

For: State and County Offices

ECP and EFRP Environmental Compliance Requirements

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

NEPA requires Federal Agencies to consider the effect of program actions or activities on the environment. 1-ECP, subparagraph 175 B and 1-EFRP, subparagraph 175 B, require COC's to complete FSA-850 or NRCS-CPA-052 **before** approving ECP or EFRP applications.

As part of the environmental compliance process, FSA is also obligated to consider the effects of proposed program actions or activities on historic properties under National Historic Preservation Act, Section 106. To comply with Section 106 requirements, FSA **must** follow the process described in 36 CFR 800, "Protection of Historic Properties" and 1-EQ, subparagraph 50 B.

B Purpose

This notice reminds State and County Offices that financial assistance **cannot** be approved for ECP or EFRP until all environmental compliance requirements are completed, including National Historic Preservation Act, Section 106 **before** any program actions or activities are initiated.

C Policy

FSA **must** inform ECP or EFRP applicants that no financial assistance will be approved until **all** environmental compliance requirements, including historic preservation, have been successfully completed. The applicant **must** be informed of the financial risk they assume, should they decide to proceed with practice installation before completing these environmental compliance requirements.

Disposal Date	Distribution
October 1, 2013	State Offices; State Offices relay to County Offices

Notice ECP-137

2 Action

A County Office

County Office personnel must inform all ECP and EFRP applicants of the financial risk they assume if they decide to proceed with practice installation before completing these environmental compliance requirements. This can be accomplished by ensuring that the applicant reads and understands the meaning of the text in FSA-848, item 11 **before** signing the request.

According to 1-ECP, subparagraph 175 B and 1-EFRP, subparagraph 175 B, COC's shall complete FSA-850 or NRCS CPA-052, as applicable, insuring that consideration is given to protecting historic properties and environmental compliance requirements **before** approving ECP or EFRP applications.

B State Office Action

State Offices shall ensure that County Offices follow the procedure and policy in this notice.

C Contacts

County Office employees direct questions about this notice to the State Office.

State Office direct questions about this notice to either of the following:

- Bennett Horter, FSA Federal Preservation Officer, by either of the following:
 - e-mail to **ben.horter@wdc.usda.gov**
 - telephone at 202-690-1164
- Martin Bomar, ECP and EFRP Program Manager , by either of the following:
 - e-mail to **martin.bomar@wdc.usda.gov**
 - telephone at 202-205-4537.