

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

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

Amendment 2

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraph 37 A has been amended to:

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

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

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

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

Subparagraph 99 A has been amended to:

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

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

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

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

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

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraph 301 E has been amended to:

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

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

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

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

Subparagraph 576 A has been amended to:

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

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

Exhibit 43:

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

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

Amendment Transmittal (Continued)

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36 STC Responsibilities

A Program Administration

STC:

- is responsible for administering ECP within the State according to national policy
- may delegate the authority to sign documents showing action taken by STC's designee
- is responsible for annually reviewing the agricultural market values established by COC's in each county.

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

B STC Action

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

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

37 SED Responsibilities

A Program Oversight

SED must:

- implement ECP as directed by STC and within national policy
- supervise and monitor operations to ensure that:
 - ECP policies are followed
 - operations are uniform among County Offices
- provide training, as appropriate, for COC's, CED's, program technicians, and others to ensure that County Offices have a clear understanding of ECP policies, procedures, and responsibilities, including those related to ECP payment scenarios
- ensure correct ECP payment scenario rates are reflected in CSS
- ensure information submitted is complete and supports requests for implementation and funds
- *--establish a monthly State plan to monitor ECP that must provide:--*
 - for the STC-delegated representative to:
 - review a sampling of FSA-848's filed in each County Office as required in paragraph 399
 - ensure that action is taken for review and approval of certain FSA-848's as required according to paragraph 399
 - *--report all COC decisions on situations related to paragraph 399--*
 - the sampling and monitoring needed for ECP implementation and assistance
 - spot check completed practices as required in paragraph 682.

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

96 Administrative State and County Offices

A Farmland Eligibility

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

For the non-approved ECP county to administer the C/S process for the eligible land physically located in the ECP-approved county, the administrative county for the farm must be added to the disaster ID. State Office Program Specialist must contact the ECP-PM requesting the disaster ID be updated to include the county.

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

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

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

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

97 Native American Land

A Eligible Native American Land

Farmland owned by a Native American or a Native American Tribe is eligible for ECP.

Note: Tribal lands are not owned by the United States even though these lands may be managed by BIA.

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

98 Government-Owned Land

*--A State-Owned Land

The following table shows eligibility policies for State-owned land.

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

B Federally Owned Land

The following table shows eligibility policies on federally owned land.

IF an eligible person or legal entity files a C/S request on...	AND...	THEN the land is...
federally owned farmland	all of the following apply: <ul style="list-style-type: none"> • a private person or legal entity is farming the cropland • a person or legal entity has a lease that does not prohibit C/S <p>Note: Private persons or legal entities exclude federal and State agencies.</p> <ul style="list-style-type: none"> • the practice will primarily benefit nearby or adjacent privately owned farmland of the person or legal entity performing the practice • a person or legal entity performing the practice has authorization from the federal agency to install and maintain the practice • the federal land is the most practical location for the practice during a drought, the practice will primarily benefit the livestock owned or managed by the person or legal entity performing the practice	eligible.
	practices performed on these lands are for the benefit of land owned by a federal agency <p>Note: 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 received funding from any other Federal * * * program, that covers the same or similar expenses to create duplicate payments or, in effect, a higher rate of C/S than is allowed. Other C/S programs include, but are not limited to:

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

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

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

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

* * *

99 Prohibition of Duplicate Benefits (Continued)

B Land With Practices Under Practice Maintenance From Any Other Federal * * * C/S Program

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

C Determining Eligibility and Duplicate Benefit Applicability

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

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

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

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

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

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

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

B ECP Payment Scenario Methodology

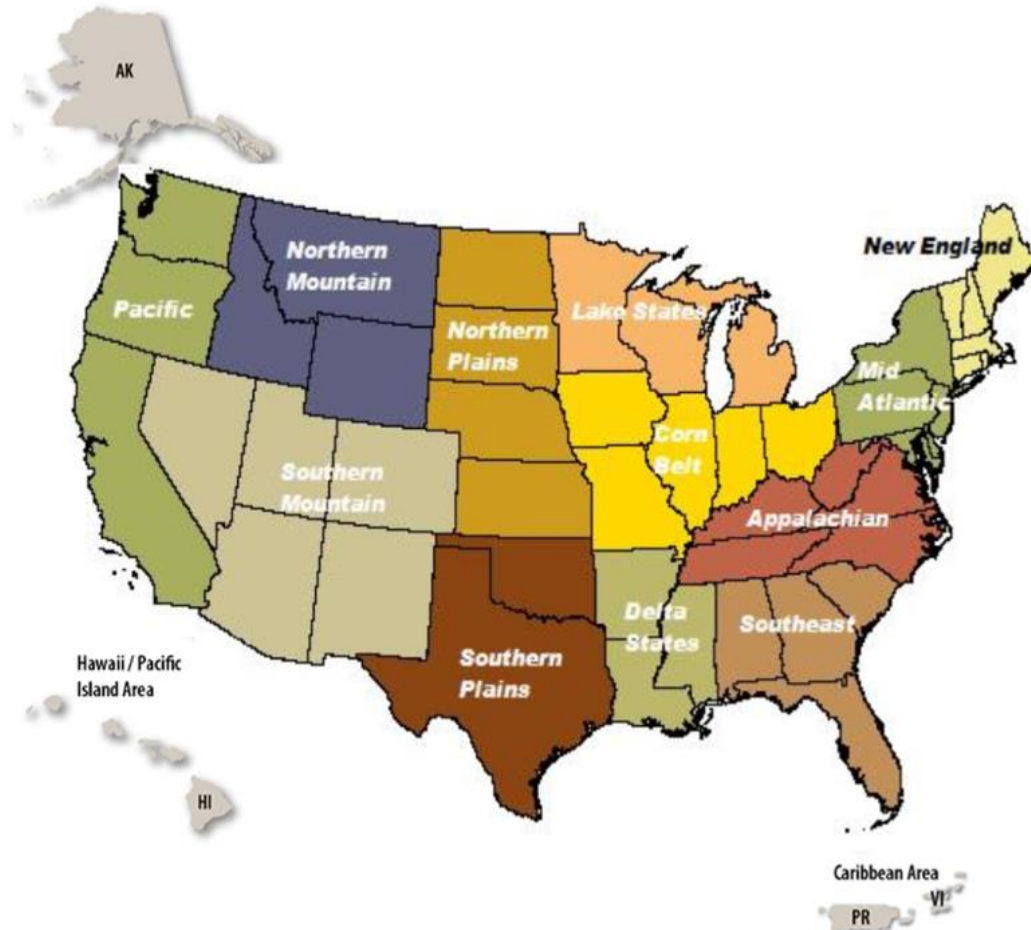
The methodology and process used by NRCS to develop ECP payment scenarios is consistent with NRCS Handbook Title 300-Payment Schedule Handbook Part 600-Payment Schedules and NRCS Conservation Programs Manual. FSA will utilize ECP payment scenarios to:

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

147 Background (Continued)

B ECP Payment Scenario Methodology (Continued)

Note: The following map provides payment scenario regions.



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

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

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

148 ECP Payment Scenario Applicability

A ECP Payment Scenarios are all Inclusive

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

B Publishing Fiscal Year Rates

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

149 Incurred Cost Determination Process

A Determining Estimated Incurred Costs

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

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

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

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

B Process to Determine Estimated Incurred Costs

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

The following provides a summary of the process.

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

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

See Exhibit 51 for flow chart of scenario development.

153 Practice Standards and Lifespan Maintenance

A Practice Scenario Standards

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

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

B Practice Scenario Lifespan Maintenance

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

154 Receipt Collection for Cost Review

A Receipt Collection

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

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

B County Office Receipt Review

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

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

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

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

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

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

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

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

203 Eligible Restoration Cost Considerations (Continued)

B Safety Requirement

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

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

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

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

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

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

Note: Assigned technical agencies are responsible for work completed by other sources and must certify that C/S practices were performed according to standards and *--specifications, with the exception of fence repair.--*

B Producers Using Outside Assistance

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

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

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

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

229 TA Cost to Participants

A Agency Provided TA

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

B Participant Contracted TA

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

301 Accepting ECP Applications (Continued)

D Number of ECP Applicants on a Request

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

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

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

301 Accepting ECP Applications (Continued)

E Assisting Applicants Filing ECP Applications (FSA-848)

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

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

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

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

Justification considerations may include:

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

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

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

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

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

County Offices receiving STC concurrence to implement ECP may:

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

If the County Office is notified by the National Office that funding is not available, inform the producer **in writing** that although the County Office has accepted the request and conducted field visits, this does not imply that C/S assistance will be available. A system generated lack of funds letter can be accessed according to 2-ECP. See the example letter in *--Exhibit 83.--*

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

H No ECP Signup

Always accept requests for ECP assistance if the producer wishes to apply, even if the county is not approved for ECP.

After the request is accepted, COC will evaluate the request and determine whether ECP implementation is warranted. If COC determines to:

- request ECP implementation, proceed with the provisions of this section
- not request ECP implementation, inform the applicant in writing with applicable appeal rights according to 1-APP.

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

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

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

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

C Using a Programmatic FSA-850

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

State Offices must:

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

County Offices must:

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

326 Environmental Compliance and Cultural Resource Protection

A Environmental and Cultural Resource Considerations

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

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

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

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

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

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

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

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

399 Approvals and Waivers (Continued)

B COC Action

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

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

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

399 Approvals and Waivers (Continued)

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

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

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

Examples: The following are examples of emergency actions:

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

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

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

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

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

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

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

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

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

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

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

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

In certain instances, producers may need to start the ECP practice after filing the ECP application, but before the application can be approved. With concurrence of STC or its delegated representative, COC may waive the requirement to approve FSA-848A before work begins, on a case-by-case basis if justified. Justification may include action needed to prevent further losses.

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

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

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

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

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

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

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

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

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

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

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

576 C/S Advances (Continued)

B Acceptable and Unacceptable Reasons for Not Completing Practices

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

- flood
- drought
- death
- involuntary loss of control of the farm.

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

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

577-597 (Reserved)

Section 8 Issuing Partial Payments

598 When Partial C/S Payments May Be Made

A Authority for Partial Payment

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

If the total practice extent is not completed within the time prescribed, the applicant must refund the payment made unless prevented from completing the practice for reasons beyond the applicant's control.

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

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

B Making Partial Payments

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

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

Note: See subparagraph A, Example 2.

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

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

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

Note: See paragraph 709 for late payment and refund interest instructions.

B Acceptable Reasons for Not Completing Practices

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

- flood
- drought
- death
- involuntary loss of control of the farm.

C Unacceptable Reasons for Not Completing Practices

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

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

600-620 (Reserved)

National ECP Practices

A Practice Overviews

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

Code	Practice	Subparagraph
EC1	Removing Debris From Farmland	B
EC2	Grading, Shaping, Releveling, or Similar Measures	C
EC3	Replacing or Restoring Permanent Fences	D
EC4	Restoring Conservation Structures and Other Installations	E
--EC5	Emergency Wind Erosion Control Measures	F--
EC6	Drought Emergency Measures	G
EC7	Other Emergency Conservation Measures	H
EC8	Field Windbreaks and Farmstead Shelterbelts Emergency Measures	I

All practices must specify any requirements upon which cost sharing is conditioned.

Examples of requirements may include, but are not limited to:

- implement required
- depth
- spacing
- tillage measures
- type of posts
- type of wire
- bracing
- type of debris
- manner of disposition.

Technical standards and specifications must be included or incorporated by reference.

--All practices must meet NRCS Standards and Specifications, with the exception of fence repair.--

State and County Offices may access NRCS standard or specification guidelines for their applicable county/area on eFOTG.

National ECP Practices (Continued)

A Practice Overviews (Continued)

The following table provides the steps to access the Field Office Technical Guide.

Step	Action
1	Access the Field Office Technical Guide at https://efotg.sc.egov.usda.gov/#/ .
2	*--Select your State from the drop-down menu and click the blue arrow to submit.--*
3	CLICK “Document Search” tab.
4	Use either Keyword Search or Subject Search.
5	CLICK “Search”.

State Offices should prepare a list of ECP Practice Scenarios as a reference guide for County Offices. Following is an example of a reference guide.

*--

Practice Name and Units	Practice Code	Date of Current CPS	ECP Practice Lifespan
**Cover Crop	340	03/21	1
Critical Area Planting (ac)	342	03/18	10
Dam, Diversion (no)	348	07/12	15
Diversion (ft)	362	08/17	10
Fence (ft)	382	06/14	20
Grade Stabilization Structure (no)	410	09/15	15
Grassed Waterway (ac)	412	09/15	10
**Heavy Use Protection (sq. ft.)	561	06/14	15
Irrigation Field Ditch (ft)	388	07/12	15
Irrigation Land Leveling (ac)	464	02/18	15
Irrigation System, Tailwater Recovery (no)	447	09/15	15
Lined Waterway or Outlet (ft)	468	05/18	15
Livestock Pipeline (ft)	516	09/12	10
Obstruction Removal (ac)	500	01/13	10
Pond (no)	378	10/16	20
Precision Land Forming (ac)	462	09/15	10
Pumping Plant (no)	533	01/13	15
Sediment Basin (no)	350	09/16	20
Spring Development (no)	574	07/16	20
Structure for Water Control (no)	587	05/19	20
Surface Roughening (ac)	609	05/15	10
Terrace (ft)	600	09/15	10
Underground Outlet (ft)	620	07/14	20
Waste Treatment Lagoon (no)	359	04/18	15
Water Well (no)	642	09/15	20
Watering Facility (gal)	614	09/15	10
Windbreak-Shelterbelt Establishment (ft)	380	08/12	15

*--

National ECP Practices (Continued)

C EC2 - Grading, Shaping, Releveling, or Similar Measures (Continued)

The following table provides the C/S policy.

IF component is...	THEN financial assistance is...
grading, shaping, and filling gullies created by the disaster	authorized using technical practice codes *--342 and 462.--*
releveling of previously leveled irrigated farmland	
removing humps, ridges, or depressions if they cause water to pond on the land surface	
Note: Draining wetlands is not an approved ECP practice.	
incorporating sand or silt deposits 6 to 12 inches deep into the soil	
re-establishing permanent vegetative cover on areas where all the following are present:	
<ul style="list-style-type: none"> • grading and shaping is required for rehabilitation of the area • the pre-existing permanent vegetative cover was destroyed • the area involved would be subject to critical wind or water erosion unless the cover is re-established 	
Note: TSP or FSA must determine the need for an extent of ECP practice.	
establishing vegetative cover on land where it did not previously exist, including drainage ways, even though grading and shaping is required to correct damage on the land	not authorized.
incorporating sand and silt deposits less than 6 inches deep	
releveling measures on irrigated farmland that constitute floating or land planing	
performing measures in connection with normal farming operations	
repairing and restoring roadways, including field roads if required to correct damage on the land	

National ECP Practices (Continued)

D EC3 - Replacing or Restoring Permanent Fences

This practice corrects damage to fences caused by natural disasters.

Apply this practice to farmland on which farm fences have been destroyed or seriously damaged by the approved disaster.

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

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

Notes: COC must consider the following before making approvals:

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

This practice must have been functioning prior to the disaster event.

National ECP Practices (Continued)

D EC3 - Replacing or Restoring Permanent Fences (Continued)

Cost-sharing must be limited to replacing or repairing fences damaged by natural disaster.

The following table provides the C/S policy.

IF request is for replacing or restoring...	THEN financial assistance is...
fences needed to return the land to productive agricultural use	authorized using code 382.
*--livestock inclusion or exclusion	
livestock or wildlife exclusion fence used to protect crop--*	
cross fences	
boundary fences	
cattle gates	
solar-based and wind-based power sources only if determined to be the least costly option to replace electric fence	
reusable material from the fence damaged by the disaster	not authorized.
the following types of fences:	
<ul style="list-style-type: none"> • ornamental fences • temporary fences • commercial hunting or recreational fences. 	
fences not for the purpose of enclosing or excluding livestock, or fences not for the purpose of excluding wildlife from agricultural land	

National ECP Practices (Continued)

E EC4 - Restoring Conservation Structures and Other Installations

This practice restores conservation structures and installations damaged by natural disasters.

TSP must make a determination if the practice was functioning prior to the disaster and adjust extent needed based on the functionality of the practice prior to the disaster.

Apply this practice to farmland on which conservation structures and other installations have been seriously damaged by the approved disaster.

Technical responsibility for this practice is assigned to NRCS.

National ECP Practices (Continued)

E EC4 - Restoring Conservation Structures and Other Installations (Continued)

The following table provides the C/S policy.

IF component is...	THEN financial assistance is...
dams, ponds, and other water impoundments for agricultural uses	authorized using technical codes 313, 342, 348, 350, 359, 362, 378, 388, 410, 412, 416, 462, 464, 468, 516, 533, 587, 600, 614, 620, and 642.
sod waterways	
installed open or closed drainage systems	
diversions or spreader ditches	
terrace systems	
structures for the protection of outlets or water channels before the disaster	
wells	
solar units for livestock water damaged by wildfire	
spring developments	
pipelines	
livestock water facilities when damaged by wildfire, flooding, or hurricane	
ditches and other permanently installed systems	
permanent vegetative cover including re-establishment where needed in conjunction with:	
<ul style="list-style-type: none"> • eligible structures • installations to prevent critical erosion and siltation. 	
animal waste lagoons repaired or replaced outside the 100-year floodplain	not authorized.
silt removal	
animal waste lagoons repaired or replaced within the 100-year floodplain	
irrigation wells	
portable pumps	
motors	
portable pipe	
roadways including field roads	
wheel move systems	
buried mainlines	
hand move systems	
center pivot systems	

National ECP Practices (Continued)

***--F EC5 Emergency Wind Erosion Control Measures**

This practice applies emergency wind erosion control measures to farmland damaged by natural disasters.

Apply this practice to farmland subject to serious wind erosion because of either of the following:

- extended periods of insufficient moisture
- crop residue or stubble is not adequate to protect the land.

The following table provides the C/S policy.

IF component is...	THEN financial assistance is...
contour or cross slope chiseling	authorized using technical practice codes 340 and 609.
chiseling where impractical to perform on the contour or on the cross slope	
deep plowing or similar measures to bring subsoil clods to the surface	
measures considered to be normal farming operations, such as those needed to prepare a seedbed for the next crop	

The practice will specify any requirements, such as:

- implement required
- depth
- spacing
- tillage measures.--*

G EC6 - Drought Emergency Measures

This practice provides water conservation and enhancement measures to:

- permit grazing of range, pasture, or forage by livestock
- supply emergency water for existing irrigation systems serving orchards and vineyards
- provide emergency water for confined livestock operations.

Note: This practice must have been functioning before the disaster event.

Apply this practice to farmland suffering from severe drought because of an extended period of insufficient moisture, a lack of reliable livestock water, or a lack of reliable supply of water for orchard and vineyard existing irrigation systems.

For approval to implement the program, submit to STC and to ECP-PM copies of the information listed in paragraph 277.

National ECP Practices (Continued)

G EC6 - Drought Emergency Measures (Continued)

Water conservation and enhancement measures are limited to the following.

- Those needed to permit livestock grazing of:
 - range
 - pasture
 - forage.
- Supply emergency water for existing irrigation systems serving orchards and vineyards.
- Only those farms or ranches that had adequate livestock watering systems or facilities or adequate irrigation systems for orchards and vineyards before the drought are eligible for C/S assistance.
- A drought-related problem must exist, and the approved practice must be installed primarily to deal with the drought-related problem.
- There must be adequate permanent range or pasture residue for livestock in the area to be served by a proposed water facility at the time of the request. Distribution of livestock watering facilities should help prevent overgrazing of pasture.
- Pump equipment and adequate storage facilities must be provided when wells are installed.
- Solar-based and wind-based power sources are eligible only when determined to be the least costly alternative to FSA within the lifespan of a practice in providing water for livestock.
- *--Extensions of expiration dates beyond 120 calendar days from the original practice expiration date require ECP-PM approval.--*
- STC must monitor the drought situation to determine when severe drought conditions have ended. When it is determined that the program is no longer needed, STC must direct COC to:
 - discontinue issuing approvals
 - return all unobligated funds.

Note: Notify ECP-PM when:

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

National ECP Practices (Continued)

G EC6 - Drought Emergency Measures (Continued)

The following table provides the C/S policy.

IF component is...	THEN financial assistance is...
installing pipe to an existing or newly developed source of water because the primary source is inadequate Note: One-time connection to public rural water utility lines charged by the water service authority is limited to labor, equipment, and materials and is included in ECP payment scenario. Charges for fees and water service must be wholly borne by the producer.	authorized using technical codes 342, 447, 516, 533, 574, 614, and 642.
storage facilities, including tanks incorporated into a new or existing water distribution system, and troughs above ground, if needed to supply water for immediate needs of livestock	
constructing and deepening wells for livestock water	
constructing tail water recovery pits for any irrigation system to orchards and vineyards	
developing springs or seeps for livestock water	
wells where there is no other source of emergency water available that could be developed at less expense	
measures to provide emergency water for livestock in confinement operations on the farm that were in confinement before the drought	
permanently installed submersible pump of a size that would address the needs of livestock on hand at time of disaster	
solar panels to provide power to pump water for livestock and the solar panels are the least costly alternative	

National ECP Practices (Continued)

G EC6 - Drought Emergency Measures (Continued)

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

National ECP Practices (Continued)

H EC7 - Other Emergency Conservation Measures

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

ECP practices must meet the requirements in this handbook.

The following table provides the C/S policy.

IF the component is...	THEN financial assistance is...
replacing or restoring a conservation or pollution abatement practice damaged by the natural disaster	authorized.
restoring eligible land to its normal production capacity	
returning eligible land to productive agricultural use as a result of damage directly related to a natural disaster	
conserving or enhancing water resources	
for the solution of conservation or environmental problems existing before the disaster	not authorized.
an activity normally performed by producers independently of an ECP designation	

All practices must specify a minimum lifespan.

If a payment scenario cannot be matched to the need of the EC7 request, cost share components must be approved by STC and COC.

--Express the C/S rate as a flat rate.--

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

National ECP Practices (Continued)

I EC8 - Field Windbreaks and Farmstead Shelterbelts Emergency Measures

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

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

The following table provides the C/S policy.

IF the component is...	THEN financial assistance is...
removing debris from field windbreaks or farmstead shelterbelts	authorized using code 380 * * *.
planting field windbreaks or farmstead shelterbelts	
purchasing tree seedlings or young shrubs used for field windbreaks or farmstead shelterbelts	
establishing vegetative cover where needed to prevent serious erosion until trees/shrub are established	
chemical or mechanical weed control measures: <ul style="list-style-type: none"> • only where needed to establish trees for the windbreak • only during the first 24 months after planting. 	
windbreaks or shelterbelts that: <ul style="list-style-type: none"> • were not pre-existing • were not damaged by the disaster • are in CRP. 	not authorized.
planting orchard trees or ornamental plantings	

FSA-23

A FSA-23 Completion Instructions

FSA-23 will be completed for each application, to include all practices included on the corresponding FSA-848, according to the following instructions.

Item	When C/S is limited by the agricultural market value of the land	When C/S is limited by the value of animal units in confinement
1	Enter the producer's name and address.	Enter the producer's name and address.
2	Enter the State and county name.	Enter the State and county name.
3	Enter FSN's.	Enter FSN's.
4	Enter the practices requested according to the applicable FSA-848.	Enter the practices requested according to the applicable FSA-848.
5	Not applicable.	Not applicable.
6	*--Enter the total practice C/S requested and needed from item 13J on the applicable FSA-848.	Enter the total practice C/S requested and needed from item 13J on the applicable--* FSA-848.
7	Enter the acres requested per practice according to item 10G on the applicable FSA-848. <u>1/</u> Note: See subparagraph B for examples.	Not applicable.
8	Not applicable.	Enter the number of animal units served by requested C/S.
9	Not applicable.	Enter the type of animals in the confinement operation.
10	Enter the average agriculture market value of affected acres.	Not applicable.
11	Divide total C/S requested from item 6 by acres served from item 12.	Not applicable.
12	Enter the acres served. <u>2/</u>	Not applicable.
13	Not applicable.	Not applicable.

1/ FSA-23 will be completed during the initial C/S request and initially based on the estimated acres served. If the TSP determines the acres served are different than the original request, revise FSA-23 accordingly.

2/ If multiple practices on the same application are serving the same acres, only count the acres once in item 12. If practices on the application are serving different acres, combine the total number of different acres served by all practices and enter the cumulative total in item 12. Add explanation in item 14.

FSA-23 (Continued)

A FSA-23 Completion Instructions (Continued)

Item	When C/S is limited by the agricultural market value of the land	When C/S is limited by the value of animal units in confinement
14	<p>Provide C/S request information for each practice. Detail acres served for each practice and indicate if acres served are represented in another practice's total acres.</p> <p>If requested C/S per acre (item 11) exceeds half the agricultural market value of the land (item 10), denote the allowed C/S eligible to be paid to the producer in the remarks section.</p>	<p>Multiply the total number of animal units multiplied by animal unit value of livestock= total value of animal units in confinement.</p> <p>Explain if requested total C/S is more or less than half of the total value of animal units in confinement.</p>
15	Enter the preparer's signature.	Enter the preparer's signature.
16	Enter the preparer's title.	Enter the preparer's title.
17	Enter the date prepared.	Enter the date prepared.

Example for Providing Disaster Information to News Media

Following is an example format for a natural disaster announcement.

Name County Farm Service Agency is Accepting Emergency Conservation Program Applications

(CITY, State), Month XX, Year – U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) Executive Director CED Full Name today announced that Name County is accepting applications for the Emergency Conservation Program (ECP) to address damages from (list eligible disaster event). ECP signup will begin on Month XX, Year, and end on Month XX, Year.

The approved ECP practices under this authorization include list eligible practices.

ECP assists producers with the recovery cost to restore the agricultural land to pre-disaster conditions. Approved ECP applicants may receive up to 75 percent of the cost of approved restoration activity. Limited resource, socially disadvantaged and beginning farmers and ranchers may receive up to 90 percent cost-share.

“Dealing with natural disasters is never easy, especially when you have to consider the health and safety of livestock, but it’s important for producers to call our office before they take any action,” said Last Name.

Producers with damage from such events must apply for assistance prior to beginning reconstructive work. FSA’s National Environmental Policy Act (NEPA) and environmental compliance review process is required to be completed before any actions are taken. Submitting an application after reconstructive work has been completed may not qualify for ECP.

FSA county committees will evaluate applications based on an on-site inspection of the damaged land, taking into consideration the type and extent of the damage. An on-site inspection does not guarantee that cost-share funding will be provided.

The 2018 Farm Bill increased the payment limitation for ECP to \$500,000 per disaster. The use of ECP funds is limited to activities to return the land to the relative pre-disaster condition. Conservation concerns that were present on the land prior to the disaster are not eligible for ECP assistance.

For more information on ECP, please contact the Name County FSA office at phone or visit farmers.gov/recover.

