

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Emergency Conservation Program 1-ECP (Revision 4)	Amendment 2
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Approved by: Acting Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Paragraph 2 has been amended to add 1-ACP to the related handbooks table for conducting annual review of cost data.

Subparagraph 21 A has been amended to remind SED's to ensure that county practice and component cost data is up to date according to 1-ACP and review/approval of certain FSA-848's according to subparagraph 179 A.

Subparagraph 33 A has been amended to remind CED's to ensure that county practice and component cost data is up to date according to 1-ACP and review/approval of certain FSA-848's according to subparagraph 179 A.

Subparagraph 35 J has been added to require COC's to review county practice and component cost data established according to 1-ACP to ensure that it is up to date when a disaster occurs.

Subparagraph 171 A has been amended to add required onsite inspections for County Office employees and clarify documenting type and extent of disaster and if applicant has already began restoration work before onsite inspection.

Subparagraph 171 C has been amended to clarify procedure for submitting waiver requests.

Subparagraph 179 A has been amended to add a table clarifying reviews for USDA employees.

Page Control Chart		
TC	Text	Exhibit
	1-3, 1-4 1-33, 1-34 1-53, 1-54 1-59 through 1-74 3-45, 3-46 3-59, 3-60	

2 Related Handbooks

A Handbooks and Forms

Follow provisions in 1-CONSV for applications and agreements processed in CRES and the CSS User Guide for web-based applications and agreements, except as instructed in this handbook.

B Other Related Handbooks

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

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

3 Relief Actions

A Waiver Authority

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

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

B Additional Waiver Authority

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

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

4 AD-1026 Requirements

A AD-1026 Certification

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

B Additional Information About AD-1026 Certifications

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

Section 2 STC and State Office Responsibilities

20 STC Responsibilities

A Program Administration

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

B STC Action

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

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

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

21 SED Responsibilities

A Program Oversight

SED shall:

- implement ECP as directed by STC and within national policy
 - supervise and monitor operations to ensure that:
 - ECP policies are followed
 - operations are uniform among County Offices
 - provide training as necessary for COC's, CED's, program technicians, and others so County Offices have a clear understanding of ECP policies and responsibilities
 - ensure that information submitted supports requests for funds
 - establish a State plan to monitor ECP that shall provide:
 - *--for the STC representative to review a sampling of AD-245's or FSA-848's if the county was approved for ECP implementation for that disaster event before December 6, 2010, filed in each County Office as required in subparagraph 175 A
 - for the STC representative to ensure that action is taken for review and approval of certain FSA-848's as required according to subparagraph 179 A--*
 - the sampling and monitoring needed for ECP implementation and assistance

Note: Establishing the State plan shall not delay implementation and assistance.
 - in case of drought, monitor designated counties to determine whether drought conditions still exist and if the program is still needed to solve drought-related problems
- Note:** If it is determined that ECP is no longer needed, provide COC guidelines to:
- discontinue issuing approvals
 - determine which outstanding approvals remain eligible.
- *--ensure county practice and component cost data is up-to-date according to 1-ACP.--*

32 County Office Employee Action

A Documenting Action

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

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

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

33 Functions To Be Performed by CED**A CED Responsibilities**

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

CED shall perform the following functions:

- *--ensure county practice and component cost data is up-to-date according to 1-ACP--*
- issue FSA-848 (Exhibit 8) and FSA-848A (Exhibit 9) to producers, or AD-245 if the county was approved for ECP implementation for that disaster event before December 6, 2010
- send referrals to technical agencies
- compute C/S to payee
- *--approve payments to producers and that the review/approval of certain FSA-848's is in accordance with subparagraph 179 A--*
- prepare forms for division of payment between contributors
- spot checks.

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

35 COC Action When Disaster Occurs (Continued)**C Primary Consideration**

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

D Definition of Severe Drought

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

E COC Report of Drought Conditions

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

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

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

- actual rainfall history for each of the 3 years preceding the current year
- amount of precipitation by month for the last 12 consecutive months including last full month

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

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

35 COC Action When Disaster Occurs (Continued)

E COC Report of Drought Conditions (Continued)

- percent of normal water for current underground and surface water supply, if applicable

Note: See 1-DP.

- copy of Loss Assessment Report

Note: See 1-DP.

- any other pertinent information available supporting the request for program designation.

F Other Available Funds

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

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

G Exceptions

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

H Severe Drought Designation

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

I Coordinating ECP With Other Agencies

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

***--J COC Review of Cost Data**

COC shall review cost data established annually according to 1-ACP to ensure that practice establishment costs are up-to-date. A review of supporting cost data and documentation for average costs for implementing the applicable ECP practices shall be documented in the COC minutes.--*

36-40 (Reserved)

Section 2 Reviewing C/S Requests

171 Onsite Inspection

A Documenting Damage

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

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

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. See subparagraph 179 A. DD and SED shall be notified of a County Office employee request and DD or State Office employee shall perform the inspection.--

- determined whether:
 - type and extent of damage qualified according to paragraph 35
 - *--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 110
- document damage with at least:
 - 1 dated photograph
 - *--GPS coordinates
 - magnitude of damaged or destroyed fencing, waterway, etc.--*

B Environmental Compliance

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

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

171 Onsite Inspection (Continued)**C Submitting Requests for Waivers of Onsite Inspections**

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

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

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

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

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

D Required Information for Requests for Waivers

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

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

178 Pending Requests

A Maintaining Pending Requests

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

- the CSS User Guide
- 1-CONSV, paragraph 293 for an example letter for applications processed in CRES.

Note: The original request shall remain on file until it is approved or disapproved.

If additional funds become available, promptly advise applicants.

B Reviewing Pending Requests

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

179 Requests Requiring Special Approval

A Reviewing and Approving Requests for ECP Assistance

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

FSA-848's for...	MUST be reviewed by...	BEFORE approval or disapproval by...
<ul style="list-style-type: none"> • COC members • County Extension Service employees • FSA County Office employees • other county USDA employees • Conservation District board members 	DD/STC representative	DD/STC representative.
State Office employees	STC	STC.
STC members	DAFP	SED.
SED's	DAFP	STC.
other FSA employees	DAFP	STC.

Note: Reviews must be completed for an entity for which the employees, who are subject to a required review, have a substantial beneficial interest, according to 1-PL or 4-PL, as applicable.--*

B C/S Approval Authority

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

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