3K(2) below. If "NO" proceed to Item 3L.			<input type="checkbox"/>	<input type="checkbox"/>
(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?  If "YES", attach determination (including any USACE or state permits).  If "NO", and a determination is not available, attach completed FSA-858.			<input type="checkbox"/>	<input type="checkbox"/>

FSA-850, Environmental Screening Worksheet (Continued)

FSA-850 (03-23-22)		Page 3 of 5	
<b>3. REQUIRED REVIEW CONT.</b>		<b>YES</b>	<b>NO</b>
<b>3L. SOILS (&amp; HEL)</b>			
<p>(1) Does the proposed action involve the production of an agricultural commodity on Highly Erodible Land?</p> <p>Attach a copy of one of the following: Producer Farm Data Report, Producer Subsidiary Print or NRCS CPA-026e.</p> <p>If "NO", proceed to Item 4.</p>		<input type="checkbox"/>	<input type="checkbox"/>
<p>(2) Does the activity qualify for an exemption as discussed in Handbook 6-CP Paragraph 206?</p> <p>If "NO", attach conservation plan.</p>		<input type="checkbox"/>	<input type="checkbox"/>
<b>4. WATER QUALITY</b>			
<p>A. Does the action have the potential to adversely affect surface or ground water quality?</p> <p>If "YES", attach a discussion of impacts on water quality and include copies of:</p> <ul style="list-style-type: none"> <li>Storm Water Pollution Prevention Plan and permit required for construction projects</li> <li>National Pollutant Discharge Elimination System permits and nutrient or animal waste plans required for livestock operations</li> <li>Clean Water Act, USACE, or State water quality permits required</li> <li>State or County well or water use permits</li> </ul>		<input type="checkbox"/>	<input type="checkbox"/>
<p>B. Will the proposed action impact the quality of surface or ground water?</p> <p>If "YES", attach a discussion of any impacts to surface or ground water and supporting documentation.</p>		<input type="checkbox"/>	<input type="checkbox"/>
<b>5. AIR QUALITY</b>			
<p>Will the proposed action produce air emissions or odors that are regulated by any Federal, State, or local laws or standards?</p> <p>If "YES", attach a discussion of any impacts to air quality and copies of any permits required.</p>		<input type="checkbox"/>	<input type="checkbox"/>
<b>6. NOISE</b>			
<p>Will the proposed action result in permanent increases in noise?</p> <p>If "YES", attach a discussion of any noise impacts.</p>		<input type="checkbox"/>	<input type="checkbox"/>
<b>7. IMPORTANT LAND RESOURCES</b>			
<p>A. Will the proposed action result in the conversion of prime or unique farmland to a nonagricultural use in violation of the Farmland Protection Policy Act?</p>		<input type="checkbox"/>	<input type="checkbox"/>
<p>B. Is the action consistent with local and state zoning requirements?</p> <p>If "YES", list the zoning:</p>		<input type="checkbox"/>	<input type="checkbox"/>
<b>8. SOCIOECONOMIC IMPACTS AND ENVIRONMENTAL JUSTICE</b>			
<p>A. Will the proposed action cause any adverse human health or environmental effects to tribal, 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"?</p>		<input type="checkbox"/>	<input type="checkbox"/>
<p>B. Will the proposed action have any negative impacts on the local social and economic conditions?</p> <p>If "YES", attach a discussion of any adverse effects.</p>		<input type="checkbox"/>	<input type="checkbox"/>

FSA-850, Environmental Screening Worksheet (Continued)

FSA-850 (03-23-22)		Page 4 of 5	
<b>9. STATE ENVIRONMENTAL POLICY ACT (SEPA)</b>		YES	NO
Is the proposed action subject to a SEPA?		<input type="checkbox"/>	<input type="checkbox"/>
If "YES", attach a discussion of the results of compliance with these requirements.			
<b>10. PUBLIC REACTION</b>			
Have there been any negative reactions from the public related to the proposed action or similarly situated actions?		<input type="checkbox"/>	<input type="checkbox"/>
If "YES", attach a discussion of any associated comments and related correspondence.			
<b>11. CUMULATIVE IMPACTS</b>			
Are there any cumulative impacts resulting from the proposed action?		<input type="checkbox"/>	<input type="checkbox"/>
If "YES", attach a discussion of the cumulative impacts of this action and the related activities. Give particular attention to land use changes and air and water quality impacts.			
<b>12. ALTERNATIVE AND MITIGATION</b>			
A. Did the plan, as submitted, include alternatives or mitigation?		<input type="checkbox"/>	<input type="checkbox"/>
B. Will alternative or other mitigation measures have to be considered?		<input type="checkbox"/>	<input type="checkbox"/>
If "YES", to either question, attach a discussion of the feasibility of alternatives and any measures which will be required to avoid or mitigate the action and their environmental impacts.			
<b>13. COMMENTS – Attach additional pages as needed.</b>			

FSA-850, Environmental Screening Worksheet (Continued)

FSA-850 (03-23-22)

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"/>
Storm Water Pollution Prevention Plan (SWPPP) associated with an NPDES Permit	<input type="checkbox"/>	<input type="checkbox"/>	Form NRCS CPA-026e, HEL and WC Determination	<input type="checkbox"/>	<input type="checkbox"/>
National Pollutant Discharge Elimination System (NPDES) Permit – General or Individual	<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"/>
Floodplain Development 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"/>
			Topo Maps	<input type="checkbox"/>	<input type="checkbox"/>
State Historic Preservation Officer consultation	<input type="checkbox"/>	<input type="checkbox"/>	Site Photos	<input type="checkbox"/>	<input type="checkbox"/>
			Soil Survey	<input type="checkbox"/>	<input type="checkbox"/>
Tribal Historic Preservation Officer(s) consultation	<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. Per 7 CFR Part 799.30, this proposed action fits within the description of an existing categorical exclusion(s) and triggers no extraordinary circumstances. Neither an Environmental Assessment nor Environmental Impact Statement will be required.

☐ 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:**

<b>A. NAME OF PREPARER</b>	<b>B. TITLE OF PREPARER</b>
<b>C. SIGNATURE OF PREPARER</b>	<b>D. DATE DOCUMENT WAS PREPARED (MM-DD-YYYY)</b>
<b>E. NAME OF APPROVAL OFFICIAL</b>	<b>F. TITLE OF APPROVAL OFFICIAL</b>
<b>G. SIGNATURE OF APPROVAL OFFICIAL</b>	<b>H. DATE OF APPROVAL SIGNATURE (MM-DD-YYYY)</b>

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.

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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](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) 632-6992. 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) 696-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.





## Units of Measurement

This 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, On-Farm Spot Check Record

### A Completing FSA-276

Complete FSA-276 according to this table.

Item	Instructions
1	Enter the farm number.
2	Enter the producer's name and address.
3 and 4	<b>To be completed by the spot checker.</b> Enter the name and telephone number of the person to contact on the farm during the spot check.
5	Enter the State name.
6	Enter the county name.
7	Enter the current FY.
8	Enter the calendar year the practice was completed.
9	Enter the practice number to be spot-checked.
10	Enter the practice description of the practice to be spot-checked.
11	<b>To be completed by the spot checker.</b> Enter the location of the practice spot-checked.
12 A	Enter the practice extent performed reported on FSA-801C.
12 B	<b>To be completed by the spot checker.</b> Enter the practice extent found. If acreage is involved and measurement is required, delineate on aerial photograph or record measurements on a sketch drawn on the back of FSA-276. For other practices, describe discrepancies found and method of determining extent of performance, if applicable, in the "Remarks" section.
13	<b>To be completed by the spot checker.</b> Check (✓) "Yes" or "No", as appropriate, to indicate satisfactory or unsatisfactory maintenance.
14	<b>To be completed by the spot checker.</b> Check (✓) "Yes" or "No", as appropriate, to indicate whether the producer supplied proof of payment of practice to support C/S payments.
15	<b>To be completed by the spot checker.</b> Document any discrepancies or other notes in the "Remarks" section.
16	<b>To be completed by the spot checker.</b> The spot checker must sign when the spot check is completed.
17	<b>To be completed by the spot checker.</b> The spot checker must date when the spot check is completed.

**FSA-276, On-Farm Spot Check Record (Continued)**

**B Example of FSA-276**

This is an example of a completed FSA-276.

This form is available electronically. <b>FSA-276</b> (01-29-20) <b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency <b>ON-FARM SPOT CHECK RECORD</b>										1. FARM NO. A-45		2. PRODUCER'S NAME AND ADDRESS James Michaels 100 School House Rd. Lebanon, PA 12345							
Completed form contains information that protected from unauthorized use/unauthorized disclosure by Federal statutes to include the Privacy Act (5 U.S.C. 552a - as amended) and the Freedom of Information Act (5 U.S.C. § 552 - as amended). USDA disclosure of the completed form is restricted to only the individual(s) to whom the information on the form pertains and to authorized personnel who have (1) the appropriate access clearances/permissions and (2) a demonstrated business need to know the information in order to perform their assigned official duties.										3. NAME OF PERSON CONTACTED ON FARM		4. TELEPHONE NO. (Include Area Code) 123-987-8546		5. STATE PA		6. COUNTY Lebanon		7. FISCAL YEAR 2015	
8. YEAR PRACTICE COMPLETED		9. PRACTICE NO.		10. DESCRIPTION		11. LOCATION (Field No. or Other)		12. EXTENT		13. SATISFACTORY MAINTENANCE		14. PROOF OF PAYMENT SUPPORTING COST-SHARE							
								A. REPORTED ON AD-245 B. SPOT CHECK UNITS		YES NO <input type="checkbox"/> <input type="checkbox"/>		YES NO <input type="checkbox"/> <input type="checkbox"/>							
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"/>							
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										<input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> <input type="checkbox"/>							
15. REMARKS: (Describe any discrepancies – use separate sheet(s) of paper)																			
16. SIGNATURE OF SPOT CHECKER /s/ Spot Checker										17. DATE OF SPOT CHECKER (MM-DD-YYYY) 09-10-20XX									
<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.             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 <a href="http://www.ascr.usda.gov/complaint_filing_cust.html">http://www.ascr.usda.gov/complaint_filing_cust.html</a> 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: <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider, employer, and lender.         </small>																			