

For: State Offices and Service Centers

Administering the Pasture Recovery Program (PRP)

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A

Background

PRP is authorized by Section 825 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2000 (Pub. L. 106-78).

B

Purpose

This notice reissues procedure contained in Notice DF-323 to administer PRP and, based upon recommendations from national PRP training:

- revises producer eligibility to remove requirement that producer must be approved for payment under the 1999 LAP
- clarifies that the expiration date for all PRP contracts is December 31, 2005
- clarifies that requests for PRP application received after the end of the signup period will not be approved
- revises payment procedures to clarify that producers must provide documentation of practice completion, such as copies of invoices and bills or personal documentation of work done, upon spot check.

Continued on the next page

<p>Disposal Date</p> <p>January 1, 2001</p>	<p>Distribution</p> <p>State Offices; State Offices relay to Service Centers and NRCS State Offices; FS, 80; CSREES, 5</p>
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Notice DF-324

1 Overview (Continued)

B

Purpose (Continued)

- clarifies that when establishing eligible seeding mixtures and minimum seeding and fertilizer application rates, STC may use approved mixtures in Technical Practice Code 512 provided the mixtures are those best suited for pasture
 - provides that seeding mixtures for PRP1 and PRP2 authorized by STC should consider diverse mixtures
 - obsoletes Notice DF-323.
-

C

Relief Actions

Any procedural provision in this notice may be waived by DAFP unless prohibited by statute or regulation and upon justification and recommendation by STC.

2 Eligibility Requirements

A

Designation of Eligible Counties

PRP is limited to counties that are **both**:

- approved for the Livestock Assistance Program (LAP) for 1999 losses for which there is a minimum 120-calendar-day payment period
 - and either:
 - approved by COB March 1, 2000, for ECP for drought emergency measures for 1999 damage
 - requested ECP for drought emergency measures for 1999 damage that was received by CEPD by COB March 1, 2000, which was subsequently approved.
-

B

Eligible Land

Land must be established pasture on which livestock is normally grazed and which was so damaged or destroyed by drought that seeding is required to reestablish the forage crop.

Continued on the next page

2 Eligibility Requirements (Continued)

B
Eligible Land
(Continued)

The following land is ineligible for PRP:

- land from which hay or silage are normally harvested
- land operated by a Federal and State agency or a political subdivision of a State
- hayland and rangeland.

Pasture is generally enclosed land devoted to a perennial forage crop used and suitable for grazing of livestock.

Rangeland is land having indigenous unimproved vegetation which may be used or suitable for open roaming and grazing of livestock.

C
Eligible
Producers

To be eligible for PRP, producers must meet **all** of the following criteria:

- be an owner or operator of eligible land who normally grazes livestock on such land
- as owner or operator, be responsible for restoring and maintaining the forage crop on the affected land for the 5-year lifespan of the contract
- not have gross annual income in excess of \$2.5 million
- certify on AD-245(PRP) that the pasture land was so damaged or destroyed by drought in 1999 that seeding is required to reestablish the forage crop.

Example 1: Harry, the owner of the farm leases pasture to Tonya. Tonya owns the livestock that graze the pasture. Tonya is eligible for PRP only if she reestablishes the forage crop.

Example 2: Same scenario as Example 1, except Harry agrees to reestablish the forage crop. Both Harry and Tonya are ineligible for PRP assistance. Harry is ineligible because he does not normally graze livestock, and Tonya is ineligible because she did not reestablish the forage crop on the pasture land.

D
Filing CCC-502

Producers must have filed CCC-502 according to instructions in 1-PL.

Notice DF-324

3 PRP Practices

A

Eligible Practices

Only 2 practices are authorized under PRP:

- PRP1, Reseeding With Seedbed Preparation
- PRP2, Reseeding Without Seedbed Preparation.

The only authorized technical practice code for both practices is 512, Pasture and Hayland Planting.

Seeding mixtures shall be only those authorized by the STC.

STC:

- shall approve eligible seeding mixtures
- shall establish minimum seeding and fertilizer application rates

Notes: Mixtures and rates shall be the minimum required to establish the forage crop.

STC may use mixtures established in Technical Practice Code 512 provided the mixtures are those determined to be best suited for pasture.

- may use the services of Cooperative Extension Service, the State Technical Committee, NRCS, or other Federal or State agencies deemed appropriate in determining mixtures and rates.

See Exhibits 1 and 2 for practice writeups.

B

Practice Lifespan

The practice lifespan for both practices is 5 years.

4 Operating Procedures

A

PRP Contracts

AD-245(PRP):

- has been developed for PRP
- is available in County Release No. 429.

Important: The only acceptable application and payment form for PRP is AD-245(PRP). No other form shall be used.

Continued on the next page

4 Operating Procedures (Continued)

A

**PRP Contracts
(Continued)**

- See Exhibit 3 for a copy of AD-245(PRP).
 - All PRP contracts are for a 5-year period. The expiration date for all contracts is December 31, 2005.
 - The maximum payment a person may earn under PRP is \$2,500 per person.
 - Notice CONSV-68 contains instructions on completing AD-245(PRP).
-

B

**Technical
Responsibility**

Technical responsibility for PRP is assigned to FSA.

Initial processing of the software to permit AD-862 is required for approval. Notice CONSV-68 has been issued with instructions on filling out AD-862 for automation purposes only.

C

Payment Rates

There will be 2 payment rates, 1 rate for PRP1 and the other for PRP2.

Rates shall:

- be determined by STC
- provide for the cost of the seed, seeding, and fertilizer.

Note: Lime shall not be included in determining payment rates.

Rates will be on a per acre basis and will be based on 50 percent of the average cost of reseeding.

STC may establish 1 Statewide rate for each practice or multiple rates for different geographical areas within the State. County rates are not authorized.

STC approved rates shall not exceed \$75 per acre. Any request for a higher rate must be submitted with justifiable documentation to DAFP for approval. In no case shall an approved rate exceed \$125 per acre.

D

Signup Period

PRP signup shall begin on March 20 and end on COB April 14, 2000.

- All requests for assistance must be received during this time period.
 - Requests received after the end of the signup period will not be approved.
-

Continued on the next page

Notice DF-324

4 Operating Procedures (Continued)

**E
Accepting
Requests**

Requests for PRP payment will be accepted only on AD-245(PRP).

**F
Starting a
Practice**

Producers who start the reseeding practice before completing an application for PRP payment will **not** be approved.

**G
Filing AD-1026**

Producers must have filed AD-1026 according to instructions in 6-CP.

**H
Reports**

After the end of the signup period, but not later than COB April 20, 2000, Service Centers shall compile all requests for payment and submit to the State Office.

The State Office shall compile all county reports and submit to the National Office to be received no later than COB April 25, 2000.

The National Office will compare the amount of PRP funds requested with the funds available. If the total amount of funds requested exceeds the available PRP funding, a factor will be determined and uniformly applied to all requests for payment.

Notice CONSV-68 contains instructions on preparing and forwarding reports for determining payment allocations.

**I
Approvals**

No approvals on AD-245(PRP) shall be made until Service Centers have received an allocation and reduction factor, if applicable, and have been informed by DAFP that approvals may be issued.

Continued on the next page

Notice DF-324

4 Operating Procedures (Continued)

J

**Expiration Date
for Practices**

COC shall establish completion dates for the practices. All PRP seeding practices **must** be completed by September 30, 2000.

Different completion dates not later than December 31, 2000, may be approved by STC for fall seeded or summer fallow seeding practices.

Note: In no case shall the completion date be later than December 31, 2000.

K

Soil Tests

Soil tests are not required for PRP.

L

**Power of
Attorney**

For the purpose of the 1999 PRP, FSA-211 on file and checked "All Programs" is valid. Otherwise a new FSA-211 needs to be completed.

M

Payments

Producers will be paid upon completion of the approved PRP practice and certification on AD-245(PRP) that the practice was performed according to practice specifications and other program requirements.

Verification of practice completion shall be required for all contracts pulled for spot check. Documentation, such as copies of invoices and bills, or personal documentation of work done, as determined acceptable by STC or COC, will be required.

There is no partial payment under PRP.

Note: Payments are assignable. Refer to 63-FI for assignments. Use program code "00PRP" in the "Other " field.

Notice DF-324

5 Action

A

STC Action

STC shall follow PRP policies and procedures in this notice. STC's shall:

- establish payment rates for PRP

Note: Rates may not exceed \$75 per acre unless a higher rate can be justified to DAFP. In no case will the rate exceed \$125 per acre. There will be 1 rate for each PRP practice. Rates will be based on 50 percent of the average cost to reseed the pasture. There may be 1 Statewide rate or multiple rates for different geographical areas within the State. County rates are not authorized.

- establish eligible seeding mixtures and minimum seeding and fertilizer application rates

Notes: The mixtures and rates shall be the minimum required to establish the forage crop. STC may use mixtures established in Technical Practice Code 512 provided the mixtures are those determined to be best suited for pasture.

STC may use the services of Cooperative Extension Service, the State Technical Committee, NRCS, or other Federal or State agencies deemed appropriate in determining mixtures and rates.

- consider and determine practice completion dates no later than December 31, 2000, for fall seeded and summer fallow seeding practices, if applicable.
-

B

State Office Action

State Offices shall:

- review the contents of this notice and implement PRP according to the policies and procedures in this notice
 - determine the eligible counties located within the State and ensure that they are aware of the contents of this notice
 - assist STC in establishing payment rates, seeding mixtures, and minimum seeding and fertilizer rates
-

Continued on the next page

Notice DF-324

5 Action (Continued)

B

**State Office
Action
(Continued)**

- provide seeding mixtures and minimum seeding and fertilizer rates to Service Centers
 - compile all county PRP payment requests and submit a report to the National Office to be received no later than COB April 25, 2000.
-

C

**Service Center
Action**

Service Centers shall:

- review the contents of this notice and implement PRP according to the policies and procedures in this notice
 - provide seeding mixtures and minimum seeding and fertilizer rates to producers at time of signup
 - at the end of the signup period but not later than COB April 20, 2000, compile all requests for PRP payment and submit a report to the State Office
 - set practice completion dates no later than September 30, 2000.
-

PRP1, Reseeding With Seedbed Preparation

A**Purpose**

This practice provides a payment to assist livestock producers in reseeding established pasture damaged or destroyed by drought in 1999.

B**Program Policy**

Apply this practice to established pasture on which livestock are normally grazed and which was so damaged or destroyed by drought in 1999 that reseeding is required to reestablish the forage crop.

C**Policies**

The following policies for this practice are as follows.

- Reseeding is not to be undertaken simply to improve the forage crop damaged or destroyed by the drought. The forage crop must be so damaged or destroyed that seeding is required to reestablish the forage crop.
 - Seeding mixtures shall be only those authorized by STC. Diverse mixtures should be considered.
 - The only authorized technical practice code is 512, Pasture and Hayland Planting.
 - Animal waste may be used as fertilizer only if all of the following are met:
 - the participant has sought approval to apply the material and the material has been approved
 - all requirements and specifications are met as required by EPA and State and local water quality agencies
 - a current waste test analysis is performed
 - the amount applied is limited to what is needed
 - the material does not contain high levels of toxic elements
 - all required State or local permits are obtained
 - the application will have minimal effect on water quality, wildlife, and environment.
-

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PRP1, Reseeding With Seedbed Preparation (Continued)

C**Policies
(Continued)**

- The forage crop must be maintained for a minimum of 5 years after the year of installation. There shall be no mechanical harvesting of the forage crop for the lifespan of the practice.
 - The PRP payment rate includes costs associated with the seed, minerals, seeding, and the necessary seedbed preparation. Costs for lime are not authorized.
 - Payment for temporary cover is not authorized.
 - The PRP practice must be completed by September 30, 2000. A different completion date may be authorized by STC for fall seeded or summer fallow practices. In no case shall the completion date be later than December 31, 2000.
 - No soil test is required.
 - The following is considered ineligible for PRP:
 - land from which hay or silage are normally harvested
 - hayland and rangeland
 - land operated by a Federal or State agency or political subdivision of a State.
-

D**Specifications**

Practice specifications for seeding mixture and fertilizer shall be determined by STC.

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PRP1, Reseeding With Seedbed Preparation (Continued)

E**Technical
Responsibility**

Technical responsibility for PRP is assigned to FSA.

F**Lifespan**

The practice lifespan is 5 years.

G**Payments**

Payments will be established by STC and will be based on 50 percent of the average cost to reseed the forage crop, including seedbed preparation.

- Payments shall not exceed \$75 per acre unless authorized by DAFP. In no case shall the payment rate exceed \$125 per acre.
- PRP payments shall not exceed a maximum of \$2,500 per person.

Note: The \$2,500 maximum limitation applies to all requests for PRP assistance.

Example: If a producer has 4 different farms on which PRP payment is requested, the maximum amount that the producer may earn under PRP is \$2,500 for all farms.

PRP2, Reseeding Without Seedbed Preparation

A**Purpose**

This practice provides a payment to assist livestock producers in reseeding established pasture damaged or destroyed by drought in 1999.

B**Program Policy**

Apply this practice to established pasture on which livestock are normally grazed and which was so damaged or destroyed by drought in 1999 that reseeding is required to reestablish the forage crop.

C**Policies**

The following policies for this practice are as follows.

- Reseeding is not to be undertaken simply to improve the forage crop damaged or destroyed by the drought. The forage crop must be so damaged or destroyed that seeding is required to reestablish the forage crop.
 - Seeding mixtures shall be only those authorized by STC. Diverse mixtures should be considered.
 - The only authorized technical practice code is 512, Pasture and Hayland Planting.
 - Animal waste may be used as fertilizer only if all of the following are met:
 - the participant has sought approval to apply the material and the material has been approved
 - all requirements and specifications are met as required by EPA and State and local water quality agencies
 - a current waste test analysis is performed
 - the amount applied is limited to what is needed
 - the material does not contain high levels of toxic elements
 - all required State or local permits are obtained
 - the application will have minimal effect on water quality, wildlife, and environment.
-

Continued on the next page

PRP2, Reseeding Without Seedbed Preparation (Continued)

C**Policies
(Continued)**

- The forage crop must be maintained for a minimum of 5 years after the year of installation. There shall be no mechanical harvesting of the forage crop for the lifespan of the practice.
 - The PRP payment rate includes costs associated with the seed, minerals, and seeding. Costs for lime and seedbed preparation are not authorized.
 - Payment for temporary cover is not authorized.
 - The PRP practice must be completed by September 30, 2000. A different completion date may be authorized by STC for fall seeded or summer fallow practices. In no case shall the completion date be later than December 31, 2000.
 - No soil test is required.
 - The following is considered ineligible for PRP:
 - land from which hay or silage are normally harvested
 - hayland and rangeland
 - land operated by a Federal or State agency or political subdivision of a State.
-

D**Specifications**

Practice specifications for seeding mixture and fertilizer shall be determined by STC.

Continued on the next page

PRP2, Reseeding Without Seedbed Preparation (Continued)

E**Technical
Responsibility**

Technical responsibility for PRP is assigned to FSA.

F**Lifespan**

The practice lifespan is 5 years.

G**Payments**

Payments will be established by STC and will be based on 50 percent of the average cost to reseed the forage crop.

- Payments shall not exceed \$75 per acre unless authorized by DAFP. In no case shall the payment rate exceed \$125 per acre.
- PRP payments shall not exceed a maximum of \$2,500 per person.

Note: The \$2,500 maximum limitation applies to all requests for PRP assistance.

Example: If a producer has 4 different farms on which PRP payment is requested, the maximum amount that the producer may earn under PRP is \$2,500 for all farms.

AD-245(PRP), Request for Payment - Pasture Recovery Program

Page 1

AD-245(PRP) U.S. DEPARTMENT OF AGRICULTURE ST. & CO. & C/D CONTROL NO. (F/Y & NO.)
 (02-10-00) REQUEST FOR PAYMENT - PASTURE RECOVERY PROGRAM

See continuation page for Privacy Act Statement.

FARM NO.	NAME AND ADDRESS	FARMLAND	PROGRAM CODE	FUND CODE	CONTRACT/LTA & ITEM NO.	PRIMARY PURPOSE	OTHER FARMS / /YES / /No
TRACT No.		CROPLAND					
Telephone No.							

DESCRIPTION OF PRACTICE OBJECTIVE

PRACTICE LOCATION

FOR USE BY THE APPROVING OFFICIAL

Number	Practice Title	Extent Requested	Extent Approved	Rate	Payment Approved	I plan to start the practice
A	B	C	D	E	F	
						I plan to complete the practice

CONSERVATION PLAN: Farm Plan By NRCS / /Yes / /No Forest Plan By FS / /Yes / /No Other Plan / /Yes / /No PARTNERSHIP / /Yes / /No Joint Venture / /Yes / /No

APPLICANTS REQUEST

I request payment under the program to meet the objective described above. If payment is approved for the practice requested, I agree to refund all or part of the funds paid to me as determined by the Approving Official, if, before expiration of the specified practice lifespan I, (a) destroy the approved practice, or (b) voluntarily relinquish control or title to the land on which the approved practice has been established and the new owner and/or operator of the land does not agree in writing to properly maintain the practice for the remainder of its lifespan. I have not yet started this practice. I authorize a representative of USDA to have access to the practice site area. I understand that form "CONTINUATION FOR AD-245(PRP)" is by reference incorporated herein. I certify that the vegetative cover on the affected acreage was so severely damaged or destroyed by drought in 1999 that seeding is required to re-establish the forage crop.

SIGNATURE: DATE: Estimated \$ / Payment Payment Willing \$ to Approve

APPROVAL ACTION The Approving Official approved the extent shown in BLOCK D above and the payment shown in BLOCK E above for this practice.

FOR THE APPROVING OFFICIAL DATE: Practice Expiration Date

REMARKS

1/ The maximum amount a person can receive under this program is \$2500. If the total request for PRP funds exceeds the total program funds available, the estimated payment amount for each person will be reduced by a factor determined by FSA.

SIGNATURE: DATE:

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

Continued on the next page

AD-245(PRP), Request for Payment - Pasture Recovery Program (Continued)

Page 2

AD-245(PRP) U.S. DEPARTMENT OF AGRICULTURE ST. & CO. & C/D CONTROL NO. (F/Y & NO.)
 (02-10-00) PRACTICE APPROVAL AND PAYMENT APPLICATION - PASTURE RECOVERY PROGRAM

FARM NO.	NAME AND ADDRESS	FARMLAND	PROGRAM CODE	FUND CODE	CONTRACT/LTA & ITEM NO.	PRIMARY PURPOSE	EXPIRATION NOTICE Practice must be completed and reported by
TRACT No.		CROPLAND					
	Telephone No.						ID

Your request for program payment to perform the practice shown below is approved for the farm identified above. If you decide not to perform this practice, or if you cannot complete it by the expiration date, please notify the Approving Official's office in writing at once.

DESCRIPTION OF PRACTICE OBJECTIVE

FOR APPROVING OFFICIAL USE

Number	Practice Title	Extent Requested	Extent Approved	Rate	Payment Approved	Extent Performed	Payment Earned
A	B	C	D	E	F	G	H

INSTRUCTIONS TO PARTICIPANT To receive payment on this practice, report performance in col. G and complete ITEMS X and Y below; date and sign the certification below; and file with the issuing office by the date noted in EXPIRATION NOTICE.

APPROVAL ISSUED BY APPROVING OFFICIAL

DATE

X. Did you bear all the expense for performing this practice? (If No, report name(s) and address(es) of other person(s) or agency who bore any part of the expenses. Also show kind, extent and value of their contribution.)

Total Payment Earned

Payment Advance (Partial Payment)

Is Partic. on FSA Debt Req.? Y / / N / /

Setoff

Debt Assignment

YES / / NO / /

Y. During the current fiscal year Oct. 1 - Sep. 30, have you received or will you receive a payment under the same program on this or any other farm other than through this AD-245(PRP)? (If yes, report State, County, and amount by farm).

Net Payment

Payment Approved (initials)

ACH/Check Number

YES / / NO / /

CERTIFICATION BY PARTICIPANT I certify that the above information is true and correct. I further certify that the entry in Column G shows that the practice was performed in accordance with the practice specifications and other program requirements. I hereby apply for payment to the extent that the Approving Official has determined that the practice has been performed and further certify that this payment is not a duplicate of any other earned by me. I agree to maintain this practice for at least ___ years following the year the practice is completed. I agree to refund all or part of the payment paid to me, as determined by the Approving Official, if before expiration of the practice lifespan specified above, I (a) destroy the practice installed, or (b) voluntarily relinquish control or title to the land on which the installed practice has been established and the new owner and/or operator of the land does not agree in writing to properly maintain the practice for the remainder of its specified lifespan. I understand that form "CONTINUATION FOR AD-245(PRP)" is by reference incorporated herein and with this page constitutes the entire agreement between the parties.

SIGNATURE:

DATE:

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

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AD-245(PRP), Request for Payment - Pasture Recovery Program (Continued)

CONTINUATION FOR AD-245(PRP) PAGES 1 and 2
(02-10-00)

U.S. DEPARTMENT OF AGRICULTURE
FORM AD-245(PRP) ATTACHMENT
(PRIVACY ACT, PUBLIC BURDEN,
COMPLIANCE AND PENALTY STATEMENT)

PRIVACY ACT

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The information is necessary to monitor participation in USDA programs. Information provided on AD-245(PRP), Request of Payment/Practice Approval/Payment Application for the Pasture Recovery Program may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court magistrate or administrative tribunal.

Note: The authority for collecting the following information is Pub. L. 106-78. This authority allows for the collection of information without prior approval mandated by the Paperwork Reduction Act of 1995.

COMPLIANCE AND PENALTY STATEMENT

The program for which this payment application is being completed is listed under the PROGRAM CODE on pages 1 and 2. No monies or benefits may be paid out under this program unless this report is completed and filed as required by existing law and regulations and unless there is full compliance with all terms and conditions of the provisions of existing law and regulations and any agreements executed with respect to that program by the participant in the program.

The basic program regulation which applies to this program is the subject of this agreement and incorporated herein by reference:

7 CFR Part 1439

There may also be other regulations that apply. Any fraudulent claims made hereunder may subject the applicant to Federal criminal and civil penalties as provided for in USC 207, 1001, and 31 USC 231.

In the event of a conflict between these or other regulations and the terms of this contract, the provisions of the regulations will prevail.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.