

For: State and County Offices

Administering the 2001 Pasture Recovery Program (PRP)

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A

Background

The 2001 Agricultural Appropriations Act (P.L. 106-387), Section 806 authorizes the 2001 PRP. This Act authorized the Secretary of Agricultural to provide up to \$40 million to carry out PRP.

The 2001 PRP will have comparable policies and procedures as the 2000 PRP with the following 2 major differences:

- eligible counties for 2001 PRP must have been approved under the Emergency Conservation Program (ECP) for natural disaster damage which occurred in calendar year (CY) 2000

Note: Natural disaster damage is **not** limited only to drought damage.

- payment will be based on 65 percent of the average cost of re-establishing the approved forage crop.

B

Purpose

This notice provides instructions to administer the 2001 PRP.

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 the State Committee (STC).

Disposal Date	Distribution
January 1, 2002	State Offices; State Offices relay to County Offices

Notice DF-331

2 Eligibility Requirements

A

Designation of Eligible Counties

PRP is limited to counties that are approved for ECP for natural disaster damage during CY 2000. The county must either:

- be approved by COB March 15, 2001, for ECP for **any** natural disaster damage that occurred during CY 2000
 - have requested ECP for **any** natural disaster damage that occurred during CY 2000 that was received by CEPD by COB March 15, 2001, that was subsequently approved.
-

B

Eligible Land

Eligible land must be in an eligible county and be the following:

- established pasture on which livestock is normally grazed and which was so damaged or destroyed by natural disaster in 2000 that seeding is required to re-establish the forage crop
- land that suffered damage because of the natural disaster for which ECP was approved
- land on which a 2000 PRP contract was approved but was not re-established into vegetative cover because of continued drought.

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

C

Ineligible Land

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.

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

Continued on the next page

2 Eligibility Requirements (Continued)

**D
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 3-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 natural disaster in CY 2000 that seeding is required to re-establish the forage crop.

Example 1: Mike, the owner of the farm leases pasture to Agnes. Agnes owns the livestock that graze the pasture. Agnes is eligible for PRP only if she incurs the expense to re-establish the pasture.

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

**E
Filing CCC-502**

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

Notice DF-331

3 PRP Practices

A

Eligible Practices

Only 2 practices are authorized under PRP:

- PRP1, Reseed - w/seedbed preparation (Ac)
- PRP2, Reseed - no seedbed preparation (Ac).

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

B

Seed Mixtures and Fertilizer Application Rates

Only seeding mixtures approved by STC are eligible. STC:

- shall approve eligible seeding mixtures for grazing purposes only
- 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 3 years.

Notice DF-331

4 Operating Procedures

A

PRP Contracts

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

- AD-245(PRP) has been developed specifically for PRP. See Exhibit 3 for a copy of AD-245(PRP).
 - All PRP contracts are for a 3-year period. Practices established under a 2001 PRP contract must be maintained until December 31, 2004.
 - The maximum payment a person may earn under PRP is \$2,500 per person.
 - Notice CONSV-75 will be issued providing instructions on completing AD-245(PRP).
-

B

Technical Responsibility

Technical responsibility for PRP is assigned to FSA.

AD-862 software requires need determination processing before issuing approvals on AD-245(PRP). Notice CONSV-75 provides instructions on filling out AD-862 to meet the needs determination requirements.

C

Payment Rates

There will be 2 payment rates authorized for the 2001 PRP. One 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
- based on 65 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 \$100 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.

Continued on the next page

Notice DF-331

4 Operating Procedures (Continued)

D

Signup Period

PRP signup shall begin on March 26, 2001, and end on COB May 11, 2001.

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

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.

Note: There are no exceptions to this rule.

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 no later than COB May 17, 2001, County Offices shall compile all requests for payment and submit to the State Office according to Notice CONSV-75.

The State Office shall compile all county reports and submit to the National Office to be received no later than COB May 23, 2001.

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-75 provides instructions on preparing and forwarding reports for determining payment allocations.

I

Approvals

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

Continued on the next page

Notice DF-331

4 Operating Procedures (Continued)

J

**Expiration Date
for Practices**

COC shall establish completion dates for practices PRP1 and PRP2. All PRP seeding practices **must** be completed by September 30, 2001.

Different completion dates no later than December 31, 2001, 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, 2001.

K

Soil Tests

Soil tests are not required for PRP.

L

**Power of
Attorney**

For the 2001 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 completing the approved PRP practice and certification on AD-245(PRP) that the practice was performed according to practice specifications and other program requirements.

When issuing payments use code "01PRP".

Verifying 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.

Payments are assignable. Refer to 63-FI for assignments.

Notice DF-331

5 Action

A

STC Action

STC's shall:

- establish payment rates for PRP

Note: Rates may not exceed \$100 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 65 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, 2001, for fall seeded and summer fallow seeding practices, if applicable.

Continued on the next page

Notice DF-331

5 Action (Continued)

B

State Office Action

State Offices shall:

- review the contents of this notice and implement PRP according to 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
- provide seeding mixtures and minimum seeding and fertilizer rates to County Offices

Note: States that established 2000 PRP payment rates, seeding mixtures, and seed and fertilizer application rates may use that same data as the basis for establishing 2001 PRP rates.

- compile all county PRP payment requests and submit a report to the National Office to be received no later than COB May 23, 2001.

Note: See Notice CONSV-75 for instructions on submitting payment report.

C

County Office Action

County Offices shall:

- review the contents of this notice and implement PRP according to this notice
 - conduct a PRP signup only in those counties which COC determines that pasture land was severely damaged or destroyed as a result of the ECP approved natural disaster
 - provide seeding mixtures and minimum seeding and fertilizer rates to producers at the time of the signup
 - at the end of the signup period but not later than COB May 17, 2001, compile all requests for PRP payment and submit a report to the State Office
 - set practice completion dates no later than September 30, 2001, unless otherwise instructed by the State Office.
-

PRP1, Reseeding With Seedbed Preparation

A**Purpose**

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

B**Program Policy**

Apply this practice to established pasture on which livestock are normally grazed and that was so damaged or destroyed by natural disaster that reseeding is required to re-establish 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 natural disaster. The forage crop must be so damaged or destroyed that seeding is required to re-establish 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 Hay 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 the Environmental Protection Agency (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

PRP1, Reseeding With Seedbed Preparation (Continued)

**C
Policies
(Continued)**

- The forage crop must be maintained for a minimum of 3 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 of the year of the program. 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, of the year of the program.
 - 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

PRP1, Reseeding With Seedbed Preparation (Continued)

**E
Technical
Responsibility**

Technical responsibility for PRP is assigned to FSA.

**F
Lifespan**

The practice lifespan is 3 years.

**G
Payments**

Payments will be established by STC and will be based on 65 percent of the average cost to reseed the forage crop, including seedbed preparation.

- Payments shall not exceed \$100 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 reseeded established pasture damaged or destroyed by natural disaster.

B**Program Policy**

Apply this practice to established pasture on which livestock are normally grazed and that was so damaged or destroyed by natural disaster that reseeded is required to re-establish the forage crop.

C**Policies**

The following policies for this practice are as follows.

- Reseeded 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 re-establish 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 Hay 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 if 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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PRP2, Reseeding Without Seedbed Preparation (Continued)

C**Policies
(Continued)**

- The forage crop must be maintained for a minimum of 3 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, of the year of the program. 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, of the year of the program.
 - 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 3 years.

**G
Payments**

Payments will be established by STC and will be based on 65 percent of the average cost to reseed the forage crop.

- Payments shall not exceed \$100 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 FUND CONTRACT/LTA PRIMARY OTHER
 TRACT No. CROPLAND CODE CODE & ITEM NO. PURPOSE FARMS
 Telephone No. / / YES
 / / 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 Forest Plan By FS Other Plan PARTNERSHIP / / Yes / / No
 / / Yes / / No / / 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 disaster that seeding is required to re-establish the forage crop.

SIGNATURE: DATE: Estimated \$ 1/ 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.

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