

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency  
Washington, DC 20250

---

**Emergency Conservation Program  
1-ECP (Revision 4)**

**Amendment 4**

---

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



---

**Amendment Transmittal**

**A Reasons for Amendment**

Subparagraph 10 A has been amended to add an additional CCC-770 ECP-1 completion requirement.

Subparagraphs 21 C and 33 A have been amended to require a CED statement to certify to completing the online ECP training before implementing ECP through SED to CEPD.

Subparagraphs 33 A and 82 A have been amended to direct CED to consult with the State Office if unable to perform a needs determination.

Paragraphs 183 and 212 have been amended to clarify that extensions of practice expiration dates require STC or STC representative approval.

Subparagraph 35 J has been amended to require the STC representative review C/S data.

Subparagraph 67 B has been amended to clarify necessary communication when releasing unused funds.

Paragraph 77 has been amended to clarify reimbursement amount for NRCS.

Subparagraph 92 B has been amended to clarify producers of animals only for recreational purposes are **not** eligible for ECP.

Subparagraph 175 A has been amended to require STC representative review of the first five ECP applications before COC approval.

Paragraph 179 has been amended to clarify forms and computations that should be included when submitting requests to CEPD.

**Amendment Transmittal (Continued)**

| <b>Page Control Chart</b> |  |  |
|---------------------------|--|--|
| <b>TC</b>                 | <b>Text</b>  | <b>Exhibit</b>                                 |
| 3, 4                      | 1-9 through 1-32<br>1-35 through 1-50<br>1-53 through 1-56<br>1-59 through 1-80<br>1-115 through 1-132<br>1-137 through 1-144<br>1-159, 1-160<br>1-191, 1-192<br>3-3, 3-4<br>3-55 through 3-60<br>3-65 through 3-120 | 1, pages 1, 2<br>4, page 1<br>12, pages 19, 20 |

**Table of Contents (Continued)**

**Page No.**

**Part 1        Basic Information (Continued)**

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

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

**Section 8     Land Eligibility**

|         |   |       |
|---------|---|-------|
| 110     | Eligible Land.....                              | 1-191 |
| 111     | Ineligible Land.....                            | 1-195 |
| 112     | Land Located in Nondesignated ECP Counties..... | 1-199 |
| 113     | Native American Land.....                       | 1-199 |
| 114     | Government-Owned Land .....                     | 1-200 |
| 115     | Land Under Other C/S Programs.....              | 1-201 |
| 116-129 | (Reserved)                                      |       |

**Part 2        Practice Provisions**

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

**Table of Contents (Continued)**

**Page No.**

**Part 3        ECP Requests**

**Section 1      Accepting Requests**

|         |                                   |     |
|---------|-----------------------------------|-----|
| 151     | Program Availability.....         | 3-1 |
| 152     | Signup.....                       | 3-1 |
| 153     | Accepting Requests.....           | 3-2 |
| 154     | Filing ECP Applications.....      | 3-4 |
| 155     | Obtaining Needed Information..... | 3-5 |
| 156-170 | (Reserved)                        |     |

**Section 2      Reviewing C/S Requests**

|         |  |      |
|---------|--|------|
| 171     | Onsite Inspection.....                   | 3-45 |
| 172     | Determining Eligibility.....             | 3-48 |
| 173     | Using Priorities.....                    | 3-49 |
| 174     | (Reserved)                               |      |
| 175     | Approvals and Disapprovals.....          | 3-55 |
| 176     | Limited Resource Provisions.....         | 3-57 |
| 177     | Disapprovals and Deferred Action.....    | 3-58 |
| 178     | Pending Requests.....                    | 3-59 |
| 179     | Requests Requiring Special Approval..... | 3-60 |
| 180     | Determining Approval Amount.....         | 3-62 |
| 181     | Documenting COC Decisions.....           | 3-63 |
| 182     | Setting Expiration Dates.....            | 3-65 |
| 183     | Expiration Notice.....                   | 3-66 |
| 184     | Canceling Approvals.....                 | 3-67 |
| 185     | (Withdrawn--Amend. 4)                    |      |
| 186-210 | (Reserved)                               |      |

**Section 3      Performance Report Requirements**

|         |  |       |
|---------|--|-------|
| 211     | Filing Performance Reports.....                | 3-119 |
| 212     | Reporting Dates.....                           | 3-120 |
| 213     | Reporting Practice Extent.....                 | 3-121 |
| 214     | Recording Practice Location.....               | 3-122 |
| 215     | Supporting Data.....                           | 3-123 |
| 216     | Maintenance and C/S Refund Responsibility..... | 3-125 |
| 217-224 | (Reserved)                                     |       |

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

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

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

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

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

- use CCC-770 ECP-1 and CCC-770 ECP-2 as reminders of the most frequently “erred” determinations and certifications
- recognize that the questions asked on CCC-770 ECP-1 and CCC-770 ECP-2 are very general in nature.

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

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

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

- when County Offices are to complete CCC-770 ECP-1 and CCC-770 ECP-2, if apparent internal control deficiencies are found during CED, STC representative, or DD reviews
- whether the applicable CCC-770 ECP-1 and CCC-770 ECP-2 is necessary to avoid findings indicated by COR reviews
- when additional internal controls are necessary to reduce improper payments.

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

**11-19 (Reserved)**



## 21 SED Responsibilities (Continued)

**B Contacting ECP-PM Before Implementation**

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

SED shall:

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

**C Required Information**

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

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

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

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

- the practices required to solve the problems
- a statement affirming that the disaster caused severe damage to farmland that is not subject to frequent damage

**Note:** See subparagraph 111 B.

- \*--a statement affirming CED and PT responsible for ECP have completed the online ECP training.--\*

**21 SED Responsibilities (Continued)**

**D SED and STC Exception**

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

**E ECP-PM Approval Required**

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

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

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

**F Allocation of Funds**

\*--ECP-PM shall allocate disaster ID funds to State Offices through CFLS. State Offices shall allocate funds to County Offices through CFLS and eFunds.--\*

**22-29 (Reserved)**

**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:

- \*--certify to SED that online ECP training has been completed--\*
- ensure that 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 \* \* \*
- send referrals to technical agencies
- \*--consult the State Office if unable to perform needs determination on practices for which FSA is assigned technical responsibility--\*
- compute C/S to payee
- approve payments to producers and that the review/approval of certain FSA-848's is according to 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.

## 34 Delegations of Authority

### A COC-Delegated Authorities

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

Authorities that may be delegated include determining the following:

- the amount COC is willing to approve
  - the sufficiency of signatures and authority of persons signing in a representative capacity
  - the value of:
    - ineligible contributions
    - contributions of each person or legal entity who contributed to performing a practice
  - whether completing a component is a reasonable attainment toward completing the practice and prescribing the time for practice completion
  - whether a practice not meeting all of the specifications adequately solves the problem
  - whether an attempt was made to meet the specifications
  - whether the performance justifies cost-sharing on the extent performed
  - approval of:
    - applications for C/S
    - changes in approved extent and C/S
    - increases in the approved extent, C/S, or both, if supported by the needs determination on FSA-848, page 2 or AD-862 if the county was approved for ECP implementation for that disaster event before December 6, 2010
- \* \* \*
- whether ECP should be requested.

**34 Delegations of Authority (Continued)**

**B Limitations on Delegations**

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

- Do not delegate authority to CED to act on matters involving the farms of STC or COC members or CED's own farm.
- CED shall carry out responsibilities according to COC delegations.
- COC shall review delegated authorities annually to ensure that they are being followed.

**C Authorities Not to Delegate**

The following COC authorities shall not be delegated:

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

**D Voting Limitation**

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

**35 COC Action When Disaster Occurs (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 C/S Data**

COC shall review C/S data established annually according to 1-ACP to ensure that practice establishment costs are up-to-date. A review of supporting C/S data and documentation for average costs for implementing the applicable ECP practices shall be documented in the COC minutes. The C/S data shall be verified by the STC representative.--\*

**36-40 (Reserved)**

## Section 4 C/S Policies

**41 Maximum C/S Limitation****A Maximum C/S Payment Limitation**

In no case shall the payment exceed 75 percent of the producer's actual cost to perform the practice, unless the producer is a limited resource producer. See 1-CM for limited resource provisions.

**B Limitation Based on Land Value**

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

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

**C Establishment of C/S Levels**

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

**Note:** See subparagraph 5 A for maximum payment limitation.

**D Example of C/S Computation**

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

**42 C/S Levels**

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

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

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

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

**\*--Note:** See Exhibit 2 and 1-CM for the definition of a limited resource producer.--\*

**C Setting County C/S Levels**

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

**43, 44 (Reserved)**

**Section 5 Program Funds Management****64 State and County Allocations****A State Control of Funds**

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

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

**B Allocation for County**

SED shall make county allocations.

**65 Reserves****A State Reserve**

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

**Note:** See paragraph 77.

**B Additional Reserve**

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

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

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

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

**66 Expenditure Limitations**

**A Authority**

States do **not** have overobligation authority.

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

**67 Requesting and Releasing Funds**

**A State Request for Additional Funds**

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

**B Releasing Unused Funds**

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

- \*--CED shall notify the State ECP specialist by e-mail of the amount to be released.
- The State Office shall notify CEPD, Attention: Planning and Analysis Branch, by e-mail of the amount to be released.

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

SED must:

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

**68-75 (Reserved)**

C MOA Between SED and NRCS State Conservationists (Continued)

|   |  |  |   |                                      |  |
|---|--|--|---|--------------------------------------|--|
| C. NRCS and FSA agree:  |  |  |   |                                      |  |
| 1.  | To fully comply with the information gathering provisions of section 1619 of the Food, Conservation, and Energy Act of 2008, 7 U.S.C. 8791(b), section 1244(b) of the Food Security Act of 1985, 16 U.S.C. 3844(b), the Privacy Act, the Freedom of Information Act, and related acts concerning privacy and the dissemination of records.   |  |   |                                      |  |
| 2.  | To enter into a state-level reimbursable agreement (Form AD-672) at the beginning of each fiscal year based on the life of this MOA and any amendments hereto, for ECP technical assistance.   |  |   |                                      |  |
| 3.  | To amend Form AD-672, as deemed necessary by FSA, based upon current funds held in reserve for technical assistance by the FSA State Office.   |  |   |                                      |  |
| 4.  | To cooperate at all levels to ensure consistent implementation of ECP policies and procedures. When differences occur, the parties will provide information and recommendations to the next level (i.e. county offices would forward information and recommendations to the State offices, State offices would forward information and recommendations to NHQ). The Chief, NRCS, and Administrator, FSA, have final authority for ensuring consistent implementation of ECP policies and procedures. |  |   |                                      |  |
| 5.  | That this MOA may be terminated at any time by one party providing 30 days written notice. Should this MOA be terminated, billing will be submitted for services rendered.   |  |   |                                      |  |
| 6.  | This MOA will run for a period of 5 years from date of execution.  |  |   |                                      |  |
| 7.  | This MOA may only be modified by amendment duly executed by the _____ State Executive Director of FSA and the _____ State Conservationist of NRCS.   |  |   |                                      |  |
| 8.  | All funding commitments in this MOA are subject to the availability of funds. In the event that adequate funding is not made available, FSA and NRCS may terminate their responsibilities under this agreement as agreed to under the termination clause of this agreement.  |  |   |                                      |  |
| <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">NATURAL RESOURCES<br/>CONSERVATION SERVICE</td> <td style="width: 50%; text-align: center;">FARM SERVICE AGENCY</td> </tr> </table>  |  | NATURAL RESOURCES<br>CONSERVATION SERVICE          | FARM SERVICE AGENCY                                   |                                      |  |
| NATURAL RESOURCES<br>CONSERVATION SERVICE   | FARM SERVICE AGENCY  |  |   |                                      |  |
| <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">_____<br/>[Name of State Conservationist]      Date</td> <td style="width: 50%; text-align: center;">_____<br/>[Name of State Executive Director]      Date</td> </tr> <tr> <td style="width: 50%; text-align: center;">_____<br/>State Conservationist, NRCS</td> <td style="width: 50%; text-align: center;">_____<br/>State Executive Director, FSA</td> </tr> </table> |  | _____<br>[Name of State Conservationist]      Date | _____<br>[Name of State Executive Director]      Date | _____<br>State Conservationist, NRCS | _____<br>State Executive Director, FSA |
| _____<br>[Name of State Conservationist]      Date  | _____<br>[Name of State Executive Director]      Date  |  |   |                                      |  |
| _____<br>State Conservationist, NRCS  | _____<br>State Executive Director, FSA   |  |   |                                      |  |

**77 Payment for Technical Services****A Actual Costs**

The NRCS State Office shall bill the FSA State Office for the actual cost of ECP services \*--performed, consistent with terms and conditions described in AD-672 but not to exceed--\* 10 percent of the amount of funds allocated to counties.

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

**B Rounding Payments**

FSA State Offices shall issue payment for technical services in whole dollars only. Standard \*--rounding rules apply. See subparagraph 294 B.--\*

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

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

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

An example AD-672 is provided in subparagraph E.

## 77 Payment for Technical Services (Continued)

**D AD-672 Required Entries**

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

| Item  | Entry   |
|-------|---|
| 1     | Enter the "Agreement Number", users can enter up to 25 alpha/numeric characters; the first 13 positions <b>must</b> be: <ul style="list-style-type: none"> <li>• 1, 2: Agency Code "FA"</li> <li>• 3, 4: Fund Code "30"</li> <li>• 5, 6: 2-digit FY</li> <li>• 7 through 13: ECP appropriations symbol "<b>12x3316</b>".</li> </ul> |
| 2     | Enter the 4-digit FY.   |
| 3     | *--Estimated amount for reimbursement, not to exceed 10 percent of the State's ECP allocation.--*   |
| 4     | Enter "1" for the "Agency Billing Indicator".   |
| 5     | Enter "5" for the "Transaction Code".   |
| 6     | Enter "1" for the "Action Code".  |
| 7     | Enter FSA State Office name and address.  |
| 8     | Enter NRCS State Office name and address.   |
| 9     | Enter " <b>See attachment A for summary of funds available and billing instructions and attachment B for MOA on technical assistance.</b> "   |
| 10    | Enter " <b>See attachment B for state MOA and authorities.</b> "  |
| 11    | The effective date (from) should be the first day of the current FY or the current date and the agreement should continue through the last day of the current FY or before.   |
| 12    | Enter "2" for the Reimbursement Billing Frequency. Leave "Advance of Funds Type of Account" blank.  |
| 13    | Enter " <b>12x3316 Emergency Conservation Program</b> " as the Appropriation Symbol and Title. Leave "Project", "Allotment", and "Workplan" numbers blank.  |
| 14    | Entries in item 14 are <b>not</b> required.   |
| 15    | Enter the amount from item 3 as the amount in item 15.  |
| 16-18 | Leave blank.  |
| 19    | Enter signature, signature date, and title of FSA SED and contact name and number.  |
| 20    | Enter signature, signature date and title of NRCS State Conservationist and contact name and number.  |



78 Reimbursable Technical Services

A Phases of Reimbursable Technical Services

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

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

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

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

**79 Providing Technical Services**

**A Technical Services**

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

**B Assigned Responsibility for Technical Services**

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

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

**C Technical Responsibility**

Technical responsibility for practices includes:

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

**80 Outside Assistance****A Agencies Using Outside Assistance**

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

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

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

**B Producers Using Outside Assistance**

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

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

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

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

**81 Technical Services Not Chargeable to Producers**

**A No Cost to Producers**

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

**82 Assigned Technical Agency Responsibilities and COC Action**

**\*--A Reporting on AD-862 or FSA-848, Page 2--\***

The assigned technical agency shall report on AD-862 or FSA-848, page 2, as applicable, if the practice is needed and feasible.

AD-862 or FSA-848, page 2, as applicable, shall include:

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

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

**B Required Action for Favorable Determinations**

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

| Step | Assigned Technical Agency Action   |
|------|--|
| 1    | Indicate the extent needed.  |
| 2    | Complete the needs statements on AD-862 or FSA-848, page 2, as applicable. |
| 3    | Enter estimated cost of the practice.                                      |
| 4    | Sign and date AD-862 or FSA-848, page 2, as applicable.                    |
| 5    | Return AD-862 or FSA-848, page 2, as applicable, to COC for review.        |

92 Determining Eligible and Ineligible Persons and Legal Entities

A Determining Eligibility

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

| IF an applicant is a...  | AND...  | THEN...   |
|--|---|---|
| farmer or rancher who has an interest in the farm and is either: <ul style="list-style-type: none"> <li>• an individual</li> <li>• a partnership member</li> <li>• an association</li> <li>• a corporation</li> <li>• an estate</li> <li>• a trust</li> <li>• a business enterprise</li> <li>• a legal entity</li> </ul> Note: Foreign nationals are eligible. | is an agricultural producer who contributes part of the practice cost | the applicant is eligible for ECP benefits.   |
| <ul style="list-style-type: none"> <li>• Federal agency</li> <li>• State</li> <li>• a political subdivision of a State</li> <li>• State agency</li> <li>• district with taxing authority</li> </ul>  |   | it is ineligible for ECP benefits.  |
| minor  |   | the applicant is only eligible if he or she is legally responsible and independently participating in the operation of a farm as an eligible person or legal entity. See 1-CM and 4-PL. |

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

**B Agricultural Producer**

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

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

## Section 8 Land Eligibility

## 110 Eligible Land

## A General Provisions

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

Land that is eligible under ECP, includes land:

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

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

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

- devoted to container-grown nursery stock if the:
  - nursery grows stock commercially for wholesale purposes
  - nursery stock is grown on land in containers for at least 1 year
- in Christmas tree plantations
- expected to have annual agricultural production
- in field windbreaks or farm shelterbelts where the practice is to remove debris and correct damages caused by natural disaster
- on which facilities are located in irrigation canals or facilities that are located on the inside of the canal's banks as long as the canal is not a channel subject to flooding.

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

See subparagraph B for examples of land eligible for ECP.

153 Accepting Requests (Continued)

**E Example Letter for Producers About Lack of Funds for ECP**

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

|  |
|--|
| <p style="text-align: center;"><b>U.S. DEPARTMENT OF AGRICULTURE</b><br/>Farm Service Agency<br/>(Insert county name, office<br/>address, and telephone number)</p> <p>(Insert applicant's name and address)</p> <p>Dear Mr. Smith:</p> <p>The _____ County Farm Service Agency Committee (COC) has reviewed your request for cost sharing under the Emergency Conservation Program (ECP) for practices to rehabilitate farmland damaged by the recent disaster. The demand for assistance under ECP has exceeded the funds currently available to COC. Therefore, we are unable to approve your request for cost-share assistance.</p> <p>However, if additional funds become available, COC will contact you to determine whether you have completed the practice or still wish to carry out the practice.</p> <p>The damage assessment made on your land will help COC make a determination on your request if funds become available.</p> <p>_____<br/>County Executive Director</p> <p><b>Note:</b> Letter may be adapted for drought situations.</p> |
|--|

**154 Filing ECP Applications**

**A FSA-848 Requirements**

For disaster events for which ECP implementation was authorized on or after \*--December 6, 2010, ECP applications shall be filed on the automated FSA-848. Multiple requested practices may be filed on FSA-848.

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

**B AD-245 Requirements**

For disaster events for which ECP implementation was authorized before December 6, 2010, ECP applications shall be filed on AD-245. Use only one AD-245 for each practice requested. However, multiple AD-245's can be requested for the same practice if the practice will be completed on different tracts, fields, or different farms.

**C Number of ECP Applications**

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

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

- prepare only one ECP application for the practice
- record the multiple producer data according to the CSS User Guide, or 1-CONSV if the county was approved for ECP implementation for that disaster event before December 6, 2010.

**D Assisting Applicants Filing ECP Applications**

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

| Step   | Action   |
|--|--|
| 1  | Help the applicant describe the disaster damage.   |
| 2  | Determine whether there is an eligible solution.   |
| 3  | Advise applicant of responsibility for complying with ECP requirements.  |
| 4  | Obtain and record any information needed to determine practice priority and eligibility.                               |
| 5  | Advise the applicant of the minimum required lifespan for the practice.  |
| 6  | Ensure that the applicant understands the meaning of the practice provision "after the calendar year of installation". |
| 7  | Have the applicant complete ACP-256 if the applicant requests consideration under the limited resource provisions.     |
| <b>Note:</b> Certification in FSA-217, Part C may be used instead of certification on ACP-256. |  |

## 175 Approvals and Disapprovals

### A Reviewing Requests

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

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

### B COC Action

COC shall:

- advise applicants in writing of action taken or to be taken on ECP applications
  - issue a practice approval only if **all** of the following are met:
    - ECP application is eligible for cost-sharing
    - the damage was the result of a disaster not occurring frequently in the area
    - the estimated start date has been documented

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

    - the producer filed the ECP application before starting the practice
    - funds are available
    - an onsite inspection has been completed by an FSA or other authorized agency employee, such as NRCS or NIFA, with approval from ECP-PM
    - the practice was started after the agency responsible for technical assistance has made any necessary technical determinations
  - complete CCC-770 ECP-1 (Exhibit 5) before approving the ECP application only if deemed necessary by COC, SED, or STC representative
- \*--Note:** County Offices that have **not** implemented ECP within the last 5 years shall complete CCC-770 ECP-1 on its first applications.**--\***
- complete FSA-23 (Exhibit 17) before approving the ECP application
  - complete FSA-850 (Exhibit 18) or NRCS-CPA-052 (or NRCS State equivalent) before approving the ECP application.

## 175 Approvals and Disapprovals (Continued)

### B COC Action (Continued)

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

### C Waiver When Producer Starts Practice Before Approval

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

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

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

### D Granting Relief for Starting a Practice Before Filing ECP Application

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

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

**Examples:** Examples of these situations are emergency repair of:

- fences to contain livestock
- a dam that poses an immediate threat to life and property.
- ECP applications filed between the date of the disaster and the end of the signup period, if the work has begun before submitting the ECP application
- a practice was started no more than 60 calendar days before the ECP disaster designation was approved for the applicable County Office.

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

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

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

**B Limited Resource Determinations**

Limited resource C/S rates shall be approved only when COC determines that the producer  
\*--qualifies after reviewing the information on ACP-256 or FSA-217.--\*

Make this determination before issuing the related ECP application.

**C Limited Resource C/S**

If some eligible persons or legal entities contributing to a practice will qualify for limited resource rates and others will qualify for regular rates, for ECP applications processed in:

- CRES, determine the weighted total C/S to be approved on AD-245, page 1
- the web-based CSS, C/S will be automatically calculated with a limited resource C/S percentage for producers designated as limited resource.

**D Qualification for Limited Resource Producer**

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

- used as an online tool to determine producer eligibility
- \*--at [www.lrfTool.sc.egov.usda.gov/](http://www.lrfTool.sc.egov.usda.gov/).--\*

**E Outreach for Limited Resource Producers**

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

**177 Disapprovals and Deferred Action**

**A Disapproving Requests**

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

- reason for disapproval, according to:
  - the CSS User Guide
  - 1-CONSV, paragraph 216 for applications processed in CRES
- the right to appeal COC's decision, according to 1-APP.

**B Documenting COC Minutes**

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

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

**C Deferred Action**

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

**178 Pending Requests**

**A Maintaining Pending Requests**

Maintain a file of pending 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.

| <b>FSA-848's for...</b>   | <b>MUST be reviewed by...</b> | <b>BEFORE approval or disapproval by...</b> |
|---|-------------------------------|---|
| <ul style="list-style-type: none"> <li>• COC members</li> <li>•*--NIFA employees--*</li> <li>• FSA County Office employees</li> <li>• other county USDA employees</li> <li>• Conservation District board members</li> </ul> | 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**

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

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

## 182 Setting Expiration Dates

### A Practice Expirations and Extensions

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

### B Extensions

Extensions:

- may be granted, if necessary
- \*--shall be evaluated by COC and forward the request and recommendation to the STC representative--\*
- shall be documented and approved by an STC representative.

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

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

### C Drought Extensions

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

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

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

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

**183 Expiration Notice**

\* \* \*

**A Documenting Extensions in COC Meetings**

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

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

**184 Canceling Approvals****A Canceling Approved ECP Agreements**

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

- Notify the assigned technical agency.
- Document the action taken on FSA-848A or AD-245, as applicable, and notify the producer.

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

**B Suspending Cancellation**

If a performance report on FSA-848B, page 1 or AD-245, page 2 is not filed promptly, cancellation may be delayed if the County Office has a definite indication that the practice was performed in a timely manner.

- Certification of performance on FSA-848B, page 2 or AD-862 and personal knowledge of a committee member or County Office employee are acceptable reasons for suspending cancellations.
- Take immediate action to obtain the performance report.

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

**Note:** See Exhibit 20 for a completed example of FSA-848B.

**185 (Withdrawn--Amend. 4)**

**186-210 (Reserved)**



**Section 3 Performance Report Requirements**

**211 Filing Performance Reports**

**A Who May File**

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

**B Performance Reports**

To be eligible for C/S payments, participants who perform approved practices must report performance on FSA-848B or AD-245, page 2, if processing through CRES, and provide any required supporting data by the practice completion date. See Exhibit 20 for a completed example of FSA-848B.

**C Dates and Signatures on Performance Reports**

Performance reports must be signed and dated by the participant or the authorized representative whose name appears on the approved FSA-848A or AD-245, page 2, as applicable. Mailed reports shall be date-stamped upon receipt.

The following provides guidelines for signatures on performance reports.

| <b>IF...</b>   | <b>THEN...</b>   |
|--|--|
| FSA-848B, page 1 or AD-245, page 2 is signed by a person or legal entity other than the participant to whom FSA-848A or AD-245 was issued        | determine whether the person or legal entity is authorized to file the report according to subparagraph A. |
| practice or practices were performed by an eligible person or legal entity other than the person or legal entity to whom the approval was issued | revise the name on FSA-848A or AD-245 accordingly.   |
| practice, practices, component, or components were not completed   | FSA-848B, page 3 or AD-245, page 2 should not be signed.   |
| performance report involves signatures for deceased, missing, or incompetent persons   | see 1-CM.  |
| persons or legal entities are not eligible to receive a payment  | they are not required to sign FSA-848B or AD-245, page 2.  |

**212 Reporting Dates**

**A Final Date to Report Performance**

Performance must be reported on or before the expiration date or by the authorized extension \*--date granted by the STC representative. See paragraph 211.--\*

**B Filing in Timely Manner**

FSA-848B, page 1 or AD-245, page 2 is filed in a timely manner when it is delivered to, or postmarked for delivery to, the County Office or COC on or before the practice expiration date.

If the date stamp shows that FSA-848B, page 1 or AD-245, page 2 was received in a timely manner, do not question the producer's failure to date it.

**C Not Filing in Timely Manner**

For reports not filed in a timely manner, enter either of the following on FSA-848B or AD-245, page 2:

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

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

## Reports, Forms, Abbreviations, and Redelegations of Authority

### Reports

None

### Forms

The following table lists all forms referenced in this handbook.

| Number        | Title  | Display Reference | Reference                     |
|---------------|--|-------------------|-------------------------------|
| ACP-153       | Pooling Agreement  |                   | 417-419, 432-434, 446, Ex. 26 |
| ACP-153A      | Pooling Agreement Worksheet  | Ex. 26            | Text, Ex. 33                  |
| ACP-256       | Request for Consideration Under Low-Income Provision   |                   | 154, 176                      |
| ACP-301       | Record of AD-862's (for Automated Processing)  |                   | 393                           |
| ACP-308       | Transmittal  | Ex. 33            | 432                           |
| AD-245        | Request for Cost Shares  |                   | Text, Ex. 25, 26, 29          |
| AD-672        | Reimbursement or Advance of Funds Agreement  | 77                |                               |
| AD-862        | Conservation Reporting and Evaluation System   |                   | Text                          |
| AD-1026       | Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification          |                   | 2, 4, 334                     |
| CCC-36        | Assignment of Payment  |                   | 419                           |
| CCC-170       | Agreement for ECP Assistance for Levees Not Yet Repaired to Corps of Engineers' Specifications | 111               |                               |
| CCC-770 ECP-1 | ECP Checklist Before Approval Is Made  | Ex. 5             | 10, 175                       |
| CCC-770 ECP-2 | ECP Checklist Before Payment Is Made   | Ex. 6             | 10, 292                       |
| FSA-18        | Applicant's Agreement to Complete an Uncompleted Practice                                      | Ex. 25            | 321                           |
| FSA-23        | Determining Agricultural Market Value and Cost Share Per Acre Worksheet                        | Ex. 17            | 175, 179                      |
| FSA-217       | Socially Disadvantaged, Limited Resource, and Beginning Farmer or Rancher Certification        |                   | 154, 176                      |
| FSA-276       | On-Farm Spot Check Record  | Ex. 29            | 393, 394                      |
| FSA-357       | State Program Allocation   |                   | 67                            |

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

Forms (Continued)

| Number                           | Title   | Display Reference | Reference             |
|----------------------------------|---|-------------------|-----------------------|
| FSA-848                          | Cost-Share Request  | Ex. 8             | Text                  |
| FSA-848-1                        | Continuation Sheet for Cost-Share Request                               |                   | 9, Ex. 8              |
| FSA-848A                         | Cost-Share Agreement  | Ex. 9             | Text                  |
| FSA-848A-1                       | Continuation Sheet for Cost-Share Agreement                             |                   | 9, Ex. 9              |
| FSA-848B                         | Cost-Share Performance Certification and Payment                        | Ex. 20            | Text, Ex. 29          |
| FSA-848B-1                       | Continuation Sheet for Cost-Share Performance Certification and Payment |                   | 9, Ex. 20             |
| FSA-850                          | Environmental Evaluation Checklist                                      | Ex. 18            | 171, 172, 175, Ex. 12 |
| NRCS-CPA-052                     | Environmental Evaluation Checklist                                      |                   | 171, 172, 175         |
| NRCS Financial Management FNM-15 | USDA Natural Resources Conservation Service Bill                        |                   | 76                    |

Abbreviations Not Listed in 1-CM

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

| Approved Abbreviation | Term   | Reference         |
|-----------------------|--|-------------------|
| CFLS                  | Conservation Funds Ledger System                 | 21, 331, 332, 335 |
| CSS                   | Cost Share Software                              | Text              |
| eFMS                  | electronic Funds Management System               | 331               |
| ECP-PM                | Emergency Conservation Program - Program Manager | Text, Ex. 12      |
| MOA                   | Memorandum of Agreement                          | 76, 77            |
| P-A                   | pooling agreement                                | Text, Ex. 26, 33  |

Delegations of Authority

The following table lists all delegations of authority for this handbook.

| Delegation  | Reference |
|---|-----------|
| STC may redelegate authority to approve pooling agreements. | 67        |

## **Policy for Small Payments**

\*--By statute, the damage to the land “will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use”.

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

An SDA producer must have sustained an estimated minimum of at least \$250 in damages to qualify for ECP.--\*

It will depend on the good judgment of STC and its representatives to see that the intent of Congress is followed. STC’s shall ensure that DD’s review this policy with COC’s. Regardless of the size of C/S that could be earned, COC is responsible for determining that the damage will be so costly to rehabilitate that **taxpayer assistance** is justified to restore the land to productive agricultural use.



**National Practices (Continued)**

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

**A Purpose**

This practice restores or replaces field windbreaks and farmstead shelterbelts to help stop wind erosion and provide energy conservation.

**B Practice Policy**

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

**C C/S Policy**

The following provides C/S policy.

| <b>IF component is...</b>  | <b>THEN C/S is...</b>  |
|--|------------------------|
| removing debris from field windbreaks or farmstead shelterbelts  | authorized.            |
| planting field windbreaks or farmstead shelterbelts  |                        |
| purchasing tree seedlings or young shrubs used for field windbreaks or farmstead shelterbelts  |                        |
| establishing vegetative cover where needed to prevent serious erosion until trees/shrub are established  |                        |
| chemical or mechanical weed control measures:  |                        |
| <ul style="list-style-type: none"> <li>• only where needed to establish trees for the windbreak</li> <li>• only during the first 24 months after planting</li> </ul> | <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 disaster</li> <li>• are in CRP * * *</li> </ul>                    |                        |
| planting orchard trees or ornamental plantings   |                        |

**National Practices (Continued)**

**EC8 Field Windbreaks and Farmstead Shelterbelts Emergency Measures (Continued)**

**D Maximum Federal C/S**

The maximum Federal C/S is 75 percent. Express the C/S rate as follows:

“75 percent of the actual cost not to exceed \$\_\_\_\_\_ per \_\_\_\_\_ (unit of measure).”

The limitation shall be based on the average cost of performing the unit of measure.

**E Lifespan**

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

**F Specifications**

The practice shall provide any requirements upon which cost-sharing is conditioned. Technical standards and specifications may be included or incorporated by reference.