

For: State Offices

ECP Technical Assistance (TA) Agreements With NRCS

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

1-ECP, Part 1, Section 6, provides guidance on transfers for technical services for ECP. To more clearly define the responsibilities for FSA and NRCS about technical services, new templates for agreements about TA have been negotiated between NRCS and FSA at the national level. A new template for State Office Memorandums of Agreement (MOA's) will replace the existing template MOU in 1-ECP, subparagraph 76 C, and an additional template for AD-672.

B Purpose

This notice provides policy about the following:

- State Office MOA's with NRCS for ECP TA
- AD-672 (Exhibit 2).

2 Contact

A State Offices

If there are questions about this notice, contact Katina Hanson, FSA ECP Program Manager, by either of the following:

- e-mail at katina.hanson@wdc.usda.gov
- telephone at 202-720-0062.

B County Offices

If there are questions about this notice, contact the State Office.

Disposal Date October 1, 2009	Distribution State Offices; State Offices relay to NRCS State Offices
---	---

Notice ECP-57

2 Contact (Continued)

C NRCS State Offices

If there are questions about this notice, contact Fred Reaves, NRCS EWP Program Manager, at either of the following:

- e-mail at fred.reaves@wdc.usda.gov
- telephone at 202-690-0793.

3 Policy

A State Office MOA's With NRCS for ECP TA

SED and the NRCS State Conservationist for each State shall develop and sign MOA within 20 workdays, which includes the terms and conditions in Exhibit 1.

The MOA template in Exhibit 1 may be modified to include:

- ECP practices for which NRCS will provide TA
- in addition to NRCS's FNM-15, the format of any other billing information for which NRCS will provide statement of actual costs incurred in providing TA.

Any other provisions deemed necessary by the FSA State Office, FSA STC, or the NRCS State Conservationist, must be reviewed and approved by the ECP Program Manager.

B State Office AD-672's for ECP TA

SED and the NRCS State Conservationist for each State shall develop and sign AD-672 within 20 workdays, which includes the terms and conditions in Exhibit 2.

AD-672 shall also include the following:

- attachment A, summary of funds available and billing instructions
- attachment B, copy of MOA described in subparagraph A.

4 Action

A State Office Action

State Offices shall immediately implement the provisions of this notice.

B County Office Action

County Offices shall immediately implement the provisions of this notice.

Example of State Office MOA for ECP TA

Memorandum of Agreement (MOA)

Between

Natural Resources Conservation Service (NRCS), _____ State Office

And

Farm Service Agency (FSA), _____ State Office

**For Provision of the Technical Assistance for the Emergency Conservation Program
(ECP)**

Through September 30, XXXX

I. Purpose

The purpose of this MOA is to provide for the implementation, cooperation, expectations, and responsibilities between NRCS and FSA in carrying out technical assistance for the ECP.

II. General Provisions

Technical assistance is needed for the implementation of ECP. FSA has determined that NRCS has personnel with expertise who can provide technical assistance needed for the implementation of the ECP.

III. Authority

The authorities for FSA and NRCS to enter into this agreement and NRCS to provide technical assistance for ECP are the Economy Act (31 U.S.C. § 1535), sections 401-405 of the Agricultural Credit Act of 1978 (16 U.S.C. § 2201-2205), the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a-590g), and the regulations at 7 CFR parts 610 and 701. Other authorities may also apply.

Example of State Office MOA for ECP TA (Continued)

IV. Responsibilities

NRCS and FSA agree, subject to the availability of funds, that:

A. NRCS will:

1. As directed by FSA, provide technical assistance both directly or through NRCS-approved Technical Service Providers (TSP) and assure all technical work done will meet NRCS technical requirements, including the National Planning Procedures Handbook for conservation planning and the Field Office Technical Guide (FOTG) requirements for conservation practices and systems.
2. Submit to the appropriate FSA State Office a statement of actual costs incurred in providing the technical services during the fiscal year, using NRCS-FNM-15. List AD-672 agreement number on NRCS-FNM-15.
3. Adhere to FSA environmental and cultural resource policy in FSA's Environmental Quality Programs Handbook 1-EQ regarding compliance with the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), Clean Water Act, and all other applicable Federal, State, Tribal, and local environmental laws, regulations, and Executive Orders. NRCS will be responsible for completing, NRCS form CPA-052, or State modified version of the CPA-052, to document the potential environmental impacts associated with the proposed ECP contract and associated conservation practices and for recommending further action by FSA to complete their regulatory responsibilities.
4. Supply FSA with available information supporting the recommendations and findings on the NRCS CPA-052, Environmental Evaluation Worksheet or State modified version. FSA will complete required consultation before signing the NRCS CPA-052 form or State modified form and carry out such consultation with the SHPO and Tribal governments or their THPOs. This will ensure FSA will make an informed decision regarding the effects if its proposed action and any alternatives considered. NRCS field staff will provide information extracted from existing and available cultural resources review forms that are in NRCS files, relevant endangered species and/or critical habitat lists, and all other best available information that is necessary for FSA to make an informed decision. NRCS shall provide FSA either copies of the cultural resources data forms

Example of State Office MOA for ECP TA (Continued)

from NRCS files or a list of documentary records, files, and other information resources accessed and checked for FSA. If necessary, NRCS will recommend additional records or resources that FSA may want to check prior to entering into SHPO or Tribal consultation or making final NHPA Section 106 decisions. These data shall be provided on the CPA-052 or State modified version.

- B. FSA has overall program authority and responsibility and will:
1. Administer all ECP contracts, including compliance determinations.
 2. Hold in FSA State Office reserve, from ECP funds allocation to the State, an amount adequate but not greater than 10 percent of the funds allocated to the State, to reimburse NRCS for technical assistance.
 3. Serve as the lead agency for purposes of complying with the provisions of the NEPA, NHPA, ESA, and other applicable laws, Executive Orders, and regulations as provided for in FSA's Environmental Quality Programs Handbook 1-EQ and 7 CFR part 799.
 4. Complete all consultations with the State Historic Preservation Officer, Tribal Historic Preservation Officer, Tribal governments, as required of the lead agency, and all findings of historic property National Register of Historic Places eligibility and effects to these properties, as required by the Advisory Council on Historic Preservation (ACHP) regulations at 36 CFR Part 800. FSA will make the final determination of finding of effects in regards to the potential impacts to the environment, determinations of eligibility and effect and decisions on appropriate treatments regarding cultural resources related to the proposed ECP contract and associated conservation practices according to regulations at 36 CFR part 800.2(a)(2).
 5. Complete all consultations with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, as required by the lead agency, including the development of Biological Assessments or other documentation as deemed appropriate in order to make and support the determination of finding of effects in regards to the potential impacts to the environment, and effect and decisions on appropriate treatments regarding at-risk species and other natural resource concerns related to the proposed ECP contract and associated conservation practices.

Example of State Office MOA for ECP TA (Continued)

C. NRCS and FSA agree:

1. To fully comply with the information gathering provisions of section 1619 of the Food, Conservation, and Energy Act of 2008, 7 U.S.C. 8791(b), section 1244(b) of the Food Security Act of 1985, 16 U.S.C. 3844(b), the Privacy Act, the Freedom of Information Act, and related acts concerning privacy and the dissemination of records.
2. To enter into a state-level reimbursable agreement (Form AD-672) at the beginning of each fiscal year based on the life of this MOA and any amendments hereto, for ECP technical assistance.
3. To amend Form AD-672, as deemed necessary by FSA, based upon current funds held in reserve for technical assistance by the FSA State Office.
4. To cooperate at all levels to ensure consistent implementation of ECP policies and procedures. When differences occur, the parties will provide information and recommendations to the next level (i.e. county offices would forward information and recommendations to the State offices, State offices would forward information and recommendations to NHQ). The Chief, NRCS, and Administrator, FSA, have final authority for ensuring consistent implementation of ECP policies and procedures.
5. That this MOA may be terminated at any time by one party providing 30 days written notice. Should this MOA be terminated, billing will be submitted for services rendered.
6. This MOA will run for a period of 5 years from date of execution.
7. This MOA may only be modified by amendment duly executed by the _____ State Executive Director of FSA and the _____ State Conservationist of NRCS.
8. All funding commitments in this MOA are subject to the availability of funds. In the event that adequate funding is not made available, FSA and NRCS may terminate their responsibilities under this agreement as agreed to under the termination clause of this agreement.

NATURAL RESOURCES
CONSERVATION SERVICE

FARM SERVICE AGENCY

[Name of State Conservationist] Date
_____ State Conservationist, NRCS

[Name of State Executive Director] Date
_____ State Executive Director, FSA

Example of State Office AD-672 for ECP Technical Assistance

REIMBURSEMENT OR ADVANCE OF FUNDS AGREEMENT														
1 AGREEMENT NUMBER (25) FA-30-09-12x3316			2 FISCAL YEAR (4) 2009		3 ESTIMATED AMOUNT (11) 1000000 00			4 AGY. BILL IND. (1) 1		5 TRANS. CODE (1) 2		6 ACTION CODE (1) 1		
7 AGENCY REQUESTING SERVICE							8 AGENCY PERFORMING SERVICE							
NAME (32) State Name FSA State Office							NAME (32) State Name NRCS State Office							
1ST LINE ADDRESS (32) 123 ABC Lane							1ST LINE ADDRESS (32) 123 ABC Lane							
2ND LINE ADDRESS (32) Suite 200							2ND LINE ADDRESS (32) Suite 201							
CITY (21) Nowhere			STATE (2) AA		ZIP CODE (9) 12345		CITY (21) Nowhere			STATE (2) AA		ZIP CODE (9) 12345		
9 SERVICES TO BE PERFORMED (Give brief explanation and basis for determining cost of services. Attach additional sheet if needed.) See attachment A for summary of funds available and billing instructions and Attachment B for MOA on technical assistance.														
10 LIST REFERENCES TO CORRESPONDENCE RELATIVE TO THIS WORK (Requesting agency only.) (50) See attachment B for state MOA and authorities.														
11 DURATION OF AGREEMENT							12 METHOD OF PAYMENT							
EFFECTIVE DATE (From) 10-01-2008			CONTINUING THROUGH 09-30-2009				REIMBURSEMENT 2 BILLING FREQUENCY			ADVANCE OF FUNDS TYPE OF ACCOUNT				
13 FINANCING (REQUESTING AGENCY - WHEN NOT SERVICED BY NFC)														
APPROPRIATION SYMBOL AND TITLE 12x3316 Emergency Conservation Program							PROJECT, ALLOTMENT, OR WORKPLAN NO. (As applicable)							
14 FINANCING (REQUESTING AGENCY - WHEN SERVICED BY NFC)														
AGENCY CODE	FUND CODE	ACCT. STATION	ACCOUNTING CLASSIFICATION								OBJECT CLASS	AMOUNT		
			A	B	C	D	E							
2	2	4	5	10	5	3	4	1	4	1	2	4	9	2
15 FINANCING (PERFORMING AGENCY)														
AGENCY CODE	FUND CODE	ACCT. STATION	ACCOUNTING CLASSIFICATION								OBJECT CLASS	AMOUNT		
			A	B	C	D	E							
2	2	4	5	10	5	3	4	1	4	1	2	4	9	2
													1000000	00
16 LEAVE FACTOR (3) (2)			17 FICA FACTOR (3) (2)			18 OVERHEAD FACTOR (3) (2)								
19 REQUESTING AGENCY APPROVAL							20 PERFORMING AGENCY APPROVAL							
SIGNATURE					DATE		SIGNATURE					DATE		
TITLE							TITLE							
PERSON TO CONTACT		PHONE (Area Code and No.) () -		FTS	COMM	PERSON TO CONTACT		PHONE (Area Code and No.) () -		FTS	COMM			
This form was designed using Microsoft Word 2000 (USDA-FSA) FORM AD - 672 (Revised 9/86)														
<input type="checkbox"/> NFC				<input type="checkbox"/> REQUESTING AGENCY				<input type="checkbox"/> PERFORMING AGENCY						