

For: State and County Offices

**Emergency Conservation Program (ECP) Review and Guidance**

Approved by: Deputy Administrator, Farm Programs



**1 Overview**

**A**

**Background**

To address damage caused by natural disasters in various places, ECP has been implemented in numerous counties in the past few months. Many State and County Offices are implementing ECP for the first time or after a lengthy period of inactivity. A recent OIG audit pointed out some issues that need to be reviewed when implementing ECP.

**B**

**Purpose**

The purpose of this notice is to provide:

- a review of ECP policies and procedures.
- guidance to State and County Offices on administering ECP.

**2 Review and Guidance**

**A**

**New Policy**

Cost-share assistance is available for submersible pumps as a component of practice EC6, Drought Emergency measures. This authority is limited to:

- pumps that are submersible and are a part of the well casing
- permanently installed pumps

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<p><b>Disposal Date</b></p> <p>July 1, 2001</p>	<p><b>Distribution</b></p> <p>State Offices; State Offices relay to County Offices</p>
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## Notice ECP-28

### 2 Review and Guidance (Continued)

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#### A

##### New Policy (Continued)

- pumps only of a size that would address the needs of the livestock

**Note:** If a producer wishes to install a pump that is larger than that needed to address the needs of the livestock, he may do so at his own cost.

- practices that have not been completed and paid as of receipt of this notice.
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#### B

##### Spot Check Requirements

1-ECP, paragraph 130 provides that practices shall be spot-checked according to 1-ACP, Part 13, Section 1 which contains the following spot check requirements:

- lifespan and maintenance policies
- scope and extent policies
- followup actions on discrepancies
- basic provisions.

DD's shall review the greater of 10 ECP applications or 10 percent of ECP applications in each County Office that implements ECP to determine whether spot checks have been performed correctly.

ECP spot checks must be performed. County Offices shall review producer's supporting evidence to ensure that cost-share assistance was paid on the actual cost of the practice.

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#### C

##### Onsite Inspections

1-ECP, paragraph 112 requires an onsite inspection to document damage by a natural disaster.

An onsite inspection must be completed for all ECP applications before COC approval. The onsite inspection provides the basis for determining whether the damage meets ECP requirements, validating the extent and nature of the damage, and estimating the practice costs.

In instances where FSA employees are unable to do onsite inspections, a request may be made to DAFP for other USDA employees to perform onsite inspections.

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## Notice ECP-28

### 2 Review and Guidance (Continued)

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#### D

##### Memorandum of Understanding (MOU)

1-ECP, paragraph 59 provides the policy for developing MOU's with NRCS.

All State Offices must have an up-to-date MOU's with NRCS about the terms and conditions for reimbursement to NRCS for technical services.

1-ECP, paragraph 60 provides for technical services reimbursement of up to 10 percent of the State ECP allocation.

State Offices shall ensure that technical services payments are based on billings by NRCS for actual cost of services provided.

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#### E

##### Eligible Costs

1-ECP, subparagraph 39 C allows for reimbursement for personal labor and personal equipment.

Reimbursement for costs for personal labor and personal equipment must be paid at a rate less than that charged by contractors. Eligible personal labor and equipment costs must be costs beyond those normally required in operating the farm or ranch.

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#### F

##### Strict Standards

FSA employees are held to the strictest standards of professionalism. There should not be an appearance of an FSA employee taking advantage of the position or performing any kind of impropriety. Employees failing to uphold strict standards of professionalism may be subject to disciplinary action.

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#### G

##### AD-245

In keeping with ECP and other conservation program procedure, there should be no more than 1 practice on each AD-245. Software limits the AD-245 to 1 practice.

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#### H

##### Applicable Provisions

1-ECP, paragraph 4 informs State and County Offices to follow the provisions in 1-ACP and 1-CONSV for operating policy and procedure except as otherwise instructed in 1-ECP. Until 1-ECP is revised to include all applicable operating policy and procedure, State and County Offices shall continue to maintain and refer to 1-ACP and 1-CONSV for applicable ECP provisions.

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## Notice ECP-28

### 2 Review and Guidance (Continued)

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#### I

##### **Expiration Date**

1-ECP, paragraph 118 gives the policy on expiration dates.

COC's shall establish a realistic expiration date not to exceed 6 months for participants to complete approved ECP practices.

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#### J

##### **Action When Disaster Occurs**

1-ECP, paragraph 31 provides specific instructions for COC's to take when a disaster occurs. STC shall ensure that COC's and County Offices are aware of and follow the provisions in paragraph 31 when a disaster occurs.

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#### K

##### **Eligible Person**

By statute, ECP assistance is limited to agricultural producers. The definition of an agricultural producer in 1-ACP, subparagraph 251 B shall be used for ECP eligibility determinations.

County Offices shall ensure that ECP participants meet the definition of an agricultural producer.

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#### L

##### **Land Subject to Frequent Damaged**

1- ECP, paragraph 73 provides specific examples of eligible and ineligible land for ECP purposes.

Assistance is not authorized on land that is susceptible to severe damage because of its location **or** on land that has been severely damaged 3 or more times in the past 25 years, including the current disaster that the county is applying for assistance.

County Offices shall ensure that only land meeting these eligibility criteria is approved for ECP assistance.

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**Notice ECP-28**

**3 Action**

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**A**

**State Action**

STC's and State Offices shall ensure that COC's and County Offices are aware of and follow the provisions of this notice in administering ECP.

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**B**

**County Action**

COC's and County Offices shall use this notice as a guide in administering ECP.

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