

For: FSA State and County Offices

Cleaning Up Outstanding ACP-ANA and ACP-EAN Agreements

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A

Background

Section 336 of the Federal Agriculture Improvement and Reform (FAIR) Act of 1996, repealed ACP. Since April 14, 1996, no new approvals could be made under ACP; however, existing contracts would continue until expired or terminated.

B

Purpose

This notice provides procedure for County Office employees to review all outstanding ACP-ANA and ACP-EAN agreements which have **not** had final performance recorded in the system.

Note: ACP-ANA and ACP-EAN agreements were annual agreements.

C

Contacts

If there are questions about this notice:

- County Offices shall contact the applicable State Office
- State Offices shall contact Clayton Furukawa, CEPD, at 202-690-0571.

<p>Disposal Date</p> <p>April 1, 2002</p>	<p>Distribution</p> <p>State Offices; State Offices relay to County Offices, and NRCS State Offices</p>
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2 Ensuring Practices Are Completed

A Completing ACP-ANA and ACP-EAN Practices

All ACP-ANA and ACP-EAN agreements should have been completed. However, if final performance has not been completed, the County Offices must notify producers, in writing, by no later than COB, June 29, 2001, that they have until September 30, 2001, to complete the practice or the agreement(s) will be canceled.

County Offices may modify the miscellaneous letter option in the CRES software or use a word processor to develop letter template in Exhibit 1. Either method must contain the language as listed in Exhibit 1.

B COC Review

Upon producer request, COC may extend the final performance deadline for the application beyond September 30, 2001, with concurrence of State Committee Representative, based on:

- reasonable progress has been or is being made on the scheduled practice
- an extension is justified as determined by COC.

Note: An extension may be based on the technician's advice that the practice is being or will be performed in a timely manner.

If COC determines reasonable progress is being made on an application and an extension of time is justified, the County Office must continue to monitor the application for timely completion. COC shall limit the aggregate extension to a realistic date that reflects COC's estimate of when the practice should be completed, which should not exceed December 31, 2001.

If COC determines that an extension is **not** justified, then the participants will have until September 30, 2001, to complete the practice or the agreement(s) will be canceled on October 1, 2001.

C Appeals

Appeals shall be handled according to 1-APP.

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3 Action

A

State Office Action

State Offices shall:

- immediately provide a copy of this notice to County Offices and State NRCS Offices
- ensure County Offices notify producers by the deadline in subparagraph 2 B
- by COB, October 19, 2001, review the extension dates on outstanding ACP-ANA and ACP-EAN agreements to determine if practical
- by COB, October 19, 2001, notify the National Office of the number of outstanding ACP-ANA and ACP-EAN agreements in the State. FAX this information to CEPD at 202-720-4619, attention: Clayton Furukawa
- by COB, October 19, 2001, notify the National Office of the amount of ACP-ANA and ACP-EAN funds to be returned. FAX information to CEPD at 202-720-4619, attention: Lynne Winemiller. Do not remove any funds from ledgers until FSA-357 is received in the State Office.

Continued on the next page

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3 Action (Continued)

B

County Office Action

County Offices shall:

- immediately identify applications for which final performance has not been reported
 - by no later than COB, June 29, 2001, notify all producers that they have until September 30, 2001, to complete the practice or the agreement(s) will be canceled
 - on October 1, 2001, or as soon as possible thereafter, cancel any ACP-ANA and ACP-EAN agreements for which final performance has not been recorded and for which an extension of time past the date of September 30, 2001, was not approved by COC
 - by COB, October 10, 2001, notify the State Office of the number of outstanding ACP-ANA and ACP-EAN agreements in the county and the practice expiration dates of those agreements
 - by COB, October 10, 2001, notify the State Office of the amount of ACP-ANA and ACP-EAN funds to be returned to the National Office. Do not remove funds from the ledger until notified to do so by the State Office.
 - continue to monitor outstanding ACP-ANA and ACP-EAN agreements to ensure timely completion.
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Language for Notifying Procedures

Language for use by counties when notifying all producers who have ACP-ANA and ACP-EAN agreements for which final performance has not been reported.

U.S. DEPARTMENT OF AGRICULTURE

Farm Service Agency
Haynes County FSA Office
123 Main Street
Grayson, MD 12345-6789

Telephone: (012)345-6789

June 17, 2001

Kitty Tillman
1989 Country Lane
Kingsville, MD 98765-4321

Dear Ms. Tillman,

We previously approved your request under ACP to share the cost with you of establishing one or more conservation practices.

THIS PRACTICE APPROVAL WILL EXPIRE ON SEPTEMBER 30, 2001.

If you have completed this practice and desire cost-sharing, you must file a performance report and application for payment with this office. Follow the instructions on AD-245 furnished you earlier for this practice. A copy of AD-245 is available in this office.

If we do not hear from you, the approval will be canceled. If you no longer have an interest in performing this practice, notify our office so that we can deobligate those funds.

[Include appeal rights language from 1-APP]

County Executive Director