

**FSA**  
**HANDBOOK**

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Emergency Conservation Program

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For State and County Offices

SHORT REFERENCE

1-ECP  
(Revision 6)

UNITED STATES DEPARTMENT OF AGRICULTURE  
Farm Service Agency  
Washington, DC 20250



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**Emergency Conservation Program  
1-ECP (Revision 6)**

**Amendment 1**

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**Approved by:** Acting Deputy Administrator, Farm Programs

*Bradley Karmen*

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**Amendment Transmittal**

**A Reason for Revision**

This handbook has been revised to provide updated instructions and procedures for implementing ECP.

**B Obsolete Material**

1-ECP (Rev. 5) is obsolete.



# Table of Contents

Page No.

## Part 1 General Information

### Section 1 General Provisions

1	Overview.....	1-1
2	ECP Authorization.....	1-1
3	Related Handbooks.....	1-3
4	Relief Actions.....	1-4
5	AD-1026 Requirements.....	1-4
6	Payment Limitation.....	1-4
7	AGI Compliance.....	1-5
8	Assigning Program Payments.....	1-5
9	Record of Natural Disasters.....	1-5
10	Program Year.....	1-6
11	Forms and Supplementation.....	1-6
12	CCC-770 ECP-1 and CCC-770 ECP-2.....	1-7
13-19	(Reserved)	

### Section 2 ECP Administration and Responsibilities

20	ECP Annual Program Administration Activity.....	1-31
21	STC Responsibilities.....	1-31
22	SED Responsibilities.....	1-32
23	COC Responsibilities.....	1-33
24	CED Responsibilities.....	1-34
25	County Office Employee Action.....	1-35
26	Delegations of Authority.....	1-36
27	Arbitrary Hold Downs.....	1-38
28	Easements, Permits, Rights-of-Way, and Water Rights.....	1-38
29	Bartering.....	1-39
30-33	(Reserved)	

**Table of Contents (Continued)**

**Page No.**

**Part 2 ECP Eligibility**

**Section 1 Person and Legal Entity Eligibility**

34	Person and Legal Entity Eligibility.....	2-1
35	Determining Eligible and Ineligible Participants.....	2-2
36	Eligibility of Native Americans.....	2-4
37	Cooperative Grazing Associations and Districts.....	2-4
38	Clubs and Organizations.....	2-5
39	Government Entities.....	2-5
40	Organized Districts.....	2-6
41-45	(Reserved)	

**Section 2 Land Eligibility**

46	Eligible Land.....	2-21
47	Ineligible Land.....	2-25
48	Land Located in Non-Designated ECP Counties.....	2-28
49	Native American Land.....	2-28
50	Government-Owned Land.....	2-29
51	Prohibition of Duplicate Benefits.....	2-29
52-55	(Reserved)	

**Section 3 Practice Eligibility**

56	COC-Approved Practices.....	2-51
57	Practices Requiring ECP-PM Approval.....	2-51
58	Practice Lifespans and Maintenance.....	2-51
59	Size of Conservation Structures.....	2-52
60	C/S for Minerals and Seeds on Eligible Conservation Structures.....	2-53
61-65	(Reserved)	

**Part 3 State and County ECP Establishment**

**Section 1 Cost Share (C/S) Policies**

66	Maximum C/S Levels.....	3-1
67	C/S Levels With Limitations.....	3-3
68-70	(Reserved)	

**Section 2 General C/S Eligibility**

71	Items Eligible and Ineligible for C/S.....	3-21
72	Eligible Restoration Cost Considerations.....	3-23
73	Qualifying Minimum Cost of Restoration.....	3-24
74-75	(Reserved)	

**Table of Contents (Continued)**

**Page No.**

**Part 4        ECP TA**

**Section 1     Providing TA**

76	ECP TA Memorandum of Understanding .....	4-1
77	Major Responsibilities for ECP TA .....	4-2
78	Reimbursable Activities.....	4-2
79	Outside Assistance .....	4-3
80	TA Cost to Participants .....	4-3
81	Assigned Technical Agency Responsibilities and COC Action.....	4-4
82	Assigned Technical Agency Responsibilities and Reporting on FSA-848B, Page 2 .....	4-6
83-85	(Reserved)	

**Section 2     Transfer of Funds for TA**

86	Billing TA Expenses .....	4-21
87	Processing TA Reimbursement by IPAC .....	4-22
88-89	(Reserved)	

**Part 5        Natural Disaster Event Occurrence and ECP Implementation**

**Section 1     ECP Action When Disaster Occurs**

90	Program Availability.....	5-1
91	County or Area ECP Implementation Request .....	5-2
92	State Office Submission of ECP Implementation Request.....	5-7
93-94	(Reserved)	

**Section 2     Accepting C/S Requests**

95	Signup Period.....	5-19
96	Accepting ECP Applications .....	5-20
97	Obtaining Needed Information .....	5-24
98-100	(Reserved)	

**Section 3     Practice Eligibility**

101	Onsite Inspection .....	5-37
102	Environmental Compliance and Cultural Resource Protection .....	5-40
103	Refusals to Permit Farm Entry or Inspection.....	5-43
104	Determining Eligibility .....	5-44
105	Using Priorities .....	5-46
106-109	(Reserved)	

**Table of Contents (Continued)**

**Page No.**

**Part 6            ECP Funds Management**

**Section 1        National Program Funds**

110	National Reserve.....	6-1
111	Conservation Funds Ledger System (CFLS), Electronic Funds Control (eFunds), and Common Obligation Framework (COF) Allocations .....	6-1
112-113	(Reserved)	

**Section 2        County C/S Funds Management**

114	County C/S Allocation.....	6-11
115	Monitoring Funds.....	6-11
116	State Funds Management.....	6-13
117	Reserves .....	6-13
118	Additional Funds.....	6-14
119	Expenditure Limitations.....	6-14
120-130	(Reserved)	

**Part 7            C/S Request, Approvals and Performance**

**Section 1        Approving and Disapproving C/S Requests**

131	Approvals and Waivers.....	7-1
132	Disapprovals and Deferred Action.....	7-5
133	Pending Requests .....	7-6
134	Requests Requiring Special Approvals (FSA-848A) .....	7-6
135	Documenting COC Decisions.....	7-9
136	Setting Expiration Dates .....	7-10
137	Expiration Notice .....	7-11
138	Terminating Approvals (FSA-848A).....	7-12
139-141	(Reserved)	

**Section 2        Accepting Practice Performance Reports**

142	Filing Performance Reports (FSA-848B).....	7-21
143	Reporting Dates .....	7-23
144	Reporting Practice Extent .....	7-23
145	Recording Practice Location.....	7-24
146	Supporting Data .....	7-24
147	Maintenance and C/S Refund Responsibility .....	7-27
148-150	(Reserved)	



## Table of Contents (Continued)

Page No.

### Part 7 C/S Request, Approvals and Performance (Continued)

#### Section 3 Certifying Performance

151	Certification on FSA-848B for Practices Assigned to FSA.....	7-41
152	Certification on FSA-848B When Technical Practices Assigned to Another Agency .....	7-42
153	Technical Practices Performed Without Technical Agency Assistance .....	7-43
154-160	(Reserved)	

#### Section 4 Reporting Contributions

161	Multiple Persons or Legal Entities Who Share Cost of Practice .....	7-61
162-232	(Reserved)	
233	Dividing C/S Based on Contributions.....	7-261
234	Cost Data When Ineligible Persons or Legal Entities Contributed.....	7-262
235	Processing C/S if Ineligible Participants Contributed .....	7-262
236-250	(Reserved)	

#### Section 5 Change in Extent Performed

251	Changing Extent Performed as Reported by Participant .....	7-301
252	Adjustment for Practices Exceeding Requirements.....	7-301
253	Adjusting Extent or C/S Before Practice Performance.....	7-302
254	Adjusting Extent or C/S After Practice Performance and Before Payment.....	7-303
255	Increasing Extent or C/S After Practice Performance and After Payment .....	7-304
256	Increases Not Authorized.....	7-304
257-270	(Reserved)	

#### Section 6 Miscellaneous Situations

271	Performance Not Meeting Specifications or Requirements.....	7-337
272	Requirements Met But Practice Failed .....	7-337
273	Materials Not Applied at Specified Rate .....	7-338
274	Practice Performed With Material Not on ECP Agreement .....	7-338
275	Practice Completed by Successor .....	7-339
286-310	(Reserved)	

**Table of Contents (Continued)**

	<b>Page No.</b>
<b>Part 7 C/S Request, Approvals and Performance (Continued)</b>	
<b>Section 7 Processing C/S Earned</b>	
311 C/S Payments .....	7-401
312 Eligible and Ineligible Items for Computing C/S .....	7-402
313 Computing C/S.....	7-403
314 Limited Resource, Socially Disadvantaged, and Beginning Farmer or Rancher Provision.....	7-406
315 C/S Advances.....	7-406
316-320 (Reserved)	
<b>Section 8 Issuing Partial Payments</b>	
321 When Partial C/S Payments May Be Made .....	7-431
322 Recovering C/S if Remaining Work Is Not Completed.....	7-432
323-330 (Reserved)	
<b>Section 9 Issuing Payments</b>	
331 Issuing Program Payments.....	7-451
332 COC Payment Responsibilities.....	7-451
333 Agreements Between Landlords and Tenants.....	7-451
334 When to Prepare Payment.....	7-453
335 Refunds, Priority of Offsets, Withholdings, and Assignments.....	7-454
336 TA Reimbursements .....	7-454
337-340 (Reserved)	
<b>Section 10 Payment Adjustments</b>	
341 When Adjustment Application Is Required.....	7-471
342-389 (Reserved)	

**Table of Contents (Continued)**

**PART 8 Compliance**

**Section 1 Spot Checks**

390	Lifespan and Maintenance Policy.....	8-1
391	Spot Check Policy.....	8-1
392	Extent of Spot Checks.....	8-2
393	Scope of Spot Checks .....	8-3
394	Follow-Up Action on Discrepancies.....	8-3
395-400	(Reserved)	

**Section 2 Violations**

401	Failure to Maintain Practices .....	8-19
402	Actions That Defeat the ECP Purpose .....	8-21
403	COC, STC, and Employee Cases.....	8-22
404	Withholdings and Late Payment and Refund Interest .....	8-22
405	COC and STC Responsibility .....	8-23
406	Handling Program Infractions.....	8-23

**Exhibits**

1	Reports, Forms, Abbreviations, and Redelegations of Authority	
2	Definitions of Terms Used in This Handbook	
3	Example of Memorandum of Agreement	
4	ECP County Office Participant Files	
5	CCC-770 ECP-1	
6	CCC-770 ECP-2	
7	(Reserved)	
8	FSA-848	
9	FSA-848A	
10	FSA-848B	
10.1	Example of Cost Share Itemization	
11	CCC-170	
12	National ECP Practices	
13	Example Formats for Providing Disaster Information to News Media	
14-16	(Reserved)	
17	FSA-23	
18	FSA-850	
19-24	(Reserved)	
25	FSA-276	



**PART 1 General Information**

**Section 1 General Provisions**

**1 Overview**

**A Handbook Purpose**

This handbook provides procedures for STC's, COC's, and State and County Offices administering ECP.

These procedures cover the following areas:

- reviewing State and county programs
- managing ECP funds allocated to State and County Offices
- eligibility of persons, legal entities, land, and practices
- administrative responsibilities of STC's, DD's, and COC's
- accepting and processing applications for ECP C/S
- providing TA needed for designated practices
- processing and issuing advance and final C/S payments.

**2 ECP Authorization**

**A Source of Authority**

The Agricultural Credit Act of 1978 (92 Stat. 420-434), as amended by the Agriculture Improvement Act of 2018 (2018 Farm Bill), Section 2403, is the statutory authority for ECP.

The regulations at 7 CFR Part 701 govern ECP.

## 2 ECP Authorization (Continued)

### B ECP Objectives

ECP is a C/S program. Subject to the availability of funds, the objective of ECP is to make C/S assistance available to eligible agricultural producers and ranchers for performing approved emergency conservation practices to:

- rehabilitate farmlands and conservation structures damaged by natural disasters such as:
  - hurricane and typhoon
  - tornado
  - high winds, including micro-bursts
  - storm, including ice storms
  - flood
  - high water
  - wind-driven water
  - tidal wave
  - earthquake
  - volcanic eruption
  - landslide
  - mudslide
  - severe snowstorm
  - drought
  - wildfire by lightning or when exacerbated by natural conditions
  - explosion
  - other natural phenomena
- install water conservation measures during periods of severe drought to supply emergency water for:
  - livestock, including confined livestock and poultry
  - existing eligible irrigation systems serving orchards and vineyards, including:
    - ditches
    - other permanently installed systems.

**Note:** Center pivot, hand move, and wheel move systems are not considered permanently installed systems for ECP purposes.

## 2 ECP Authorization (Continued)

### C Entitlement to Payment

Farmland damage eligible for C/S must be of a magnitude that it would be too costly for the producer to rehabilitate without Federal assistance.

All ECP payments are subject to eligibility provisions and the availability of funds, therefore ECP is:

- **not** an “entitlement” program
- **not** intended to fully compensate everyone who suffers a loss.

**Note:** COC must ensure that the extent of the damage is severe enough to necessitate Federal assistance before approving an applicant’s request for C/S. See Exhibit 4.

## 3 Related Handbooks

### A Handbooks Related to ECP

The following table lists handbooks related to ECP.

<b>IF the questions or concern is about</b>	<b>THEN see...</b>
audits and investigations	9-AO.
State and county organization and administration	16-AO.
appeals, mediation, and litigation	1-APP.
directives management	1-AS.
forms and graphics management	3-AS.
records management	32-AS.
FSA File Maintenance and Disposition Manual	32-AS Supplement.
common management and operating provisions	1-CM.
common payment system related to direct attribution	9-CM.
farm records and reconstitutions	10-CM.
quality control	1-COR.
acreage and compliance determinations	2-CP.
AD-1026 requirements	6-CP.
equitable relief and finality	7-CP.
CRP	2-CRP.
Loss Assessment Reports	1-DIS.
Cost Share Software automation	2-ECP.
Emergency Forest Restoration Program	1-EFRP.
environmental compliance	1-EQ.
making payments or assignment of payments	1-FI.
establishing claims	58-FI.
withholding non-resident alien income tax	62-FI.
assignments and joint payments	63-FI.
reporting receipts and establishing receivable	64-FI.
determining eligible persons, legal entities, and payment limitation	6-PL.

## 4 Relief Actions

### A Waiver Authority

Any procedural provision in this handbook may be waived by DAFP:

- unless prohibited by statute or regulation
- upon justification and recommendation by STC.

### B Additional Waiver Authority

Waiver authority in this paragraph is in addition to, and is **not** a substitution for, either of the following:

- appeals provisions in 1-APP
- waiver provisions in 7-CP.

## 5 AD-1026 Requirements

### A AD-1026 Certification

HELC and WC provisions apply to ECP. AD-1026 certification is required for persons and legal entities, and their affiliates with farming interests, requesting ECP benefits.

### B Additional Information About Filing AD-1026

See 6-CP for additional information about AD-1026 certifications.

## 6 Payment Limitation

### A Maximum Payment Limitation

The maximum ECP payment per person or legal entity, per disaster is \$500,000. The payment limitation will be applied based on the disaster ID assigned by ECP-PM.

### B Program Payment Information

Direct attribution provisions apply to ECP. CCC-902 completed within Business File (with an accompanying CCC-901 when any first level member is not an individual person) is required for persons and legal entities requesting ECP benefits. See 9-CM, Part 3 for additional information on direct attribution.



**6 Payment Limitation (Continued)**

**C Additional Information About Filing CCC-902**

See 6-PL for additional information about filing CCC-902.

**D Limited Resources, Socially Disadvantage, and Beginning Farmer or Rancher**

See 1-CM for additional information about filing CCC-860.

**7 AGI Compliance**

**A AGI Requirement**

Unless a certain appropriation specifically identifies AGI as a requirement, AGI provisions do not normally apply to ECP. See 6-PL.

**8 Assigning Program Payments**

**A Earned Payments**

Payments earned may be assigned or be issued jointly according to 63-FI.

**9 Record of Natural Disasters**

**A Maintaining County History**

County Offices must maintain a permanent file (hard copy and/or electronic) on all natural disasters that have severely damaged agricultural lands in the county, regardless of whether the disasters were approved for ECP. This information can be used as a basis for future ECP requests and designations.

**B Minimum Permanent File Requirements**

The permanent file may include news articles, but must include at a minimum:

- dates
- type of natural disaster
- a record of the areas affected
- total program funds earned, if applicable
- a map with areas identified
- LAR.

**Note:** File with other ECP documents according to 32-AS.

**10 Program Year**

**A Fiscal Year**

The ECP program year is the FY the disaster starts.

**11 Forms and Supplementation**

**A National Forms**

STC's, COC's, and State and County Offices must use nationally prescribed forms.

The following ECP forms will be automatically generated through CSS:

- FSA-848 (Cost-Share Request)
- FSA-848-1 (Continuation of FSA-848)
- FSA-848A (Cost-Share Agreement)

**Note:** FSA-848A becomes the ECP agreement when signed by COC and participant signs within 15 calendar days of the COC decision.

- FSA-848A-1 (Continuation Sheet of FSA-848A)
- FSA-848B (Cost-Share Performance Certification and Payment)
- FSA-848B-1 (Continuation of FSA-848B)

**Note:** If the form is not available through CSS, forms may be accessed online at the FFAS Employee Forms/Publications Online Website. Any forms not generated through CSS must be entered in CSS within 5 workdays of receipt of the form.

## 11 Forms and Supplementation (Continued)

### B Adding, Modifying, or Withdrawing Provisions

State supplements to the handbook must **not** be less restrictive than the provisions of this handbook. State-specific amendments may be made that are consistent with ECP provisions. For permanent directives, the following guidelines **must** be followed:

- submit to CD for review and approval before issuance to the Service Center within the State
- issue **only** as a supplement to this handbook

**Note:** Do **not** create a separate State handbook.

- do **not** modify national wording when adding supplemental information
- State Offices may supplement this handbook’s instructions according to 1-AS.

**Note:** The national ECP-PM may periodically select State Office amendments for review.

## 12 CCC-770 ECP-1 and CCC-770 ECP-2

### A Using CCC-770 ECP-1 and CCC-770 ECP-2

Both of the following forms must be considered management tools to help address deficiencies identified by a review or spot check of whether policies or procedures are being followed, before issuing ECP approvals and/or payments:

- CCC-770 ECP-1 (Exhibit 5)
- CCC-770 ECP-2 (Exhibit 6).

County Offices that have not implemented ECP within the last 2 years must complete CCC-770 ECP-1 on the first 10 applications per Service Center.

### B CCC-770 ECP-1 and CCC-770 ECP-2 Information

It is not the intent of CCC-770 ECP-1 or CCC-770 ECP-2 to supersede or replace procedure. County Offices should:

- use CCC-770 ECP-1 and CCC-770 ECP-2 as reminders of the most frequently “erred” determinations and certifications
- recognize that the questions asked on CCC-770 ECP-1 and CCC-770 ECP-2 are very general in nature.

12 CCC-770 ECP-1 and CCC-770 ECP-2 (Continued)

C Completing CCC-770 ECP-1 and CCC-770 ECP-2

SED, STC or designees, DD, or CED must determine:

- if County Offices need to complete additional CCC-770 ECP-1 and CCC-770 ECP-2 if apparent internal control deficiencies are found during the CED, STC-delegated representative, or DD reviews
- whether the applicable CCC-770 ECP-1 and CCC-770 ECP-2 is necessary to avoid findings indicated by COR reviews
- when additional internal controls are necessary to reduce improper payments.

**Note:** CCC-770 ECP-1 and CCC-770 ECP-2 developed by the National Office are the **only** authorized ECP checklists. State Offices may approve supplemental checklists to be used by County Offices; however, these do not replace CCC-770 ECP-1 or CCC-770 ECP-2, are not an official form, and must not contain producer signature.

13-19 (Reserved)

## Section 2 ECP Administration and Responsibilities

### 20 ECP Annual Program Administration Activity

#### A Action

At the beginning of each FY:

- SED will consult with SEC, STC, and, as applicable, SEB, NRCS, FS, and other technical service providers about any areas of concern within the State or the implementation of ECP practices
- State Offices must review NRCS average costs when determining ECP total allowable cost for all potential ECP practices and components (see paragraph 67)

**Note:** State Office will send total allowable costs and potential ECP practices to COC for review. All COC suggested changes must be sent back to STC for approval.

- STC must approve total allowable costs for all potential ECP practices
- STC is responsible for annually reviewing the agricultural market values established by COC's in each county (see paragraph 66)
- State Offices will load components and costs in Program Provisioning

**Notes:** County Offices will copy applicable components from the State list to their county list in the event of a disaster.

Only STC-approved components will be used.

- SED and CED will consult with NRCS about establishing TA needs.

**Note:** Additional guidance about TA can be found in Part 4.

### 21 STC Responsibilities

#### A Program Administration

STC:

- is responsible for administering ECP within the State according to national policy
- may delegate the authority to sign documents showing action taken by STC's designee
- is responsible for annually reviewing the agricultural market values established by COC's in each county.

**Example:** If DD is designated by STC, then DD could act for STC as their designee.

## 21 STC Responsibilities (Continued)

### B STC Action

Within the authorities and limitations in the national program, STC's must:

- direct the implementation and administration of ECP
- document STC actions and delegations in minutes, according to 16-AO.

## 22 SED Responsibilities

### A Program Oversight

SED must:

- implement ECP as directed by STC and within national policy
- supervise and monitor operations to ensure that:
  - ECP policies are followed
  - operations are uniform among County Offices
- provide training, as appropriate, for COC's, CED's, program technicians, and others to ensure that County Offices have a clear understanding of ECP policies and responsibilities
- ensure that information submitted is complete and supports requests for implementation and funds
- establish a State plan to monitor ECP that must provide:
  - for the STC-delegated representative to:
    - review a sampling of FSA-848's filed in each County Office as required in paragraph 131
    - ensure that action is taken for review and approval of certain FSA-848's as required according to paragraph 131
  - the sampling and monitoring needed for ECP implementation and assistance
  - spot check completed practices as required in paragraph 392.

**Note:** Establishing the State plan must **not** delay implementation and assistance.

**23 COC Responsibilities**

**A ECP Administration**

COC must administer ECP according to national and State policy.

**Note:** CED is responsible for implementing COC's policies.

**B COC Action**

COC determinations must be made by COC. See 16-AO.

**Note:** COC may delegate authority to an individual COC member or CED according to paragraph 26.

**C Documenting COC Determinations**

Written documentation is required for determinations made by COC or designee. Routine COC determinations may be documented by its delegate signing a form for COC.

**D Acceptable Documentation**

Either of the following is acceptable to record other types of COC determinations:

- annotation on the document of the COC determination that is signed and dated by a COC member on the document
- a statement signed and dated by a COC member and attached to the document.

**Note:** The COC document must be cross-referenced to COC minutes and the COC minutes must reflect COC action.

**23 COC Responsibilities (Continued)**

**E Required COC Minutes Documentation**

Each COC, or designee, determination must be documented in COC minutes and include the following:

- producer's name
- application number
- farm number
- sufficient information specific to **each** COC determination to create a justifiable record to support COC's actions.

**Note:** COC designee action may be documented in minutes as action between meetings.

**24 CED Responsibilities**

**A ECP Administration**

CED is responsible for the day-to-day administration of the county ECP as directed by COC according to national and State policy and procedure. Authority is limited only to those provided in national and State policy.



## 24 CED Responsibilities (Continued)

### B CED Actions

CED must:

- ensure that current versions of both 1-ECP and 2-ECP are available and are reviewed by County Offices
- ensure that county practice data is updated in CSS
- issue FSA-848 (Exhibit 8) and FSA-848A (Exhibit 9) to producers
- issue referrals to applicable technical agencies
- consult the State Office if unable to perform needs determination on practices for which FSA is assigned technical responsibility
- process C/S for payee
- approve payments to producers
- ensure that appropriate review and/or approval of specific FSA-848's is performed according to paragraph 131
- perform spot checks.

**Note:** CED may designate the program technician to perform these and other functions, with the exception of approval of payments to producers, without formal delegation.

## 25 County Office Employee Action

### A Documenting Action

In addition to COC minutes, County Office employees must ensure that the facts obtained and the actions taken are made a matter of written record by recording the facts on either of the following:

- the submitted document
- a statement attached to the submitted document.

**Note:** The County Office employee must sign or initial and date the documentation.

**26 Delegations of Authority****A COC Delegated Authorities**

Authorities that may be delegated to CED or an individual COC member include determining the following:

- the amount COC will approve (according to needs and feasibility determination)
- the sufficiency of signatures and authority of persons signing in a representative capacity
- the value of:
  - ineligible contributions by producers
  - the contributions of each person or legal entity who contributed to performing a practice
- whether completing a component is a reasonable attainment toward completing the practice and prescribing the time for practice completion
- whether an attempt was made to meet the specifications
- whether the performance justifies cost-sharing on the extent performed
- approval of:
  - applications for C/S
  - changes in approved extent and C/S
  - increases in the requested extent, C/S, or both, if supported by the needs determination on FSA-848, page 2
- whether ECP should be requested.

**26 Delegations of Authority (Continued)****B STC Delegated Authorities**

STC authorities may be delegated to SED or DD only for 1<sup>st</sup> extension request. All County Office employees' applications must go to STC.

**C Limitations on Delegations**

The following are limitations on delegations:

- COC must establish and specify determinations described in subparagraph A, if any, that will be delegated to CED, recorded in COC minutes, and filed according to 32-AS
- authority cannot be delegated to CED to act on matters involving the farms of STC or COC members or a CED-owned farm
- CED must carry out responsibilities according to COC delegations
- COC must review delegated authorities annually to ensure that the authorities are being followed.

**D Authorities Not to Delegate**

The following COC authorities must **not** be delegated:

- hearing appeals for reconsideration and making decisions on appeals
- determining whether there is a violation of ECP provisions
- determining priorities for ECP requests.

**E Voting Limitation**

A COC member must abstain from voting on any determination about a farm in which that member or an immediate family member has a personal interest.

**27 Arbitrary Hold Downs**

**A Responsibilities**

Arbitrary hold downs are **not** authorized when establishing C/S rates and limitations.

**28 Easements, Permits, Rights-of-Way, and Water Rights**

**A Persons and/or Legal Entities Responsible for Obtaining Easements and Permits**

Persons and/or legal entities wanting to perform practices on land they do not own or to install practices that require State or Federal permits are responsible for obtaining the easements, permits, rights-of-way, water rights, or other permission necessary to perform and maintain practices for the practice lifespan.

**B Approving C/S**

COC will:

- not pay C/S if necessary easements, permits, or other necessary permission have not been obtained by the participant
- indicate on the ECP agreement in the “Remarks” section whether necessary authorization has been obtained
- confer with the responsible technical agency to ensure that necessary easements, permits, or other necessary permission have been obtained by the participant.

**C Verifying Permission Has Been Obtained**

The permission from the authority must be in writing and a copy must be provided to the County Office before paying C/S for the practice.

**Note:** NRCS policy may be more restrictive in some States.

## 28 Easements, Permits, Rights-of-Way, and Water Rights (Continued)

### D Producer's Responsibility for Losses

The person or legal entity receiving C/S assistance is responsible to FSA for any losses sustained by the Federal Government if the person or legal entity:

- infringes on the rights of others
- does not comply with applicable laws or regulations.

## 29 Bartering

### A Applicability

Bartering is allowed as an eligible cost for ECP C/S purposes when COC, on a case-by-case basis, and with STC approval, determines that **all** the following apply:

- bartering directly relates to the ECP practice

**Example:** Participant exchanges 1,000 straw bales produced on the farm for 250 hours of fence building labor.

- value of the bartered goods and services is commensurate with the services rendered or goods received

**Note:** Bartering statements must provide the terms of the agreement complete with values for goods and services. If selected for spot check, producers must be able to provide the bartering agreement. If selected for review, bartering agreements must be submitted with other supporting documentation.

- ECP C/S payment will not be issued until bartered goods have been received or until the bartered service has actually been rendered.

**Note:** Bartering will not be used as a device to circumvent any ECP policies or procedures or as a method to evade payment limitations.

### B Record of Barter

The ECP participant must present a signed document that provides the details of the barter agreement before C/S is processed. The documentation must provide sufficient information for COC to determine when the bartered goods or services were exchanged.

If bartered goods or services are not actually received or rendered then the producer will be required to refund any C/S paid for the bartered services or goods.

**29 Bartering (Continued)**

**C Legality**

USDA has no involvement in the terms of the agreement for bartered goods or services. Bartered services are strictly between the producer and the supplier of the bartered goods or services.

**D Spot Checks**

COC must ensure that all C/S payments involving bartered goods or services are included in an ECP spot check.

**30-33 (Reserved)**

**PART 2 ECP Eligibility**

**Section 1 Person and Legal Entity Eligibility**

**34 Eligible and Ineligible Persons and Legal Entities**

**A Person and Legal Entity Eligibility**

See 6-PL for eligibility determinations for persons and legal entities.

**B Individual Eligibility Determinations**

Determine eligibility for ECP assistance on an individual basis considering the type and extent of damage. See paragraph 73.

COC must determine:

- which cases are truly emergency situations
- whether the damage is of a magnitude that it would be too costly for the producer to rehabilitate without Federal assistance.

**C Assistance Not Needed**

To qualify for assistance, the eligible damage must be so costly that Federal assistance is or will be required to return the land to productive agricultural use or to provide emergency water for livestock. See paragraph 73.

34 **Eligible and Ineligible Persons and Legal Entities (Continued)**

**D Organizations With Taxing or Assessment Authority**

Irrigation, drainage, and other district organizations with taxing or assessment authority for conservation purposes are not eligible to receive C/S.

**E Assistance in Organized Districts**

Assistance may be provided to participants individually in organized districts, such as irrigation districts, unless restoration of the damage is the responsibility of the irrigation district.

35 **Determining Eligible and Ineligible Participants**

**A Determining Eligibility**

By law, ECP eligibility is limited to agricultural producers. Determine ECP participant eligibility according to the following table.

<b>IF an applicant is a...</b>	<b>AND...</b>	<b>THEN the applicant...</b>
farmer or rancher who has an interest in the farm and is either: <ul style="list-style-type: none"> <li>• an individual</li> <li>• a partnership member</li> <li>• an association</li> <li>• a corporation</li> <li>• an estate</li> <li>• a trust</li> <li>• a business enterprise</li> <li>• a legal entity</li> </ul> <b>Note:</b> Foreign nationals are eligible.	is an agricultural producer (see subparagraph B) who contributes part of the practice cost	is eligible for ECP benefits.
<ul style="list-style-type: none"> <li>• Federal agency</li> <li>• State</li> <li>• a political subdivision of a State</li> <li>• State agency</li> <li>• district with taxing authority</li> </ul>		is not eligible for ECP benefits.
minor		is only eligible if legally responsible and independently participating in the operation of a farm as an eligible person or legal entity. See 1-CM and 6-PL.



35 Determining Eligible and Ineligible Participants (Continued)

**B Agricultural Producer**

COC must use the following to determine whether the farmer or rancher is an agricultural producer for ECP purposes.

<b>IF the producer is...</b>	<b>AND...</b>	<b>THEN the producer is...</b>
an owner, landlord, tenant, or sharecropper of a farm or ranch	the farm or ranch is used to annually produce the following commercially: <ul style="list-style-type: none"> <li>• bulbs</li> <li>• field-grown ornamentals</li> <li>• flowers</li> <li>• grains</li> <li>• hay</li> <li>• livestock</li> <li>• naval groves</li> <li>• nursery stock, including but not limited to ferneries</li> <li>• orchards</li> <li>• pasture</li> <li>• row crops</li> <li>• seed crops</li> <li>• shrubs</li> <li>• trees</li> <li>• vegetables</li> <li>• vineyards</li> <li>• other agricultural commodities</li> </ul>	considered an agricultural producer.
	animals only for recreational purposes	<b>not</b> considered an agricultural producer.

**Note:** See Exhibit 2 for eligible livestock for ECP purposes.

**36 Eligibility of Native Americans**

**A Native American Tribes**

A Native American tribe that owns eligible land is eligible for C/S.

**B Individual Native Americans on Tribal Lands**

Individual Native Americans are eligible if they qualify as tenants or sharecroppers on the land.

**C Individual Native Americans on Non-Tribal Lands**

Individual Native Americans on non-Tribal lands must meet the requirements in paragraph 35 to be eligible for C/S.

**D Individuals with Grazing Rights on Tribal Land**

An individual holding written permission to graze Native American Tribal land is eligible as a tenant to perform practices on the land if the lease or permit is issued by an appropriate official.

**37 Cooperative Grazing Associations and Districts**

**A Eligibility for C/S Assistance**

Cooperative grazing associations and districts that meet the requirements in paragraph 35 are eligible for C/S assistance.

**Note:** If the association or district is only a permittee or licensee with respect to the land, it is ineligible.

**B Individual Members**

Individual members of grazing associations or districts who have the legal right to graze land owned or leased by the association or district are considered tenants and are eligible for C/S.

C/S approvals will **not** be issued to both the association or district, and the individual members for practices to be performed on this land.

**38 Clubs and Organizations**

**A Eligibility**

Youth clubs and organizations such as 4-H clubs, FFA chapters, and scout troops are eligible for C/S assistance if:

- qualified as an eligible person or legal entity according to paragraph 35
- the necessary ECP forms are signed by an adult who officially represents the organization
- the land meets land eligibility requirements and is privately owned.

**B Sports Clubs**

A sports club is eligible for C/S if it qualifies as an eligible person or legal entity according to paragraph 35.

**39 Government Entities**

**A Federal and State Government and Agencies**

A Federal or State government, or any of its agencies, is not an eligible person or legal entity for C/S.

**Note:** State-supported colleges or universities are ineligible under ECP.

**B Local Government Units**

County, city, or other local government units are ineligible for ECP purposes.

**C School Districts**

An independent school district is not an eligible person or legal entity for ECP purposes.

## 40 Organized Districts

### A Policy

Producers or groups that are eligible persons or legal entities and are either members of districts or have land in a district may voluntarily carry out eligible practices with their own funds and be eligible for C/S in districts, or on facilities owned by districts.

C/S may **not** be approved where the district has both the:

- **legal obligation** to carry out the conservation improvement measures
- authority to levy taxes or assessments on its members' land, water rights, or other property, which if are not paid may become a lien.

### B Definition of District

District, for the purposes of this handbook, means organized districts, mutual water companies, and associations. For the purposes of this policy, districts must include those formal and informal organizations that have all the following characteristics:

- are formed under State law to either:
  - solve a mutual problem, such as flood control
  - carry out a mutual purpose, such as distribution of irrigation water
- have the authority to tax or assess individual members to carry out the proposed conservation measures
- can encumber its members' land, water rights, or other property through unpaid liens.

### C Eligibility of Organized Districts

The district, as a separate and distinct entity from its individual stockholders or members, is eligible for C/S on farmland when it qualifies as an eligible person or legal entity according to paragraphs 34 and 35.

40 **Organized Districts (Continued)**

**D Eligibility of Individuals or Groups Within Organized Districts**

Within a district, any eligible producer may perform any eligible ECP practice in the approved county for the benefit of the producer's farmland.

C/S must be paid to or on behalf of the individual eligible person or legal entity.

Producers may hire a district or other vendor as the contractor to do the work for performing practices. Practices performed by contractors will be eligible, and the cost to the producers will be treated as their contributions.

**E DAFP Waiver Authority**

DAFP may grant waivers on an individual basis with proper documentation.

Waivers may be granted when State law or similar statute restricts the amount that districts can tax or assess its members to the point that the districts cannot derive sufficient funds to carry out eligible conservation measures.

When an exception is granted, costs may be shared with individual members who voluntarily perform the measure using their own funds.

**F Contributions Made by Districts**

Contributions by a district to a project being voluntarily performed by eligible producers using their own funds may be considered the contributions of an ineligible person or legal entity.

40 Organized Districts (Continued)

**G Example of Ineligible Contributions Made by District**

The XYZ Ditch Company's (XYZ) charter provides that the company will supply available water to members while also operating and maintaining the ditch system.

- XYZ will annually assess members an amount set by XYZ and approved by XYZ's members holding the majority of water shares.
- If the assessment is not paid within 30 to 60 calendar days, XYZ is obligated to sell the shares of the delinquent member.

**Note:** The company is not obligated to improve the system.

A few individual members of XYZ collaborate on an effort to rehabilitate the company's earth ditches that service their cropland. If XYZ contributes to the costs of lining the ditch, the contribution is that of an ineligible contributor.

The company does not own or operate farmland; therefore, it does not qualify as an eligible person or legal entity according to paragraphs 34 and 35.

41-45 (Reserved)

**Section 2 Land Eligibility**

**46 Eligible Land**

**A General Provisions**

The provisions in this subparagraph apply to specific land for which an ECP application is or has been filed.

Land that is eligible under ECP includes land:

- physically located in a county or portion of a county that has been approved for ECP
- normally used for farming or ranching operations
- privately owned facilities
- protected by levees or dikes built to U.S. Army Corps of Engineers, NRCS, or similar standards, that were effectively functioning before the disaster, regardless of type
- protected by permanent or temporary vegetative cover
- used for commercially producing orchards or groves
- used for producing agricultural commodities
- used as grazing for commercial livestock production
- used for aquaculture facilities

## 46 Eligible Land (Continued)

## A General Provisions (Continued)

- where conservation structures are installed

**Example:** Examples of conservation structures include waterways, terraces, sediment basins, diversions, windbreaks.

- devoted to nursery stock (including, but not limited to, ferneries) including container-grown plants, if the nursery:
  - grows stock commercially
  - stock is grown on land in containers for at least 1 year
- in Christmas tree plantations
- expected to have annual agricultural production
- in field windbreaks or farm shelterbelts where the practice is to remove debris and correct damages caused by natural disaster
- on which facilities are located in an old or new channel of a creek, river, or other similar body of water, except that land located within or on the banks of an irrigation canal may be approved by ECP-PM and/or DAFP if the canal is not a channel subject to flooding.

**Note:** Land that does not meet the definition of productive agricultural use may be eligible for debris removal if the debris is interfering with normal farming operations, such as field roads and land surrounding farmsteads.

See subparagraph B for examples of land eligible for ECP.



46 Eligible Land (Continued)

**B Eligible and Ineligible Land Examples**

The following are examples of damaged areas and conservation structures that are determined eligible or ineligible for ECP.

Example	Damaged Area or Structure	Eligibility	Reason for Ineligibility
1	Debris from collapsed barn in the building's footprint or on farmstead.	No.	Structures are primarily a capital investment and not agricultural land.
2	Debris from collapsed poultry house in the building's footprint or on farmstead.		
3	Damaged land around the farmstead.	No, except for removal of debris that interferes with normal farming operations.	Nonagricultural land.
4	Buried Mainline.	No.	Not conservation use.
5	Center pivot irrigation system.	No.	Because of portable nature.
6	Recreational fishpond, including fence.	No.	Primarily non-agricultural or not conservation use.
7	Commercial catfish pond, including fence.	Yes.	
8	Grade stabilization structure, including protective fence.	Yes.	
9	Woodland.	No.	Nonagricultural land for ECP.
10	Land next to a stream, including perennial and intermittent streams.	No.	Land subject to frequent damage, unless COC determines eligible according to this paragraph.

46 Eligible Land (Continued)

**B Eligible and Ineligible Land Examples (Continued)**

<b>Example</b>	<b>Damaged Area or Structure</b>	<b>Eligibility</b>	<b>Reason for Ineligibility</b>
11	Debris on field road.	Yes, if it interferes with normal farming operations.	
12	Debris on farm lane.	Yes, if it interferes with normal farming operations.	
13	Debris in field ditch.	Yes, if it interferes with normal farming operations.	
14	Damaged fence, involving livestock.	Yes.  <b>Note:</b> Fence must have been damaged by an eligible natural disaster.	
15	Damaged waterway.	Yes.	
16	Damaged terraces.	Yes.	
17	Field not subject to frequent damage and not damaged more than 2 times in the last 10 years by the same type of disaster.	Yes.	
18	Damaged levee.	No.	Nonagricultural land.
19	Damaged land between levee and a stream.	No.	Land subject to frequent damage.
20	Damaged fence on public land.	No.	Public land ineligible for ECP.

## 47 Ineligible Land

### A General Provisions

Land that is ineligible for ECP includes land:

- owned or controlled by the Federal Government

**Note:** See paragraph 50.

- owned or controlled by States, State agencies, or other political subdivisions of a State

**Note:** See paragraph 50.

- protected by a levee or dike built to U.S. Army Corps of Engineers, NRCS, or similar standards that was not effectively and properly functioning before the disaster, or by a levee or dike not built to U.S. Army Corps of Engineers, NRCS, or similar standards, as determined by the Deputy Administrator
- adjacent to water impoundment reservoirs that are subject to inundation when the reservoir is filled to capacity
- on which levees or dikes are located
- subject to frequent damage or particularly susceptible to severe damage
- subject to flowage or flood easements that is subject to inundation when water is released in normal operations, including land above or below the reservoir
- between any levee or dike and stream, river, or body of water, including land between 2 or more levees or dikes
- located in an old or new channel of a stream, creek, river, or other similar body of water except that land located within or on the banks of an irrigation canal may be submitted to ECP-PM and approved by DAFP if the canal is not a channel subject to flooding
- located under greenhouses, hoop houses, and high tunnel structures
- where poor farming practices, such as failure to farm on the contour, have materially contributed to damaging the land
- sinkholes unless associated with severe land scouring except as submitted to ECP-PM and approved by DAFP on a case-by-case basis
- landslide/mudslide with the exception of removal of debris resulting from a landslide/mudslide on agriculturally productive land
- road culverts

**47 Ineligible Land (Continued)****A General Provisions (Continued)**

- damaged by wildfire started by other than natural causes

**Note:** ECP-PM may waive this requirement if extreme or abnormal damaging weather conditions such as drought or high winds exacerbate the fire.

- devoted to trees for timber production (see 1-EFRP)
- not considered to be in agricultural production, such as land devoted to stream banks, channels, levees, dikes, native woodland areas, roads, and recreational uses.

**Note:** Although road and bridge repair or replacement are not covered by ECP, consider available options from FLP.

**B Frequent Damage Provisions**

When making determinations of the likely frequency of damage and of the susceptibility of the land to severe damage, COC may base these determinations on consideration of all factors considered relevant that may include, but need not be limited to, the following:

- location of the land
- history of damage to the land
- whether the land was or could have been protected by a functioning levee or dike built to U.S. Army Corps of Engineers, NRCS, or similar standards.

Land is considered as being subject to frequent damage when damaged to the extent that cost share rehabilitation is required more than 2 times in the last 10 years, including the current year, by the same type of disaster on the same common land unit (CLU).

When making determinations, information may be obtained and used from FEMA or other Federal, State, or local entity, which shows, for example, flood susceptibility for the land, soil surveys, aerial photographs, or flood plain data.

**47 Ineligible Land (Continued)****C Land Protected by U.S. Army Corps of Engineers Levees**

If COC determines that land protected by a U.S. Army Corps of Engineers levee is eligible for C/S, it may approve restoring the practice when COC reasonably believes and has supporting documentation that the levee will be restored in a timeframe supplied to COC by the U.S. Army Corps of Engineers. The restoration of the levee must meet the standards and specifications of the U.S. Army Corps of Engineers.

However, in some instances the land may continue to be exposed to frequent damage because of levees that were breached by floodwater but have not yet been repaired according to the U.S. Army Corps of Engineers standards and specifications. In these instances, COC will delay approval of C/S until levee restoration work begins unless the producer agrees to either of the following, if the land is later damaged during the practice lifespan:

- restore the practice at the producer's own expense
- refund C/S.

COC may use CCC-170 (Exhibit 11) to obtain the producer's written agreement.

**D C/S Authorization**

C/S is not authorized for:

- rehabilitating streambanks, channels, levees, and dikes
- land between levee and stream.

## 48 Land Located in Non-Designated ECP Counties

### A Farmland Eligibility

Land eligible for ECP C/S assistance will include any farmland physically located in **only** an ECP-approved county. This includes land that is physically located in the ECP-approved county, but which is administratively located in a non-approved ECP county.

For the non-approved ECP county to administer the C/S process for the eligible land physically located in the ECP-approved county, the county must be added to the disaster ID. State Office Program Specialist must contact the ECP-PM requesting the disaster ID be updated to include the county.

**Example:** Tornado happens in County A. County B is the administrative county for a farm with damage in County A. Even though County B is the non-approved county, County B must:

- be added to the applicable disaster ID
- request funds
- process the C/S request according to total allowable rates and NRCS standards and specifications for the physical location of the damage
- process approval
- process payment.

**Note:** This example would also be true across State lines.

## 49 Native American Land

### A Eligible Native American Land

Farmland owned by a Native American or a Native American Tribe is eligible for ECP.

**Note:** Tribal lands are not owned by the United States even though these lands may be managed by BIA.

Farmland owned by a Native American or a Native American Tribe if determined eligible for ECP will be included in the applicable disaster ID as being associated with the applicable county.

**50 Government-Owned Land**

**A Federally Owned Land**

Federally owned land is not eligible to receive ECP C/S assistance.

**51 Prohibition of Duplicate Benefits**

**A Land With Practices Approved Under Other C/S Programs**

C/S is not eligible to be earned for land on which the producer has or will received funding from any other Federal or State C/S program that covers the same or similar expenses to create duplicate payments or, in effect, a higher rate of C/S than is allowed. Other C/S programs include, but are not limited to:

- CRP
- EFRP
- EQIP
- EWP
- TAP
- WRP
- Emergency WRP.

**B Land With Practices Under Practice Maintenance From Any Other Federal or State C/S Program**

A producer is not eligible to earn ECP assistance to rehabilitate any land on which the producer is required to maintain the practice, or the land is enrolled in any other Federal or State C/S program.

51 Prohibition of Duplicate Benefits (Continued)

**C Determining Eligibility and Duplicate Benefit Applicability**

C/S is not eligible for rehabilitating land on which the producer is required to maintain the practice or the land is under any other Federal or State C/S program.

Determine eligibility of land under other C/S programs according to the following table.

IF...	AND...	THEN C/S may...
measures will accomplish the purpose of the practice	the practice will not be C/S under another Federal program	be authorized.
a component of a practice is performed using C/S from another program	the component treats the same problem on the same land	<b>not</b> be authorized.
participants have or will receive funding on the same acreage under: <ul style="list-style-type: none"> <li>• CRP</li> <li>• EFRP</li> <li>• EQIP</li> <li>• EWP</li> <li>• TAP</li> <li>• WRP</li> <li>• Emergency WRP</li> </ul>		
participants have or will receive funding for the same or similar expenses under EQIP, EWP, or other C/S programs to create duplicate payments, or, in effect, a higher rate of cost share than is allowed		

**D Refund of ECP Payment**

Participants who elect to receive other Federal C/S assistance are obligated to refund ECP C/S payments, plus interest.

Refunds must be processed according to 64-FI.

52-55 (Reserved)



**Section 3 Practice Eligibility**

**56 COC-Approved Practices**

**A County Program**

COC will use the nationally approved ECP practices according to national policy and procedure.

See Exhibit 12 for nationally approved practices.

**57 Practices Requiring DAFP Approval**

**A Practices Requiring Special Approval**

Approval authority for ECP Practice EC7 must be sent to ECP-PM for DAFP approval **before** practice implementation.

**Note:** ECP Practice EC6 requires additional documentation and review by ECP-PM according to paragraph 91.

**58 Practice Lifespans and Maintenance**

**A Natural Disaster**

Practices damaged by a future natural disaster during the practice lifespan may be considered eligible under ECP if the land is included in a new ECP-approved disaster area.

**58 Practice Lifespans and Maintenance (Continued)**

**B Damage Occurring During Lifespan**

Follow instructions in this table for practices damaged during lifespan.

<b>IF the ECP C/S practice is...</b>	<b>THEN...</b>
later damaged by a subsequent natural disaster during the practice lifespan	the practice may be considered eligible for additional ECP assistance if the land is included in a new ECP-approved disaster area.
later damaged by a subsequent natural disaster during the practice lifespan and the land is not included in a new ECP-approved disaster area	COC must follow practice maintenance procedure in Exhibit 12.

**C Requirements**

Producers must maintain practices according to Exhibit 12.

**D Maintenance**

A practice must be maintained for the practice lifespan specified in the practice writeup.

**Note:** County Offices must advise producers of the requirement to maintain the practice for its useful lifespan.

**59 Size of Conservation Structures**

**A Determining Eligible Size of Conservation Structures**

COC will limit C/S on any practice to the smaller of either of the following:

- the size of the conservation structure before the disaster
- materials needed to solve the conservation or environmental problem if different than prior existing size and according to NRCS standards and specifications.

**Note:** The cost of installing a conservation structure that is larger than the original conservation structure and exceeds the minimum standards for restoration of the original conservation structure is the financial responsibility of the participant.

60 C/S for Minerals and Seeds on Eligible Conservation Structures

**A Authorized C/S**

C/S for minerals and seeds is authorized **only** for establishing or re-establishing permanent vegetative cover on eligible conservation structures or installations where needed to prevent critical erosion and siltation.

**Example:** C/S is authorized to establish or re-establish waterways, terraces, and spillways.  
C/S is not authorized to re-establish cover on fields.

**B Seed and Seeding Mixture Specifications**

All practice specifications involving seeds or seeding mixtures must be substantiated, as needed, by the responsible technical agency.

Straight seedings of legumes may be approved if the legumes will:

- provide erosion protection equal to a grass-legume mixture
- last for the lifespan of the grass-legume practice under normal conditions.

61-65 (Reserved)



**PART 3 State and County ECP Establishment****Section 1 Cost Share (C/S) Policies****66 Maximum C/S Levels****A Maximum C/S Payment Levels**

ECP financial assistance for eligible producers is in the form of C/S payments. A C/S payment assists eligible ECP participants perform approved restoration measures for farmland damaged by an eligible natural disaster.

ECP C/S approvals or payments **must not** exceed 75 percent of the producer's total allowable cost to perform the practice. As a limited resource, socially disadvantaged, or beginning farmer or rancher, C/S approval **must not** exceed 90 percent of the producer's actual cost to perform the practice. If the producer claims limited resource, socially disadvantaged, or beginning farmer or rancher status, it is recommended that CCC-860 be completed and entered in Subsidiary before submitting a C/S application to ensure that C/S is calculated in CSS at the higher percentage rate before COC approval.

**Example 1:** If total eligible costs of all practices caused by the disaster are \$210,000, then maximum C/S allowance is calculated as  $\$210,000 \times 75\% = \$157,500$ .

**Example 2:** If the producer is approved as a limited resource, socially disadvantaged, or beginning farmer or rancher by COC, the maximum C/S allowance is calculated as  $\$210,000 \times 90\% = \$189,000$ .

**Note:** See 1-CM for limited resource, socially disadvantaged, or beginning farmer or rancher provisions. The socially disadvantaged producer definition as defined in the 1990 Farm Bill applies to ECP. Gender is not a covered group under the 1990 Act definition.

**B C/S Levels Established by STC's**

STC's must review NRCS average costs when determining ECP total allowable cost for all potential ECP practices and components to establish C/S rates. Established rates must remain in compliance with the National C/S Levels and be expressed as a percent of cost not to exceed \$\_xx\_ per unit of measure.

STC that establishes C/S rates for the State may authorize COC's to establish C/S rates for their county. All suggested changes must be sent back to STC for approval.

## 66 Maximum C/S Levels (Continued)

**C C/S Levels Based on Land Value**

ECP C/S approvals or payments **may not** exceed 50 percent of the agricultural market value of the affected land as determined by COC, unless waived by DAFP. NASS land values, land appraisals, or comparable sales from local realtors are resources from which to determine the agricultural market value of the affected land.

There can and will sometimes be great variances in the agricultural market value of land between counties in a State. STC's are responsible for making certain that the agricultural market value determined for land in a county is relative to that county and not all counties in the State.

**Waiver Request Example:** Hurricane caused extensive damage to a pond. To rebuild the practice to current NRCS standards and specifications, cost share to restore the pond dam will exceed 50 percent of the agricultural market value.

COC must determine applicable farmland value from NASS data or other credible resources as determined by STC. NASS land value data can be found at <https://www.nass.usda.gov>. Other credible sources may include the State university, local land taxing authority, etc. STC is responsible for annually reviewing the agricultural market values established by COC's in each county.

Using FSA-23 (Exhibit 17), apply land value limitations according to the acres served by the total affected land's rehabilitation. Consider acres served for practice:

- EC1 as the field acreage, even if only a portion of the field may require debris removal to return the land to its productive agricultural capacity
- EC3 as the land acreage to which the fence restoration confines livestock or excludes wildlife.

**Note:** If multiple participants are eligible for C/S on the same land, the land value limitation is applied to the acreage approved for the ECP practice, not the participants.

## 67 C/S Levels With Limitations

**A Documenting C/S Levels With Limitations**

Maximum limitation C/S levels must be established for all practices. Various component options are available for each practice. However, the limitation amount is based on the total allowable cost of performing the unit of measure of the practice. C/S levels and maximum limitations must be set based on the minimum incentive needed to encourage producer participation and solve the conservation problem.

Document C/S levels with a limitation as “\_\_\_\_\_ percent of the actual cost, not to exceed \$\_\_\_\_\_ per unit of measure (acre, feet, etc.)”.

**Examples:** Seventy-five percent of the actual cost, not to exceed \$40 per acre (light debris removal).

Ninety percent of the actual cost, not to exceed \$1.50 per foot (livestock fence replacement).

**B Supporting Data for C/S Levels With Limitations**

The maximum limitation will be based on documented total allowable costs.

COC or STC must base maximum limitation on current cost data, such as data from:

- NRCS
- NASS
- applications of payment
- quotations
- dealers
- contractors
- NIFA.

Data used to determine maximum limitation must be summarized and forwarded to the State Office if established by COC.

68-70 (Reserved)





**Section 2 General C/S Eligibility****71 Items Eligible and Ineligible for C/S****A Items Eligible for C/S**

Items eligible for C/S assistance include the cost of any direct and significant factors necessary for performing the practice to rehabilitate or replace the damaged land or conservation structures, such as:

- materials
- services
- labor
- equipment
- sales tax.

**Notes:** Solar-based and wind-based power sources may be eligible if determined to be the least costly alternative for FSA in providing electric fence or water for livestock within the lifespan of practice. See EC-6 in exhibit 12.

If approved by COC, incorporating used materials must:

- meet NRCS standards and specifications and be approved for use by the NRCS State Conservation Engineer
- be documented in COC minutes.

**B Items Ineligible for C/S**

Examples of allowable costs that are ineligible for C/S, include:

- mowing pastures
- measures to control insects or rodents
- measures to treat plant diseases or nematodes
- engineering charges
- permit or connection fees
- project manager or consultant's fees
- chopping or shredding residues from crops for insect control
- all practices on public land (see paragraph 47)

71 **Items Eligible and Ineligible for C/S (Continued)**

**B Items Ineligible for C/S (Continued)**

- right to use land or water
- fuel
- meeting supplemental requirements, such as abstaining from harvesting
- producer's own transportation costs
- weed control measures unless specifically included in NRCS standards and specifications
- loss of or reduction in revenue because of the disaster
- rent or other costs of using land
- cost of pumps and pumping accessories, except for permanently installed submersible pumps in wells or spring development during drought emergencies
- wells that do not produce sufficient water
- donated material
- enhancing acreage or structures not affected by natural disaster
- machinery or equipment repair or maintenance
- buried mainlines.

## 72 Eligible Restoration Cost Considerations

### A Restoring to Pre-disaster Condition and Function at Current NRCS Standards and Specifications

C/S may be offered for ECP practices to replace or restore farmland, or conservation structures after being damaged or destroyed by a natural disaster.

**NRCS standards and specifications must be met for each ECP practice by using the minimum performance necessary to replace or restore damaged and/or destroyed conservation structures and/or farmland.**

C/S will be limited to restoring conservation structures and all other installations to current NRCS technical standards and specifications. ECP participants must pay the additional cost incurred to improve land and conservation structures beyond the minimum NRCS technical standards and specifications.

**Example:** A producer applies for ECP assistance to rebuild barbed wire fences destroyed by an ice storm. However, the producer chooses to rebuild the destroyed barbed wire fence with a woven wire fence and agrees to meet current NRCS standards and specifications. C/S will be paid based on the cost to rebuild a barbed wire fence and the additional cost of woven wire fence will be the producer's sole financial responsibility.

No relief will be authorized to address conservation problems existing before a disaster event occurs.

### B Safety Requirement

In many instances, restoring a conservation structure to the immediate pre-disaster condition and not meeting the minimum current NRCS standards and specifications can result in the conservation structure being:

- a safety hazard to human habitation downstream as certified by the TA provider
- unable to withstand a similar, future disaster event.

Therefore, conservation structures must be restored to meet the minimum current NRCS standards and specifications.

**72 Eligible Restoration Cost Considerations (Continued)****C Limitations on Eligible Expenses**

C/S may be granted for all reasonable expenses incurred:

- reimbursement for expenses for eligible personal equipment and personal labor must be less than that charged by contractors who are entitled to make a profit for their efforts
- eligible expenses for personal labor must be limited to personal labor not normally required in the operation of the farm or ranch, as determined by COC
- eligible expenses for personal equipment must be limited to costs incurred beyond the normal operation of the farm or ranch
- eligible expenses must not exceed those needed to achieve the minimum performance necessary to resolve the problem being corrected by the practice.

**Note:** Any costs above those levels must not be considered eligible costs for purposes of calculations made under this part.

**73 Qualifying Minimum Cost of Restoration****A Minimum Cost of Restoration**

To be eligible for ECP assistance, the eligible damage must be so costly that Federal assistance is or will be required to complete the ECP practice.

Based on the needs determination and the producer's total allowable cost of all practices for the same disaster event, the minimum qualifying cost of restoration at the time of application approval is set at \$1,000 per participant receiving a share on FSA-848, or \$250 if certifying as limited resource, socially disadvantaged, or beginning farmer or rancher.

**74-75 (Reserved)**

## PART 4 ECP TA

## Section 1 Providing TA

## 76 ECP TA Memorandum of Agreement

**A TA Purpose**

TA is support and guidance provided to ECP participants and County Offices for the planning, implementation, and certification of ECP practices. FSA, NRCS, or another technical service agency or provider as approved by ECP-PM can provide ECP TA.

For many ECP practices, FSA provides TA. However, certain ECP practices may require additional technical expertise; NRCS has personnel with expertise to provide TA needed for implementing ECP.

**Note:** Technical responsibility for practice EC4 is assigned to NRCS. States may also use NRCS TA services for additional ECP practices as agreed to by both agencies' State Offices. See paragraph 20.

ECP TA provided to participants includes technical expertise, information, and the tools necessary for rehabilitation of eligible natural disaster damaged farmland or conservation structures. When NRCS provides TA to a participant, FSA is also provided practice performance certification.

**B TA Guidelines**

Details of the operational agreement are included in the MOA between FSA and NRCS. The MOA functions at the National level and eliminates the need for a State-level agreement. For a current copy of MOA, see Exhibit 3.

**C Determining TA Needs**

SED and NRCS State Conservationist will determine and document:

- the ECP practices for which NRCS will provide TA
- the format for which NRCS will provide a statement of actual costs incurred in providing TA, if considered necessary
- any other provision considered necessary by FSA State Office, State Technical Committee, or NRCS State Conservationist, that is consistent with and does not nullify any provision of the MOA.

**Note:** The determination may be documented in the committee meeting minutes, such as SEB, STC, etc.

## 77 Major Responsibilities for ECP TA

### A TA

The assigned technical agency will ensure that TA is provided to producers for approved practices to the extent that resources permit.

### B Assigned Agency Responsibility for TA

Each assigned technical agency is responsible for carrying out its assigned responsibilities according to the national MOA.

The assigned agencies must use technical information provided by NIFA, NRCS, and other agencies to help producers apply practices correctly.

### C Technical Responsibility

Technical responsibility for practices includes:

- developing standards and specifications for the practice
- providing TA on the phases in paragraph 78.

## 78 Reimbursable Activities

### A Phases of Reimbursable TA

TA provided in servicing assigned practices may involve the following phases of implementing a practice:

- determining whether the practice is needed and feasible
- performing an environmental assessment, cultural resource review, and archaeological surveys
- verifying site of original structure or damage

**Note:** Determine measures needed and any required layout and design of the practice when selecting a site.

- supervising installation of a practice, if needed, to ensure that the practice conforms with specifications
- inspecting practices to determine whether specifications have been met and the extent performed.

**79 Outside Assistance****A Agencies Using Outside Assistance**

Assigned technical agencies may use assistance from private, State, or Federal sources when the assistance does the following:

- makes the most effective use of available personnel and facilities with savings to the Federal Government
- maintains the standards and effectiveness of ECP.

**Note:** Assigned technical agencies are responsible for work completed by other sources and must certify that C/S practices were performed according to specifications.

**B Producers Using Outside Assistance**

A producer is not required to use TA available through ECP.

Producers using outside assistance for practices will qualify for C/S if the assigned technical agency:

- determines that the practice was needed, and
- certifies that the practice was performed according to NRCS standards and specifications.

**Note:** A producer that uses outside assistance is required to keep sufficient records to permit the technician to make the necessary determinations.

**80 TA Cost to Participants****A Agency Provided TA**

A producer who uses TA provided by NRCS and FSA does not to pay for these services.

**B Participant Contracted TA**

ECP funds are **not** authorized for reimbursement of TA services contracted by the participant. Participants are responsible for all costs for using services other than those of the assigned technical agency.

**81 Assigned Technical Agency Responsibilities and COC Action**

**A Needs Determination**

The assigned technical agency will report on FSA-848, page 2 if the practice is needed and feasible.

FSA-848, page 2 will include:

- an accurate estimate of needed units and cost upon which COC can base its commitment of funds
- the needed extent and any other pertinent information.

**Note:** CED must consult the State Office if unable to perform needs determination on practices for which FSA is assigned technical responsibility.

**B Required Action for Favorable Determinations**

If the assigned technical agency indicates a favorable determination, the technical agency must take the following actions.

<b>Step</b>	<b>Assigned Technical Agency Action</b>
1	Indicate the extent needed.
2	Complete the needs statements on FSA-848, page 2.
3	Enter estimated cost of the practice.
4	Sign and date FSA-848, page 2.
5	Submit FSA-848, page 2 to COC for review.



81 Assigned Technical Agency Responsibilities and COC Action (Continued)

**C Required Action for Unfavorable or Questionable Determinations**

The following actions are required when an unfavorable or questionable determination is received by COC.

<b>IF the assigned technical agency indicates...</b>	<b>THEN...</b>
an unfavorable determination	<ul style="list-style-type: none"> <li>• there will be a statement to that effect, including the reasons on FSA-848, page 2</li> <li>• the assigned technical agency should explain the basis for the unfavorable determination to the producer</li> <li>• COC will:                             <ul style="list-style-type: none"> <li>• promptly notify the producer, in writing, that the practice was not approved and the basis for the decision</li> <li>• advise the producer of the right to appeal the determination.</li> </ul> </li> </ul>
a practice may not be eligible	<ul style="list-style-type: none"> <li>• the assigned technical agency must provide written description of the eligibility question on FSA-848, page 2</li> <li>• COC will consider this statement when reviewing the request for approval.</li> </ul>

**82 Assigned Technical Agency Responsibilities and Reporting on FSA-848B, Page 2**

**A Practice Performance Verification**

The assigned technical agency must provide practice performance certification on FSA-848B, page 2.

**83-85 (Reserved)**

**Section 2 Transfer of Funds for TA****86 Billing TA Expenses****A Providing Reimbursement to NRCS for TA**

In conjunction with the MOA, FSA sets aside funding for TA according to funding appropriations.

**Note:** State Offices will no longer execute AD-672.

**B Actual Costs**

NRCS State Offices must bill FSA State Offices for the actual cost of ECP services performed, consistent with the terms and conditions described in the MOA, but not to exceed 10 percent of the amount of C/S funds allocated to counties, unless otherwise noted.

**C TA Billing Frequency and Details**

No more than quarterly, NRCS State Offices must submit to FSA State Offices (by an agreed upon documented source such as e-mail, memorandum, etc.) a statement of costs incurred providing ECP TA. The statement must include the following:

- FY and quarter
- disaster ID
- County Office name where service was provided
- itemization of charges, including but not limited to:
  - number of personnel hours by employee
  - dates of service provided
  - employee lodging
  - POV mileage
  - GOV fuel
  - M&IE
- dollar amount of reimbursement.

**86 Billing TA Expenses (Continued)**

**D Billing Verification**

Before payments are processed, the FSA State Office will receive a statement of costs incurred by the NRCS State Office for providing TA and forward a copy of the statement to the applicable County Office for CED and DD review. CED must verify that charges for ECP TA reimbursement are reasonable. If necessary, CED will coordinate review of charges with the applicable NRCS Field Office.

After completing the ECP TA billing review and resolving any issues, CED will forward the results to DD. DD must review CED's results and make any necessary comments or revisions before forwarding to SED.

**87 Processing TA Reimbursement by IPAC**

**A Billing Approval**

Once the verification process in paragraph 86 is complete, the FSA State Office must:

- approve the invoice
- notify the submitting NRCS State Office of approval.

**B NRCS Processing**

Upon notification from FSA, the NRCS State Office will then notify the NRCS National Accounts Receivable Servicing Team of the pending TA payment due.

The NRCS National Accounts Receivable Servicing Team initiates the payment process through IPAC.

**88-89 (Reserved)**

**PART 5 Natural Disaster Event Occurrence and ECP Implementation**

**Section 1 ECP Action When Disaster Occurs**

**90 Program Availability**

**A Effective Dates of Procedure**

Accept and approve requests using the procedures and rules in effect on the date the disaster occurred.

**B Program Announcement**

COC will notify affected producers after receiving authorization to implement ECP.

Include the policy, signup dates, and specific criteria for producer and farmland eligibility in the information release.

**Notes:** See Exhibit 13 for information release examples.

See paragraph 95 for signup period requirements.

**C Program Availability**

All producers, regardless of race, sex, religion, color, age, national origin, marital status, politics, or disability will have an opportunity to request C/S.

91 County or Area ECP Implementation Request

A Summary of Steps

ECP requests must be implemented according to the following steps.

<b>ECP Implementation Request</b>	
<b>Step</b>	<b>Action</b>
1	<p>COC requests ECP implementation approval as quickly as possible, but no later than 6 months of the ending date of the disaster.</p> <ul style="list-style-type: none"> <li>• COC conducts immediate assessment of damage when disaster occurs. As needed, consult members of County Emergency Board to assist with conducting damage assessments.</li> <li>• CED convenes County Emergency Board to review potential losses. See 1-DIS.</li> <li>• CED completes Loss Assessment Report.</li> <li>• CED creates description of the disaster as it affects agricultural land in the county.</li> <li>• For drought requests, CED documents Drought Monitor or precipitation and hydrology data.</li> <li>• CED creates county map with damage site identified.</li> <li>• COC determines if ECP is or is not warranted.</li> <li>• COC determines ECP practices needed based on damage assessments.</li> <li>• COC determines the number of farms expected to request C/S assistance.</li> <li>• COC determines C/S need estimate based on damage assessments.</li> <li>• CED consults with NRCS about applicable TA needs.</li> <li>• CED obtains DD concurrence to request ECP implementation.</li> <li>• CED submits implementation request to State Office.</li> </ul>

91 County or Area ECP Implementation Request (Continued)

A Summary of Steps (Continued)

<b>ECP Implementation Request</b>	
<b>Step</b>	<b>Action</b>
2	<p>SED consults with SEB and submits ECP implementation request to ECP-PM.</p> <ul style="list-style-type: none"> <li>• State Office may seek preliminary implementation concurrence by SharePoint, telephone, or e-mail. However, signup must not be conducted until the Formal Implementation request has been approved by the ECP-PM.</li> <li>• State Office must review and forward COC documentation to ECP-PM as a formal request.</li> </ul>
3	<p>ECP-PM:</p> <ul style="list-style-type: none"> <li>• evaluate request and its documentation</li> <li>• assign disaster ID (event specific code for processing applications)</li> <li>• prepare and issue response memorandum</li> <li>• if no funds are available, advise State Office accordingly.</li> </ul>
4	<p>Upon receipt of implementation approval from the ECP-PM:</p> <ul style="list-style-type: none"> <li>• County Offices must inform and educate producers about ECP through press releases, radio spots, newsletters, and flyers</li> <li>• County Offices will copy applicable components from State list to their county list</li> <li>• provide an updated funds needed report to the State Office after the signup period has ended and needs determinations have been completed and entered in CSS, and COC determines the amount to be approved.</li> </ul>

B Immediate Assessment of Damages

COC must make an overall assessment of damage within 5 workdays after a disaster occurs to ensure that the resulting damage meets the minimum ECP requirements. COC or CED will consult with STC or SED to obtain implementation approval from the National Office before announcing the availability of C/S funds.

**Note:** See subparagraph F for additional instruction on implementing a severe drought designation request.

**91 County or Area ECP Implementation Request (Continued)****B Immediate Assessment of Damages (Continued)**

The request must include the following:

- description of the disaster
- areas of county affected
- practices needed
- an estimate of funds needed
- a review of the policy about minimum cost of restoration according to paragraph 73
- policy about frequent damage in paragraph 47.

**Note:** ECP-PM decision must be recorded in the COC minutes.

**C Implementation Requirements for Damaged Farmland**

If new conservation problems are created because of a disaster, the resulting damage to farmland must:

- be unusual in character and, except for wind erosion, must not be the type of damage that would recur frequently in the same area
- materially affect the productive capability of the land or water resource
- impair or endanger the land if not treated
- must be so costly that Federal assistance is or will be required to return the land to productive agricultural use or to provide emergency water for livestock be so costly to rehabilitate that Federal assistance is required to return the land to productive agricultural use.

**Note:** See paragraph 73.

For severe drought implementation requests, see subparagraph F.

**D Primary Consideration**

The type and extent of individual farm damage will be the primary consideration for ECP eligibility. The number of farms affected is not the primary criteria for offering assistance. The program may be implemented on a single farm if COC determines it is justified and STC concurs.



## 91 County or Area ECP Implementation Request (Continued)

**E Written Documentation**

COC or designee must follow up telephone concurrence with written documentation supporting the implementation request to State Office. State Office must review and forward documentation for each qualifying county to ECP-PM.

COC's documentation will include, at the minimum, the following:

- the COC recommendation and minutes
- the date, type of disaster, and a description of the disaster as it affects agricultural land in the county
- names of the counties or parts of counties involved
- a copy of the LAR generated by STORM software

**Note:** The precipitation data collection requirement may be waived if the county has been designated as level D3 or D4 according to the U.S. Drought Monitor. See 1-DIS.

- map of affected area, including county names and boundaries
- sufficient number of photographs of typical damage in each eligible county
- the practices requested

**Note:** Practice EC7, Other Emergency Conservation Measures, must have ECP-PM approval before implementation. Requests to implement EC7 must include justification and a practice proposal.

- the number of farms expected to receive C/S assistance
- the estimated amount of C/S funds needed to administer the program
- the expected ECP signup beginning and end date
- any other pertinent information supporting request for funds, including documentation of any information supplied earlier by telephone or e-mail.

**91 County or Area ECP Implementation Request (Continued)****F Severe Drought Designation and Implementation Requests**

A severe drought condition exists when available water from sources currently being used for livestock or orchards and vineyard irrigation have been reduced below normal and survival is unlikely without additional water.

In addition to the documentation requirements in subparagraph E, COC will provide STC with a report of current conditions and evidence to support the implementation request to qualify for an ECP drought designation.

ECP implementation for drought is based on COC submitting evidence that the county precipitation levels indicate an average of 40 percent or greater loss of normal precipitation for the 4 most recent months, plus the days in the current month before the date of request.

**Note:** Arid areas relying on snowpack and recurring precipitation for surface water supplies can provide applicable snowpack data.

To document the county's precipitation data, County Offices must complete CRP-42, items 1 through 7, and item 44. See 2-CRP.

**Notes:** Obtain these statistics from National Oceanic and Atmospheric Administration, National Weather Service records, the U.S. Drought Monitor, or from the best available source within each respective county and document the source.

Unless described otherwise, precipitation is assumed countywide, evenly distributed, and not damaging.

The precipitation data collection requirement may be waived if the county has been designated as level "D3 Drought-Extreme" according to the U.S. Drought Monitor.

The U.S. Drought Monitor is available at <http://www.drought.unl.edu/dm/monitor.html>.

## 91 County or Area ECP Implementation Request (Continued)

### G Coordinating ECP With Other Agencies

Coordinate ECP activities with disaster assistance activity of other agencies, including NRCS and FEMA, if applicable.

### H COC Review of C/S Data

COC will annually review C/S data to ensure that practice establishment costs are updated. A review of supporting C/S data and documentation for total allowable costs for implementing the applicable ECP practices must be documented in the COC minutes. The C/S data will be verified by the STC-delegated representative. See subparagraphs 20 A and 67 B.

## 92 State Office Submission of ECP Implementation Request

### A ECP-PM Consultation

For all natural disasters, SED or designee must consult ECP-PM by using SharePoint, telephone, or e-mail after concurring with the County Office's request to implement or expand ECP.

SED may request implementation for a single county or group of counties based on information received about the affected areas of the State.

**Note:** If warranted, SED may request implementation in a county where COC has not requested implementation.

SED must:

- not delay consultation of a County Office's request to implement ECP for several days in anticipation of receiving other County Offices' requests

**Note:** SED may compile multiple counties' formal requests for submission to ECP-PM. However, counties need to be entered in SharePoint on an individual basis for tracking and funding purposes.

- ensure that ECP implementation requests are submitted as quickly as, but no later than, 6 months of ending date of disaster
- notify County Offices of concurrence or non-concurrence by telephone and follow up in writing.

**92 State Office Submission of ECP Implementation Request (Continued)****B Formal ECP Implementation Request**

SED or designee must review COC's formal implementation request for completeness. If considered acceptable, SED or designee will e-mail the formal implementation request to ECP-PM.

A formal implementation request must include all pertinent information about the disaster. In addition to the data provided by the county (see subparagraph 91 E), SED's formal implementation request must also include:

- a cover memorandum summarizing the ECP request, signed by SED or designee
- an estimate of funds, if needed, for all counties included in the implementation request.

**Notes:** If available, funds will be allocated after needs determinations are completed and an updated funds request is submitted to ECP-PM.

While the use of Preliminary Implementation Requests are allowed, a Formal Implementation Request must be approved before conducting signup.

**C SED and STC Implementation Exception**

SED or STC may implement the program, except for droughts, **only** if conditions require immediate action and contact with ECP-PM is impossible. Document actions taken.

**92 State Office Submission of ECP Implementation Request (Continued)****D ECP-PM Approval Required**

ECP-PM's approval is required for all disaster designations.

For severe droughts, SED must provide the following information to ECP-PM in addition to the information required by paragraph 91:

- all available data COC has assembled on the severity of drought conditions
- STC recommendation.

When 1 county or multiple counties qualify for an ECP drought implementation, SED may submit a single or multiple county ECP implementation.

SED will monitor designated counties to determine whether drought conditions still exist and whether the program is still required to solve drought-related problems.

**Note:** If it is determined that ECP is no longer required, COC guidelines will be provided to:

- discontinue issuing approvals
- determine which outstanding approvals remain eligible.

**93-94 (Reserved)**



**Section 2 Accepting C/S Requests****95 Signup Period****A Establishing a Signup Period**

COC must establish a signup when submitting a formal request for implementation to the National Office.

The signup period must be at least 30 calendar days, but no more than 60 calendar days, from the date ECP implementation is formally approved.

COC must submit signup dates for the approved disaster during the implementation request.

**Note:** County Offices may allow a small amount of time before beginning signup to allow for sufficient outreach activities.

Applications may be accepted for C/S before the beginning of an established signup period. See subparagraph 96 B.

ECP-PM may approve extensions of signup periods longer than 60 calendar days with adequate justification, such as when the:

- county remains in D3 when implementing ECP for drought
- extent of damage is so widespread that the length of the signup period was **not** sufficient to accommodate all potential applicants, and the County Office has reasonable expectations that additional signup activity will occur.

96 Accepting ECP Applications

A Summary of Steps

If ECP is determined an eligible solution to the producer’s emergency, use the following steps to assist the producer with filing the ECP request for C/S.

<b>ECP C/S Request Acceptance</b>	
<b>Step</b>	<b>Action</b>
1	<p>Producer’s C/S request must be completed using CSS.</p> <ul style="list-style-type: none"> <li>• enter FSN, Tract, Practice</li> <li>• have the applicant describe the disaster damage</li> <li>• print FSA-848 for producer signature</li> <li>• ensure that all entries are complete on FSA-848 (manual and electronic)</li> <li>• obtain signatures from all participants (or their authorized representative) receiving a share of the payment whose name appears on FSA-848</li> <li>• County Office informs producer of required eligibility forms, to include completion of CCC-860. See paragraph 66.</li> </ul>
2	<p>County Office reviews with applicant the provisions associated with:</p> <ul style="list-style-type: none"> <li>• minimum cost of restoration (paragraph 73)</li> <li>• practice must not be started before environmental and cultural resource compliance evaluations are completed without an approved waiver request</li> <li>• C/S is subject to availability of funds</li> <li>• needs determination</li> <li>• application review</li> <li>• minimum required lifespan for the practice</li> <li>• remaining steps in the application process.</li> </ul>



## 96 Accepting ECP Applications (Continued)

### B When to File Requests

COC may accept requests for assistance on an ECP C/S request (FSA-848) before:

- obtaining concurrence from STC
- establishing signup periods.

Producers **must** be advised that:

- filing an application does **not** mean C/S request will be approved
- environmental reviews must be completed before a practice is started (see paragraph 102)
- C/S may not be provided if written approval is not received from FSA.

### C FSA-848 Requirements

ECP C/S request must be filed on the automated FSA-848. Single or multiple practices may be requested on a single FSA-848.

**Note:** A manual FSA-848 may be accepted **only** when CSS is **not** available. However, all manual FSA-848's must be loaded in CSS within 5 workdays of receipt once the system becomes available.

### D Number of ECP Applicants on a Request

One application must be completed for all participants receiving a percentage of payment for a practice.

**Example:** If a practice is requested for a joint venture:

- prepare only one ECP application for the practice
- record the multiple producer data in CSS according to 2-ECP
- obtain signatures from all participants (or their authorized representative) receiving a share of the payment whose name appears on FSA-848.

## 96 Accepting ECP Applications (Continued)

**E Assisting Applicants Filing ECP Applications (FSA-848)**

When an applicant requests a practice, advise producers of ECP eligibility, practice requirements, payment limitation, and the minimum damage requirements. Take the following action to assist applicants in filing ECP FSA-848. See Exhibit 8 for a completed example of FSA-848.

<b>Step</b>	<b>Action</b>
1	Have the applicant describe the disaster damage.
2	Determine whether ECP is authorized.
3	Advise applicant of responsibility for complying with ECP requirements.
4	Advise applicant of responsibility for complying with environmental and cultural resource compliance requirements.
5	Obtain and record any information needed to determine practice priority and eligibility.
6	Advise the applicant that C/S is subject to the availability of funds.
7	Advise the applicant the practice <b>must not</b> be started before the environmental and cultural resource compliance evaluation is completed or without a COC approved waiver request from the producer.
8	Advise applicant of the timeframe to complete a practice. If unable to complete the practice before the expiration date, producer must submit an extension request in writing to COC before practice expiration.
9	Advise the applicant of the requirements of the lifespan for the practice.
10	Have the applicant complete CCC-860 if the applicant requests consideration under limited resource, socially disadvantaged, or beginning farmer or rancher provisions before entering FSA-848 in CSS.
11	Advise the applicant that an advance payment is available for EC3 – Restoring Permanent Fences. See 2-ECP for software guidance.

## 96 Accepting ECP Applications (Continued)

### F Late-Filed Requests (FSA-848)

COC may accept late-filed requests if justified.

Justification considerations may include:

- physical existence of the claimed damage, which still exists, and the impact on normal farming operations
- must be identifiable and verified by a farm visit
- documentation may be obtained by another governmental agency
- in cases of drought, the affected area remains in D3 on the U.S. Drought Monitor.

**Note:** Any applicable onsite waiver and/or programmatic FSA-850 in place for the related disaster will apply to late-filed applications associated with the referenced disaster event.

### G Funds Not Available

County Offices receiving STC concurrence to implement ECP may:

- accept requests for ECP assistance
- complete an onsite inspection and assessment of the damage according to paragraph 101.

If the County Office is notified by the National Office that funding is not available, inform the producer **in writing** that although the County Office has accepted the request and conducted field visits, this does not imply that C/S assistance will be available. A system generated lack of funds letter can be accessed according to 2-ECP. See the example letter in Exhibit 13.

If funds become available, process all applications for C/S.

### H No ECP Signup

Always accept requests for ECP assistance if the producer wishes to apply, even if the county is not approved for ECP.

After the request is accepted, COC will evaluate the request and determine whether ECP implementation is warranted. If COC determines to:

- request ECP implementation, proceed with the provisions of this section
- not request ECP implementation, inform the applicant in writing with applicable appeal rights according to 1-APP.

**97 Obtaining Needed Information**

**A Obtaining Information From Producers**

Obtain necessary information from the producer when the ECP application is filed.

**B Obtaining Information From Other Agencies**

All USDA representatives who visit farms should observe and report facts that affect eligibility to COC.

- At the State and county levels, all agencies working with ECP should consider the factors that affect practice eligibility and avoid duplication of effort.
- No agency having ECP responsibilities will disregard information that raises a question on practice eligibility even if another agency is responsible for making the final determination.

**98-100 (Reserved)**

## Section 3 Practice Eligibility

## 101 Onsite Inspection

## A Documenting Damage

After obtaining formal concurrence to implement ECP, COC must document each request to show that an FSA employee or designee:

- performed an individual onsite inspection within 45 calendar days of accepting FSA-848 to determine whether the damage met ECP requirements

**Notes:** The law authorizing ECP requires that damage to the land, "...will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use".

Onsite inspections are required for USDA or County Office employees. DD and SED will be notified of a County Office employee's request, and DD or State Office employee must perform the inspection.

- determined:
  - the type and extent of damage qualified according to paragraph 91
  - whether applicant has started restoration work
  - the damage resulted from a type of disaster that does not occur frequently in the area as defined in paragraph 47
- documented damage with at least:
  - 1 dated photograph
  - GPS coordinates and marked map when damage is not countywide
  - description of magnitude of damaged or destroyed fencing, conservation structures, farmland, etc.

**Note:** Onsite inspections are required for USDA or County Office employees.

**101 Onsite Inspection (Continued)****B Inspection Waiver Request**

The requirement for onsite inspections may be waived in dire circumstances when the damage:

- is of a magnitude that severely limits access or use of farmland
- is so pervasive that the need for practices can be adequately assessed through sub-sampling or using GIS analysis
- requires immediate action to prevent significant adverse loss to agricultural operations
- presents an immediate risk:
  - to public health or safety
  - to environmental resources.

**Note:** Workload issues alone are not sufficient justification for waiver of the onsite inspection provision.

**Waiver of an onsite damage inspection does not apply to environmental reviews, including but not limited to:**

- cultural resources
- threatened or endangered species
- critical habitat
- protected resources.

**Note:** Any applicable onsite waiver in place for the related disaster will apply to late-filed applications associated with the referenced disaster event according to paragraph 96.

Only a programmatic FSA-850 issued by the National Office can waive the onsite visit for environmental or resources reviews and/or consultations. All planned ECP work must fall within the guidelines of the programmatic FSA-850 and no extraordinary circumstances can be present.

In the event of a widespread disaster, CD and the Environmental team will work together to determine applicability of using the programmatic FSA-850 on a case-by-case basis for actions without additional ground disturbance, and in the absence of extraordinary circumstances, such as certain ECP practices such as EC1 and EC3.

**101 Onsite Inspection (Continued)****C Submitting Requests for Waivers of Onsite Inspections**

COC's or CED's must sign and submit:

- waiver requests
- the required documentation for waiver requests to their respective State Office.

**Note:** Waiver requests for USDA or County Office employees' ECP applications for land they own or control are not authorized.

STC's or SED's must sign and submit:

- waiver requests
- the required documentation for waiver requests to ECP-PM only if the State Office considers the required documentation supports a request for waiver.

**D Required Information for Requests for Waivers**

The following information is required for requests of waivers on onsite inspections:

- map of affected counties
- documentation of the extent and intensity of damage through maps or other data sources, including agricultural loss estimates
- a defined boundary on a map for application of the waiver clarifying the extent of the damage
- a description of accessibility to the sites, including any physical limitations to the site because of flooding, debris, or other impediments
- photographs of the area or adjacent areas to the site where the waiver is requested

**Note:** Dated producer photographs are acceptable.

- information about how the extent of damage or rehabilitation work will be determined after the fact, and a plan for sub-sampling applications or using GIS analysis before practice implementation that will provide a basis for evaluating needs in areas where the onsite inspection has been waived
- a description of potential for any immediate impacts to public health or safety.

**101 Onsite Inspection (Continued)****E Implementing Waivers of Onsite Inspections**

State and County Offices must evaluate the amount of financial payment and the relative potential for inaccurate payment when determining whether or not an approved waiver should be used for a specific application.

**102 Environmental Compliance and Cultural Resource Protection****A Environmental and Cultural Resource Considerations**

COC's are not authorized to approve C/S when the potential exists to adversely affect endangered species, wetlands, or historic properties according to 7 CFR Part 799 and 1-EQ.

COC's are not authorized to approve C/S for practices that would drain or negatively affect the quality of any wetlands.

**Note:** Consult SEC and SEG for guidance on environmental and cultural resource protection compliance.

**B Required Environmental and Cultural Resource Evaluations Before C/S Practice Restoration Begins**

NEPA requires Federal agencies to consider the effect of its program activities on the environment.

For each C/S request, FSA or the assigned technical agency must complete an evaluation of the proposed practice or practices by successfully completing the requisite level of environmental review, including an environmental assessment, FSA-850, or NRCS-CPA-052 (or State equivalent providing that all Federal requirements have been incorporated and are met), according to 1-EQ to determine whether the proposed practice would have any adverse impacts to the environment or cultural resources. The environmental evaluation must be completed **before** any activity related to the practice restoration is started.

**Note:** Use of FSA-850 and NRCS-CPA-052 is dependent on the agency acting as the technical agency. If FSA is TSP, use FSA-850. If NRCS is TSP, use NRCS-CPA-052.

Approval of Federal actions before completing the Environmental Compliance process is a violation of NEPA.



**102 Environmental Compliance and Cultural Resource Protection (Continued)****B Required Environmental and Cultural Resource Evaluations Before C/S Practice Restoration Begins (Continued)**

Examples of prohibited Federal actions include, but are not limited to:

- advising producers that they can begin an action before the environmental review has been completed and before the applicant has been notified in writing of their ECP C/S approval
- advising producers that their action is “good to go” or “approvable” before the environmental review being completed and before the applicant being notified in writing of their ECP C/S approval.

**Note:** The State equivalent in this subparagraph is acceptable only if all Federal requirements are incorporated and met.

Follow guidance provided by SEC, SEG, and 1-EQ when completing or reviewing an environmental evaluation.

To ensure that compliance is achieved, the FSA-848A approval date cannot be earlier than the FSA-850 Approval Official’s signature date in item 19H. The FSA-850 preparer as well as the concurring official must sign FSA-850 before the environmental evaluation can be considered complete, according to 1-EQ, paragraph 23.

**Note:** No waivers or Administrator exceptions can be given when an action is taken before completing and approving the environmental review on FSA-850. Should this occur, the application must be denied.

**102 Environmental Compliance and Cultural Resource Protection (Continued)****C Action When Practice Is Initiated Before C/S Practice Restoration Begins**

Because some disaster events necessitate the producer taking immediate rehabilitation steps, FSA-850 may not always be completed beforehand. The successful completion of FSA-850 with no adverse impacts identified, according to 1-EQ, is still required.

Successful completion of an environmental evaluation is required on all ECP, even if the activity only involves debris removal and no ground disturbance is expected. FSA must still comply with NHPA Section 106 according to 1-EQ, Part 3. Some practices such as debris removal (no ground disturbance) still require COC to review the effects of the intended action and completion of FSA-850. However, if no affects are determined in the FSA environmental review then consultation is not required. If FSA-850 was completed after the rehabilitation activity was initiated, FSA-850 must document the producer's need to take the applicable necessary emergency actions. If it can be determined, the documentation on FSA-850 should reflect how the activity did not significantly affect the quality of the environment.

However, if the rehabilitation activity results in unacceptable ground disturbance such as disturbance below the original plow zone, or a determination cannot be made because the activity did not significantly affect the quality of the environment, C/S cannot be approved.

**102 Environmental Compliance and Cultural Resource Protection (Continued)****D Presidential Disaster Designations**

As provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93-288, as amended, 42 U.S.C. 5121-5207, and related authorities, agencies are exempt from NEPA requirements in certain emergency responses. Debris removal is one example of emergency response the Stafford Act deems not an activity significantly affecting the quality of the environment.

However, agencies must still comply with Section 106 consultation requirements (as needed) (which includes SHPO, THPO, and Tribal consultations), ESA Section 7 consultation requirements as needed, and laws covering wetland protection. Section 106 regulations (36 CFR Part 800.12) allow for expedited consultations in emergency situations and employees should contact FSA SEC to determine whether this provision applies.

Therefore, a completed FSA-850 is required for all ECP projects before FSA-848A is approved, even those only involving debris removal when the debris results from a Presidentially declared disaster.

**E Other Designated Disasters**

The successful completion of FSA-850 is required before FSA-848A is approved, even if the disaster is not a Presidentially declared disaster.

Successful completion of an environmental evaluation is required, even if the ECP activity only involves debris removal and no ground disturbance is expected to result in disturbance beyond any previous disturbance. Agencies must still comply with Section 106 consultation requirements as needed (which includes SHPO, THPO, and Tribal consultations), ESA Section 7 consultation requirements as needed, and laws covering wetland protection. Section 106 regulations (36 CFR Part 800.12) allow for expedited consultations in emergency situations and employees should contact FSA SEC to determine whether this provision applies.

**103 Refusals to Permit Farm Entry or Inspection****A Producer Refuses USDA Representative Entry**

If a producer refuses to permit an FSA representative or other TA provider to enter the farm, the representative will:

- immediately notify CED
- document the following on FSA-848, item 16 (Needs Determination):
  - refusal date
  - person who made the refusal
  - sign and date FSA-848, item 16 (Needs Determination).

**Note:** See 2-CP for additional guidance related refusal to Permit Farm Entry.

**103 Refusals to Permit Farm Entry or Inspection (Continued)****B County Office Action**

When advised of a refusal to permit entry, the County Office must, within 5 workdays, notify the producer of the following in writing:

- refusal date
- person who made the refusal
- person who was refused entry
- that FSA considers the land ineligible for ECP.
- County Office must make no further effort to enter the farm after notifying the producer of the refusal until producer otherwise permits entry on the farm in writing
- if entry refusal is reconsidered by the producer, the County Office must be informed in writing within 15 calendar days of the date of refusal to permit entry letter.

**104 Determining Eligibility****A COC Determining Eligibility**

When determining eligibility, COC will determine whether:

- the applicant and the land are eligible
- the requested practice justifies the investment of funds

**Example:** Currently Sam waters her sheep out of the pond. The C/S authorized to repair the pond is \$200,000 (EC4). Sam owns 5 ewes. County water is available to Sam, therefore the requested practice does not justify the investment of funds.

Based on the needs determination, the producer's total allowable cost of all practices for the same disaster event, the minimum qualifying cost of restoration at the time of application approval is set at \$1,000 per participant receiving a share on FSA-848, or \$250 if certifying as limited resource, socially disadvantaged, or beginning farmer or rancher.

## 104 Determining Eligibility (Continued)

### A COC Determining Eligibility (Continued)

- approval of C/S meets the objectives of ECP
- a new conservation problem resulting is present, including presence of debris
- the land will continue to be used for agricultural production
- environmental and cultural resource protection compliance is met.

### B Ineligible Practices

The practice is ineligible if any of the following apply:

- the practice was started **before** approval by COC (FSA-848A, item 11)

**Notes:** See subparagraph 131 C for an exception to this provision.

FSA-850 or NRCS-CPA-052 **must** be completed **before** COC determination of practice approval.

- the practice was started before request (FSA-848) for ECP assistance was filed on the ECP application (FSA-848A, item 12)

**Notes:** See subparagraph 131 C for an exception to this provision.

FSA-850 or NRCS-CPA-052 **must** be completed **before** COC determination of practice approval.

- the work is considered normal upkeep, maintenance, or upgrading
- a water impoundment or improvement facility is primarily for household or recreational use
- the primary purpose of the practice will bring new or additional land into agricultural production
- the practice was not serving its conservation purpose, including water conservation directly related to agriculture, before the disaster, **except** for cases involving debris removal
- any practice requested is primarily for the producer's convenience
- the practice will create a conservation or environmental hazard, such as erosion or flood, to other land.

**105 Using Priorities**

**A Prioritizing All Requests**

For limited funding, all ECP applications must be prioritized by COC before approval.

**B Prioritization Factors in Limited Funding Situations**

Prioritization factors to be considered when setting priorities and approval amounts include, but are **not** limited to, safety that poses a threat to life or property.

**106-109 (Reserved)**

**PART 6 ECP Funds Management**

**Section 1 National Program Funds**

**110 National Reserve**

**A ECP Funds Reserve**

ECP funds are held in reserve at the National level only.

State Offices must not request funds in excess of the amounts approved by COC. State and County Offices are not authorized to:

- withhold a percentage of any ECP funds allocated
- maintain a reserve of unused ECP funds.

**111 Conservation Funds Ledger System (CFLS), Electronic Funds Control (eFunds), and Common Obligation Framework (COF Software) Allocations**

**A Fund Allocation**

The National Office will allocate funds to States after:

- needs determination has been completed
- “extent needed” has been entered in CSS
- a formal funding request has been sent to CD (see 116A).

**112-113 (Reserved)**





**Section 2 County C/S Funds Management****114 County C/S Allocation****A Funds Availability**

If funds are available and are approved for the county ECP implementation, C/S funds will be allocated in:

- CFLS, by disaster ID
- eFunds, by fund code
- COF software, by fund code and disaster ID.

**Note:** Agreements approved and entered in CSS through September 30, 2020, will be allocated through CFLS and eFunds. All maintenance to these contracts to include revisions will use CFLS and eFunds. Agreements approved in CSS beginning October 1, 2020, will be allocated through COF software.

**115 Monitoring Funds****A County Funds Management**

The county's initial ECP implementation request (FSA-848) includes a COC **estimate** of C/S funds needed. However, funds are not allocated to States based on the estimate of funds needed to begin an ECP implementation.

To properly request and manage funds, CED must:

- ensure that FSA-848's are loaded in CSS during the signup period
- ensure that environmental compliance evaluations are completed and entered in CSS
- ensure that needs determination data has been entered in CSS for all C/S requests according to 2-ECP
- ensure that environmental compliance evaluations are completed

**Note:** Allocation of funds will be based on the Extent Needed Cost Share Summary Report which is populated after needs determination data is entered in CSS.

- ensure that requests have been reviewed by COC and documented in the COC minutes
- verify that COC is willing to approve amounts that have been entered in CSS

**115 Monitoring Funds (Continued)****A County Funds Management (Continued)**

- request a funding allocation within 30 calendar days of the completion of the needs determination by supplying State Office with:
  - county name
  - ECP practices
  - C/S amount in CFLS and eFunds or COF
  - a copy of the Extent Needed Cost Share Summary Report from CSS
  - a memorandum from COC requesting the funds COC is willing to approve

**Note:** Additional funding requests must be submitted with a copy of an updated Extent Needed Cost Share Summary Report and a COC memorandum.

- ensure that practice certification is completed before practice expiration date and payments are timely issued
- County Office will determine whether unused allocated funds will be needed for the designated disaster within 60 calendar days after the practice expiration date

**Note:** If funds are not needed, CED's must return unused ECP funds.

- immediately initiate the return of unused funds and CED's must verify that agreements have been finalized in CSS according to 2-ECP and notify the State Office Program Specialist by e-mail of the amount available for release.

**Note:** Subject to availability, funds can be allocated during or after the County Office signup period.

## 116 State Funds Management

### A State C/S Allocation Request

To properly request and manage funds, SED must:

- require timely loading of all FSA-848's in CSS within a week of the date of signature
- monitor producer requests throughout the signup period
- review COC's updated funds request and revise as needed before submitting to the National Office

**Note:** If a producer's farm is administratively headquartered in a non-approved ECP county, the State Specialist may submit a request to the ECP-PM to add the county to the disaster ID to be able to pay C/S for eligible restoration.

- request funds by submitting a signed memorandum requesting COC-approved funds needs for each county to the ECP-PM through the applicable SharePoint site; related to the request, also include the Extent Needed Cost Share Summary Report generated in CSS
- initiate a funds return to CD by accessing the funds return form on the designated SharePoint site and recording the amount to be released within 30 calendar days of notification from County Office.

**Note:** TA funds will be held in reserve at the National Office. See subparagraph 117 B.

## 117 Reserves

### A C/S Reserve

State and County Offices are not authorized to:

- withhold a percentage of any ECP funds allocated
- maintain a reserve of unused ECP funds.

### B TA Reserve

Funds will be held in reserve via an Inter-Agency Agreement (IAA) at the National Office to reimburse NRCS for TA.

**118 Additional Funds**

**A State Request for Additional Funds**

With proper justification and documentation, State Office Program Specialist through the SED may request additional funds from ECP-PM.

**119 Expenditure Limitations**

**A Authority**

States are not allowed to request funds in excess of what is needed and feasible.

States may transfer funds among County Offices for the same disaster designations that have been approved to implement ECP.

**120-130 (Reserved)**

## PART 7 C/S Request, Approvals and Performance

### Section 1 Approving and Disapproving C/S Requests

#### 131 Approvals and Waivers

##### A Reviewing Requests (FSA-848)

DD must review a sample of ECP applications for each disaster **before** COC approval to ensure that the ECP applications reviewed meet ECP requirements.

At a minimum, DD must review the first five ECP applications for each Service Center accepted for the specific disaster within 2 weeks of acceptance and **before** COC approval.

CCC-770 ECP-1 is the required method of documenting this review.

##### B COC Action

COC must:

- advise applicants in writing of action taken, or to be taken, on ECP applications
- issue a practice approval only if **all** the following are met:
  - ECP application is eligible for C/S

- the damage was the result of a disaster not occurring frequently in the area

**Example:** Three or more occurrences in the last 10 years, including the current disaster.

- the estimated start date of restoration has been documented

**Note:** This information must be documented on FSA-848, item 6, along with site and practice objectives.

- the producer filed the ECP application **before** starting the practice
- FSA-850 or equivalent has been completed by an FSA or other authorized agency, such as NRCS

**Note:** See subparagraphs D and E for information on granting a waiver.

- the practice was started **after** the agency responsible for TA has made any necessary technical determinations
- funds have been allocated to the county

131 Approvals and Waivers (Continued)

**B COC Action (Continued)**

- complete CCC-770 ECP-1 (Exhibit 5) **before** approving the ECP application and is required by the DD

**Note:** County Offices that have **not** implemented ECP within the last 2 years must complete CCC-770 ECP-1 on its first 10 applications per Service Center.

- complete FSA-23 (Exhibit 17) **before** approving the ECP application
- complete FSA-850 (Exhibit 18) or NRCS-CPA-052 (or NRCS State equivalent) **before** practice restoration begins.

## 131 Approvals and Waivers (Continued)

**C Granting a Waiver to Start an ECP Practice Before Filing Application**

In instances where an emergency exists, producers may find it necessary to take action and initiate restorative measures before filing an ECP application. With concurrence of STC or its delegated representative, COC may waive the requirement to approve FSA-848A before work begins, only if **all** the following apply:

- complete FSA-850 (Exhibit 18) or NRCS-CPA-052 (or NRCS State equivalent)
- the ECP-designated disaster created a situation that required the producer to take immediate steps to prevent further losses

**Examples:** The following are examples of emergency actions:

- repairing or replacing a fence to contain livestock
- repairing an irrigation pond dam or berm that poses an immediate threat to life and property, such as flooding which could lead to loss of life downstream.

**Notes:** A waiver should not be requested only because the practice was started before an environmental evaluation. It must be a **legitimate** emergency action.

If a practice has been started but has been determined not to be an emergency, COC **cannot** approve the practice.

- ECP application was filed between the date of the disaster and the end of the signup period
- a practice was physically started before the ECP disaster designation was approved for the applicable county.

**Example:** A producer installs 2,500 feet of livestock fence in March. On June 15, the county suffers severe damage from a tornado. On June 30, the county is approved for ECP implementation because of tornado damage. The fence installed in March was not damaged and therefore is not eligible for ECP assistance. However, if 200 feet of the fence is damaged by the tornado it would be eligible for ECP assistance.

**131 Approvals and Waivers (Continued)****D Securing Services of a Contractor Before Filing an ECP Application**

Securing services of a contractor does not necessarily mean the practice has physically started for ECP purposes.

In instances where a present threat exists, and when further destruction is imminent and warrants immediate action, producers may find it necessary to take action and schedule the services of a contractor to perform restorative measures before filing an ECP application.

Securing a contractor before filing an ECP application would not prevent COC from approving the application.

**Example:** A tornado destroys livestock fence. The producer gathers his cattle and secures them in a barn lot. The producer contacts a contractor about the damaged fence. The contractor cannot begin work for another 10 days. The producer files an ECP application at the County Office. COC can still approve the application because the work had not physically begun when the producer filed the ECP application.



**131 Approvals and Waivers (Continued)****E Granting a Waiver to Start an ECP Practice Before Application Is Approved**

In certain instances, producers may need to start the ECP practice after filing the ECP application, but before the application can be approved. With concurrence of STC or its delegated representative, COC may waive the requirement to approve FSA-848A before work begins, on a case-by-case basis if justified. Justification may include action needed to prevent further losses.

For ECP purposes, a practice is considered started when the work begins.

COC may waive the requirement to approve FSA-848A before work begins on a case-by-case basis without requiring a specific request from the applicant. COC may consider the filing of the producer's ECP application as the request for waiver of the requirement to approve the FSA-848A before work begins. COC decisions must be documented in the COC minutes.

**Note:** The successful completion of FSA-850 is required before FSA-848A is approved. If a producer begins a practice before approval, include notes on FSA-848 (request) detailing early start date and reason for beginning before COC approval.

**132 Disapprovals and Deferred Action****A Disapproving C/S Requests**

If COC disapproves the request, promptly:

- disapprove the request in CSS according to 2-ECP
- notify the applicant in writing of the reason for disapproval, according to 2-ECP
- notify the applicant in writing of the right to appeal COC's decision, according to 1-APP.

**B Documenting COC Minutes**

Document disapprovals individually in the COC minutes and, at a minimum, include the following:

- producer
- FSN or control number
- practice or practices
- reason for disapproval.

**C Deferred Action**

COC may defer action on a C/S request for a practice for which funds are not currently available. Advise applicants of the deferral.

**133 Pending Requests**

**A Maintaining Pending Requests**

Maintain a file of pending ECP applications that COC would be willing to approve if funds were available.

**Note:** The original request must remain on file until approval or disapproval.

If additional funds become available, promptly advise applicants.

**B Reviewing Pending Requests**

Review the file of pending requests periodically, at a minimum every 60 calendar days. Cancel requests of producers who are no longer interested in participating in the program and modify request amounts for ECP applications where needs change. Modify county funding request, if necessary.

**134 Requests Requiring Special Approvals (FSA-848A)**

**A Requests Requiring Special Approval**

STC or DAFP delegated representative review is required for certain FSA-848's before approval. The following table shows the required reviews, responsible review official, and responsible approval or disapproval official.

<b>A request for ECP C/S (FSA-848) for...</b>	<b>MUST be approved or disapproved by...</b>	<b>AND the FSA-848A must be signed by...</b>
<ul style="list-style-type: none"> <li>• COC members</li> <li>• County Office, FSA, and NRCS Service Center employees</li> <li>• Conservation District Board members</li> </ul>	STC	STC.
FSA and NRCS State Office employees	STC	STC.
STC members	DAFP	SED.
SED's	DAFP	STC.
other FSA and NRCS employees	DAFP	STC.

**Note:** Reviews are required for an entity in which an employee has an interest according to payment limitation rules currently in effect.

134 Requests Requiring Special Approvals (FSA-848A) (Continued)

**B Requested C/S Approval (FSA-848A) Authority**

Approvals for total C/S per person or legal entity, per ECP-designated disaster, and including interests in all counties, must be as follows.

<b>IF C/S amount is...</b>	<b>THEN approval authority is...</b>
\$125,000 or less	COC.
\$125,001 to \$250,000	STC.
more than \$250,000	ECP-PM.

These limits are retroactive and apply to all disasters beginning with calendar year 2017 and forward and to agreements which have not already been submitted to CD for approval.

**134 Requests Requiring Special Approvals (FSA-848A) (Continued)****C Submitting Requests to CD**

When submitting C/S requests to ECP-PM by e-mail, the following information **must** be included as part of the documentation:

- exact amount of C/S approval considered
- ECP practices that are involved
- copies of FSA-848 and FSA-848A
- a completed copy of FSA-23 for each request submitted (Exhibit 17)

**Note:** Base the agricultural market value of the affected land on either of the following:

- acres served, if the practice is reported as acres served
  - acres, if the practice is reported as acres.
- 
- map of affected farms
  - photographs
  - copy of FSA-850 or NRCS-CPA-052
  - COC and STC recommendations, as applicable.

## 135 Documenting COC Decisions

### A Action

COC must review the ECP application and document the decision on the hard copy of FSA-848A.

### B COC Determinations

All COC determinations involving action taken on all ECP applications **must** be recorded in the COC minutes.

At a minimum, each COC determination **will** include the following:

- producer's name
- control number
- FSN
- practice or practices
- C/S approval amount
- whether the agreement was chosen for spot check documentation before payment issuance.

**Note:** Each application **must** be listed **separately**.

### C Notify Applicant

If COC approves the request, promptly:

- approve the request in CSS, according to 2-ECP
- notify applicant of the practice extent and approved C/S with a copy of FSA-848A.

**Notes:** Inform the producer that FSA-848A **must** be signed by all the participants receiving a percentage of the payment and returned to the County Office within 15 calendar days. If FSA-848A is not returned timely, contact producer to determine whether program participation is still desired. After contact has been made, allow the producer 5 calendar days to sign and return FSA-848A. See Exhibit 9 for a completed example of FSA-848A.

If unable to make contact with producer, send a notification of application termination and provide appeal rights per 1-APP.

**135 Documenting COC Decisions (Continued)****C Notify Applicant (Continued)**

Include the signed agreement and other explanatory information needed to help the applicant perform the practice or practices and qualify for C/S. Examples of this information include the following:

- practice specifications and any other information needed to comply with program requirements

**Note:** Include a reminder to consult TA provider as questions arise about practice specifications.

- completing performance reports
- rules governing dividing or withholding C/S when another person or legal entity contributes to the cost of performing the practice and the necessity for reporting those contributions
- encouraging the applicant to complete the practice or practices at the earliest possible time
- advising the applicants of their responsibility to obtain necessary easements and permits.

**136 Setting Expiration Dates****A Practice Expirations and Extensions**

COC must establish realistic expiration dates of no more than 6 months from the FSA-848A approval date for completing approved practices.

In the event of a catastrophic disaster when a programmatic FSA-850 is approved for use for the disaster, COC may establish initial practice expiration dates of up to 12 months. Reminder letters must be sent to producers at 6 months.

**B Extensions**

Extensions:

- may be granted, if requested by producer in writing before the expiration date
- will be evaluated by COC and the request and recommendation forwarded to the STC-delegated representative
- must be documented and approved by STC or DD when delegated by STC.

**136 Setting Expiration Dates (Continued)****B Extensions (Continued)**

STC or its delegated representative may approve 1 extension beyond the initial 6-month expiration date, totaling up to 1 year in length, under unusual circumstances. STC may approve a second extension, beyond the 12-month expiration, totaling 18 months in length, under unusual circumstances. Any extension request exceeding 18 months must be submitted to ECP-PM.

When a programmatic FSA-850 is approved for use for the disaster and 12 months was the initial expiration date, STC may approve a second extension, beyond the 12-month expiration, totaling 18 months in length, under unusual circumstances. Any extension request exceeding 18 months must be submitted to ECP-PM.

**C Drought Extensions**

For drought practices, STC may approve 1 extension beyond the initial 6-month expiration, totaling 10 months. Any extension request exceeding 10 months must be submitted to ECP-PM.

COC's evaluation of drought practice extension requests must include an assessment of current drought conditions and current availability of water.

If drought conditions change, re-evaluate the applicant's eligibility.

**D Documenting Extensions in COC Minutes**

Document extensions individually in the COC minutes and, at a minimum, include the following:

- producer or agent's name
- FSN, application, control number
- practice or practices
- reason for extension request
- COC recommendation to STC
- STC or delegated representative determination
- ECP-PM action, if this action was required.

**137 Expiration Notice****A Preparing Practice Expiration List**

The County Office will prepare and submit the practice expiration list from CSS to DD by the first workday of each month to identify those approved practices expiring within 30 calendar days.

**137 Expiration Notice (Continued)****B Generating and Issuing Expiration Notice**

Generate and mail or e-mail practice expiration letters to participants with approved practices expiring within 30 calendar days.

**138 Terminating Approvals (FSA-848A)****A Terminating Approved ECP Agreements**

When performance certification is not filed by the practice expiration date:

- and no payments have been issued on the agreement, terminate an approved ECP agreement as described in 2-ECP
- and a partial payment has been issued on a practice, terminate an approved ECP agreement as described in 2-ECP (this will generate a receivable)
- and payment(s) have been fully issued on a practice, certify to zero and mark remaining practice(s) as complete as described in 2-ECP
- notify the assigned technical agency
- document the action taken on FSA-848A
- notify the producer of the termination and provide appeal rights per 1-APP.

**B Suspending Termination**

If the County Office has a definite indication that the practice was performed in a timely manner but the performance report on FSA-848B, page 1 is not filed promptly, termination may be delayed if:

- certification of performance on FSA-848B, page 2 and personal knowledge of a COC member or County Office employee are acceptable reasons for suspending terminations
- immediate action will be taken to obtain the performance report.

**Notes:** If the performance report is not obtained within 30 calendar days of the practice expiration date, terminate the approval.

See Exhibit 10 for an example of a completed FSA-848B.

**139-141 (Reserved)**



**Section 2 Accepting Practice Performance Reports****142 Filing Performance Reports (FSA-848B)****A Summary of Steps**

When the participant completes the approved practice, the participant will then file the performance report.

The County Office must complete the following steps:

- review and date-stamp the submitted bills for accuracy and eligible items
- enter producer certification data in CSS and print FSA-848B
- obtain eligible producer and/or TA provider agency certification on FSA-848B
- issue C/S payment once all requirements have been met and all signatures are obtained
- ensure that payments are issued through NPS.

Performance reports (FSA-848B) must be signed and dated by the authorized representative whose name appears on the approved FSA-848A. See 1-CM and 6-PL for provisions on determining eligibility for minors.

**B Performance Reports**

To be eligible for C/S payments, participants who perform approved practices must report performance on FSA-848B and provide any required supporting data by the practice completion date. See Exhibit 10 for an example of a completed FSA-848B.

142 Filing Performance Reports (FSA-848B) (Continued)

**C Dates and Signatures on Performance Reports**

Performance reports (FSA-848B) must be signed and dated by all participants or their authorized representative whose name appears on the approved FSA-848A. All documents must be date-stamped upon receipt.

The following table provides guidelines for signatures on performance reports.

<b>IF...</b>	<b>THEN...</b>
FSA-848B, page 1 is signed by a person or legal entity other than the participant to whom FSA-848A was issued (see Examples 1, 2, and 3)	determine whether the person or legal entity is authorized to file the report.
the practice or practices were performed by an eligible person or legal entity other than the person or legal entity to whom the approval was issued	revise the name on FSA-848A accordingly.
the practice, practices, component, or components were not completed	FSA-848B, page 3 will not be signed.
the performance report involves signatures for deceased, missing, or incompetent persons	see 1-CM.
persons or legal entities are not eligible to receive a payment	the persons or legal entities are not required to sign FSA-848B.

**Example 1:** Farmer Joe applies for EC3 after a tornado. Farmer Joe is the only participant receiving C/S. Farmer Joe is the only participant required to sign FSA-848A and FSA-848B.

**Example 2:** PB&J Partnership applies for EC1 after a flood. Farmer Paul, Farmer Betty, and Farmer Joe are all members of PB&J Partnership. PB&J Partnership is the only participant receiving C/S. Farmer Betty has signature authority for PB&J Partnership. Farmer Betty is the only signature required (the other 2 partners can sign, but they are not required) on FSA-848A and FSA-848B because PB&J Partnership has given signature authority to Farmer Betty.

**Example 3:** PB&J Partnership and Rodfather Ranches apply for EC6 during a drought. Each party is receiving 50 percent C/S. Farmer Betty and Rancher Rob (who has signature authority for Rodfather Ranches) are both required to sign FSA-848A and FSA-848B.

**143 Reporting Dates**

**A Final Date to Report Performance**

Performance must be reported on or before the expiration date, or by the authorized extension date granted by STC or delegated representative.

**B Filing in Timely Manner**

FSA-848B, page 1 is filed in a timely manner when delivered to, or postmarked for delivery to, the County Office or COC on or before the practice expiration date.

If the date-stamp shows that FSA-848B, page 1 was received in a timely manner, do not question the producer’s failure to date FSA-848B.

**C Not Filing in Timely Manner**

For reports not filed in a timely manner, enter either of the following on FSA-848B:

- date received and initial the entry
- postmarked date and initial the entry.

Terminate the ECP agreement or certify to zero completion in CSS per paragraph 139 to de-obligate funds and notify the participant with appeal rights.

**144 Reporting Practice Extent**

**A Information To Be Reported**

Participants will report the extent of practices performed and any additional information needed to determine whether practices were performed according to specifications and program provisions.

The following table provides guidelines for reporting practice information.

<b>IF...</b>	<b>THEN...</b>
some or all aspects of performance must be certified by another agency	do not process until FSA-848B, page 2 is completed.
a practice is reported in units other than those for which payment is made	convert those units to the payment units.
measurements have been reported instead of the acreage	compute the acreage from the measurements and enter on the report.
all required information is not submitted with the report	do not process until all information is submitted.

**144 Reporting Practice Extent (Continued)**

**B Another Agency**

If another agency certifies performance, obtain the practice extent from the assigned technical agency's certification on FSA-848B.

**145 Recording Practice Location**

**A Record Location**

Record the location of all practices performed for C/S payment on an aerial photo, photocopy, or in GIS layer, as appropriate.

Use GIS, aerial photography, or photocopy to identify the following:

- practice
- lifespan
- FY completed.

**B Retaining Location Records**

See 32-AS for requirements for retaining location records.

**146 Supporting Data**

**A Obtaining Documentation**

In all cases, obtain documentation to determine whether practice requirements are met and to determine proper payment. Examples of acceptable documentation includes, but is not limited to, the following:

- invoices
- canceled checks
- paid receipts
- other similar evidence to document the costs incurred.

146 Supporting Data (Continued)

**B Invoices and Documentation**

Inform the applicant that proof of payment documentation must be maintained for 1 year after the end of the FY in which the practice was completed for C/S.

Handle cost data for payments according to the following table.

Step	COC Action
1	<p>Applicant must provide satisfactory evidence, which may include self-certification of all cost, to determine whether practice requirements were satisfied, which may include:</p> <ul style="list-style-type: none"> <li>• invoices</li> <li>• canceled checks</li> <li>• paid receipts.</li> </ul> <p><b>Note:</b> See Exhibit 10.1 for an example of cost share itemization.</p>
2	<p>Enter the total allowable, eligible cost of performing the components of the practice in CSS.</p>
3	<p>Consider costs reported paid by ineligible persons or legal entities.</p>
4	<p>If the producer performed the practice with their own labor, equipment, or materials, the producer must submit signed and dated statements.</p> <p>Statements will include the following details:</p> <ul style="list-style-type: none"> <li>• dates of work performed</li> <li>• cost per hour charged for labor</li> <li>• expense of equipment used</li> <li>• type and cost of materials used</li> <li>• other applicable information.</li> </ul>
5	<p>If the producer is self-certifying to cost for C/S agreements for which supporting documentation has not yet been received, all supporting evidence must be collected and maintained for every C/S agreement.</p> <p><b>Note:</b> Only a minimum of 20 percent of the supporting evidence must be reviewed before issuing cost share payments.</p> <p><b>Example:</b> In an effort to review at least 20 percent of supporting evidence and agreements, FSA may check all cost share documentation for agreements ending in 0 or 5 before issuing payments.</p> <p>Costs allowed in these cases should not exceed the prevailing current commercial rates determined by COC.</p>

146 Supporting Data (Continued)

**C Retaining Invoices and Documentation**

Keep supporting documentation for percent of cost not to exceed practice payments on file in the County Office for the same period as for other related program documents. See 32-AS.

For C/S computed using the percent of cost not to exceed method, inform the applicant that proof of payment documentation must be:

- maintained for 1 year after the end of the FY in which the practice was completed
- presented within 30 calendar days to the County Office if selected for spot check and was not previously provided at the time of C/S payment request.

**Note:** This would only be required if the original invoice did not document payment of the materials or services.

## 147 Maintenance and C/S Refund Responsibility

### A Producer Certification

Ensure that the participant:

- is aware of the practice maintenance and C/S refund responsibilities when certifying practice performance
- understands that by signing FSA-848B they agree to refund all or part of the C/S assistance paid by signing the FSA-848B, as determined by COC if before the expiration of the practice lifespan specified on the ECP agreement, the practice is destroyed or not properly maintained.

### B Relinquishing Control or Title to the Land

If the participant relinquishes control or title to the land on which the practices have been established, the participant must do the following:

- obtain a written statement from the new owner, operator, or both, agreeing to properly maintain the practice for the remainder of its specified lifespan
- once the written statement is obtained from the new owner, operator, or both:
  - the statement must be attached to the original FSA-848B
  - the original participant is no longer responsible for practice maintenance or refund of any C/S as determined by COC
  - the person signing the written statement is responsible for practice maintenance or refund of C/S as determined by COC.

**Note:** If a written statement is not obtained from the new owner, operator, or both, the C/S refunds will be prorated and collected from the original participant based on the lifespan of the practice and age of the practice at the time of ownership/operatorship change.

**Example:** A practice has a lifespan of 15 years. In year 10, a new producer takes ownership and does not agree to maintain the practice. A refund is owed for the remaining amount of the lifespan, calculated by: 5 years remaining in lifespan / 15 total lifespan years = 33.3% remaining in lifespan. The producer must refund 33.3% of the total cost share paid for the practice. See 2-ECP for software entry.

148-150 (Reserved)





**Section 3 Certifying Performance**

**151 Certification on FSA-848B for Practices Assigned to FSA**

**A FSA Assigned Practice**

See Exhibit 10 for an example of a completed FSA-848B. The participant’s certification on FSA-848B, page 1 for practices assigned to FSA may be accepted without on-farm verification if COC determines a measurement or inspection is not required. The producer must certify extent and sign FSA-848B, page 2.

**B FSA Verification of Performance**

Determine when FSA may require an inspection to verify performance according to the following table.

<b>IF...</b>	<b>AND...</b>	<b>THEN...</b>
a performance certification is assigned to FSA	it is determined that a participant cannot reasonably be expected to determine: <ul style="list-style-type: none"> <li>• the extent performed</li> <li>• whether specifications have been satisfied</li> </ul>	inspection will be required to verify performance.

**C Measurements Required**

Measure amount, acreages, and linear feet if the following apply:

- COC believes the participant cannot adequately determine the extent
- the participant’s reported extent appears to be in error
- inspection during a spot check or other farm visit indicates that the extent performed is questionable.

**D Expressing Measurements**

Determine and express fractions for measurements according to the following table.

<b>IF measurement is...</b>	<b>THEN express in...</b>
Acreage	whole and fractions of acres in tenths.
<ul style="list-style-type: none"> <li>• miles</li> <li>• tons</li> </ul>	whole numbers and fractions to the nearest tenth.
<ul style="list-style-type: none"> <li>• linear feet</li> <li>• pounds</li> <li>• cubic yards of material</li> </ul>	whole numbers.

**152 Certification on FSA-848B When Technical Practices Assigned to Another Agency****A Assigned Technical Agency Certification**

If another agency is the assigned technical agency, that assigned technical agency's certification on FSA-848B, page 2 is required:

- notify the assigned technical agency when FSA-848B, page 1 is filed if certification of the assigned technical agency performance on FSA-848B, page 2 has not been received
- make copy of aerial imagery of the site to assigned technical agency for its use in determining acreage performed
- County Office employees will **not** inspect, for verification, any practice for which another agency certifies performance
- COC must accept the agency certification of the extent performed for approving payments to participants.

**Note:** The Agency assigned TSP must still certify to completion, even if TA is provided by someone other than the agency assigned TSP.

**B Items To Be Reported by Technical Agency**

The assigned technical agency must report the following on FSA-848B, page 2:

- a certification showing items and extent that meet specifications
- any items of performance that do not meet specifications and explain the reasons for the failure
- any uncompleted items.

**Note:** Uncompleted non-technical items for which FSA will later accept a report from the producer must be listed; however, payment must **not** be authorized until completion of the specified uncompleted non-technical items.

**153 Technical Practices Performed Without Technical Agency Assistance**

**A Technical Practices Performed Without Technical Agency Assistance**

Participants that proceed on a technical practice before needs are determined by a technical agency assume the risk that the practice may not be eligible for C/S.

<b>IF...</b>	<b>THEN...</b>
technician cannot certify performance and extent	there is no authority to pay for the practice.
the extent can be determined, and all the following apply: <ul style="list-style-type: none"> <li>• it is determined the practice was needed</li> <li>• practice was performed according to specifications or is qualified under Section 7</li> <li>• all other program requirements have been satisfied</li> </ul>	practice may be eligible for C/S.

154-160 (Reserved)



**Section 4 Reporting Contributions****161 Multiple Persons or Legal Entities Who Share Cost of Practice****A List Persons or Legal Entities Who Share Cost of Practice**

FSA-848B must include or have attached a list of names and addresses of all persons and legal entities who shared in the cost of the practice and the extent of their contributions. The list must include any ineligible person or legal entity, State, or Federal agency.

**B Additional Criteria**

When creating the list in subparagraph A, consider any available information on the eligibility of the other contributors.

**Note:** A contractor who is fully compensated or reimbursed for materials, equipment, services, or labor is **not** a contributor.

**C Performance Reports When More Than 1 Person or Legal Entity Contributed**

If more than 1 person or legal entity contributed to a practice, determine whether:

- all contributors qualify as separate persons or legal entities according to paragraph 35 and 6-PL
- each contributor is eligible to receive C/S
- any contributors are ineligible according to paragraph 35.

**162-232 (Reserved)**



**233 Dividing C/S Based on Contributions****A All Costs Paid by 1 Eligible Person or Legal Entity**

One person or legal entity pays all costs of performing a practice is entitled to the C/S payment.

**B Costs Paid in Equal Proportions by Eligible Person or Legal Entity**

If 2 or more eligible persons or legal entities equally contribute to the cost of performing the practice, divide C/S equally.

**C Costs Paid in Unequal Proportions by Eligible Person or Legal Entity**

If 2 or more eligible persons or legal entities contribute to the cost of performing a practice and COC determines that each person's or legal entity's contributions are not in equal proportions:

- prorate the C/S payments based on the individual's contributions
- document how each person's or legal entity's percent of contribution was determined.

**D Part of Costs Paid by Ineligible Person or Legal Entity**

Total practice cost used to compute C/S must **not** include contributions made by ineligible persons or legal entities.

Make no C/S payment to any person or legal entity for a practice for which all costs are paid by ineligible persons or legal entities.

**Note:** See paragraphs 34 and 35 for eligible and ineligible participant provisions.

**234 Cost Data When Ineligible Persons or Legal Entities Contributed****A Ineligible Contributions**

Examples of ineligible contributions include materials, services, or cash provided by an ineligible person or legal entity to an eligible person or legal entity.

**B Reporting Ineligible Contributions**

Report the contribution of an ineligible participant on FSA-848B. Include the following information:

- name of the ineligible contributor
- total cost of performing the practice
- dollar value of the ineligible contribution made
- description of the ineligible contribution.

**235 Processing C/S if Ineligible Participants Contributed****A Processing C/S**

If an ineligible participant contributed to a practice, C/S is computed by subtracting the ineligible contribution from the total allowable cost. C/S is based only on the eligible participant's contribution.

**Note:** See paragraph 35 to determine whether a contributor may qualify as an eligible person or legal entity.

**B Example 1**

Total cost of the ECP practice was \$5,000. Producer A, an eligible participant, incurs \$4,000 in eligible costs for the practice. Producer B, an ineligible participant, incurs and contributes \$1,000 for the practice. C/S level for the practice is 75 percent of the total eligible costs.

The ineligible contribution (\$1,000) will be deducted from the total practice cost (\$5,000) to compute eligible C/S. C/S paid to the eligible participant will be based on the eligible participant's contribution to the practice, which was \$4,000. Therefore, Producer A will earn a C/S payment of \$3,000 (75 percent of \$4,000).



**235 Processing C/S if Ineligible Participants Contributed (Continued)**

**C Example 2**

Total cost of the ECP practice was \$8,000. Producer A, an eligible participant, pays \$6,000 for materials for a practice. A State agency contributes \$2,000 worth of materials to the practice. C/S level for the practice is 75 percent of the total eligible costs.

The ineligible contribution (\$2,000) must be deducted from the total practice cost (\$8,000) to compute eligible C/S. C/S paid to the eligible participant will be based on the eligible participant's contribution to the practice, which was \$6,000. Therefore, Producer A will earn a C/S payment of \$4,500 (75 percent of \$6,000).

**236-250 (Reserved)**



**Section 5 Change in Extent Performed****251 Changing Extent Performed as Reported by Participant****A Technical Agency's Certified Extent Less Than Participant's Reported Extent**

If the assigned technical agency's certification on FSA-848B, page 2 or other information indicates that a lesser extent was performed than was reported by the participant, change the extent to the lesser amount.

**Note:** Document the change on FSA-848B.

**B Technical Agency's Certified Extent Greater Than Participant's Reported Extent**

If the assigned technical agency's certification on FSA-848B, page 2 or other information shows that a greater extent was performed than was reported by the participant, do **not** change the extent reported by the participant.

If the difference is substantial, contact the participant and assigned technical agency to determine the correct extent. However, only pay on approved extent if modified according to paragraph 254.

**252 Adjustment for Practices Exceeding Requirements****A General Policy**

If the participant completes or constructs the practice in excess of the minimum standards required by TSP, the County Office will prorate the costs and only issue C/S payments on the minimum extent required.

**252 Adjustment for Practices Exceeding Requirements (Continued)****B Greater Extent at No Cost**

If a greater extent than approved or required is performed as a “safety measure” in COC’s opinion with technical authority concurrence, the C/S agreement (FSA-848A) must be revised according to the “Revise an Agreement” section of 2-ECP to reflect the increased extent if **all** the following conditions exist:

- producer hired a contractor to complete the work
- excess amount was performed as part of a lump-sum project cost or as part of the approved per unit amount

**Note:** This does not include cases where costs were determined on an hourly basis.

- COC determines, with technical agency concurring, that the excess performance was done as a safety measure and not because of an agreement between the producer and contractor as a discount or other consideration to the producer.

**C Example**

The following is an example of a practice exceeding the extent required at no cost to the producer.

Producer contracts a well to be dug under EC6. The lump-sum cost for the practice is \$7,000. C/S level for the practice is 75 percent of the total cost. Producer is approved for \$5,250 C/S. When the practice is completed, the \$7,000 billing includes the cost of plywood boards that were used for safety reasons while the well was being dug. These costs were for “safety measures” and were included in the lump-sum price. Producer is eligible to earn 75 percent of \$7,000. The costs for the plywood boards will not be deducted from the total cost.

**D Adjusting for Greater Extent at No Cost**

If all conditions in subparagraph B exist, enter the units approved on FSA-848B. Do not prorate the cost and C/S based on the excess.

**253 Adjusting Extent or C/S Before Practice Performance****A Increase Based on Greater Extent**

COC may increase the extent or C/S originally approved before performance is completed if the assigned technical agency determines that a greater extent is needed and funds are available. Use the agreement revision process provided in 2-ECP.

**253 Adjusting Extent or C/S Before Practice Performance (Continued)****B Decrease Before Practice Performance**

COC must decrease the extent and C/S originally approved before performance is completed if the assigned technical agency determines a lesser extent is needed. Use the agreement modification process provided in 2-ECP.

**C Documenting Revisions**

Signatures are required in items 11 and 12 for all FSA-848A revisions.

**254 Adjusting Extent or C/S After Practice Performance and Before Payment****A Increase in Extent or C/S**

On a case-by-case basis, COC may increase the extent or C/S originally approved after performance is completed (but before payment is made) if funds are available and either of the following conditions are satisfied:

- the extent approved was based on an estimate that proved to be in error and the producer could not reasonably have known in advance the extent needed to complete the practice
- C/S approved was based on an estimate of cost that was too low.

**Note:** A new request is not required when COC increases the extent or C/S after performance and before payment. However, the County Office must modify the agreement in CSS by using the agreement revision process provided in 2-ECP.

**B Decrease After Performance and Before Payment**

COC may decrease the extent and C/S originally approved after performance and before payment if the assigned technical agency approves the lesser extent for practice completion.

**C Documenting Revisions**

Signatures are required in items 11 and 12 for all FSA-848A revisions.

**255 Increasing Extent or C/S After Practice Performance and After Payment**

**A When to Increase Extent or C/S**

COC may increase the extent or C/S originally approved after payment has been issued if 1 of the following situations occurred:

- County Office made an error on original extent
- assigned technical agency made an error on original extent reported
- a measurement error was made
- other similar situation that resulted in a lesser extent or C/S payment.

**B Documenting Revisions**

Signatures are required in items 11 and 12 for all FSA-848A revisions.

**256 Increases Not Authorized**

**A When Increase Is Not Authorized**

If COC does not approve the entire extent requested and the participant performs an extent greater than that approved, no increase in C/S is authorized to cover the extent performed if it exceeds the amount approved.

**257-270 (Reserved)**

**Section 6 Miscellaneous Situations****271 Performance Not Meeting Specifications or Requirements****A Erroneous Official Measurement**

Costs may be shared for a practice even though performance does not meet specifications or requirements, if both the following apply:

- producer relied on an erroneous official measurement
- enough material was applied to meet the minimum requirements of the erroneous measurement.

**B Adequate Solution to Conservation Problem**

C/S may be paid for the extent actually performed if all the following apply:

- COC determines that the practice solves the problem for which it was approved
- producer satisfies COC that a reasonable effort has been made to meet requirements
- producer agrees on FSA-848B that the practice will be maintained for the required lifespan or C/S will be refunded
- assigned technical agency's certification has been considered.

**272 Requirements Met But Practice Failed****A Minimum Requirements Met**

Costs may be shared for a practice if the practice was properly performed but failed for reasons beyond the producer's control.

**B COC Actions**

COC will determine whether the producer must perform other needed measures as a condition for C/S.

Costs may be shared for other eligible required measures if the producer files a new application.

**273 Materials Not Applied at Specified Rate**

**A Determining C/S**

Determine whether costs may be shared if materials are not applied at a specified rate according to the following table.

<b>IF materials are not applied at a specified rate and...</b>	<b>THEN...</b>
are within authorized minimum and maximum rates	costs may be shared, not to exceed the amount originally approved, for the material actually used on the acreage to which the material is applied.
exceed the maximum authorized rate	to determine C/S, limit C/S to the smaller of the: <ul style="list-style-type: none"> <li>• amount originally approved on the ECP agreement</li> <li>• result of multiplying the authorized amount times C/S rate per unit of material</li> <li>• result of multiplying the actual cost times the C/S percentage.</li> </ul>

**Note:** STC or COC will determine minimum and maximum rates if applicable.

**274 Practice Performed With Material Not on ECP Agreement**

**A Material Not on ECP Agreement**

A practice performed with material not originally approved on the ECP agreement may be allowed if the material and the practice meet all applicable provisions and specifications. Limit C/S to the smaller of:

- C/S originally approved
- C/S computed for the materials actually applied.

**B Documenting Additional Material**

The assigned technical agency must concur. FSA-848A must be revised in CSS to reflect necessary additional components according to guidance provided in 2-ECP.

Signatures are required in items 11 and 12 for all FSA-848A revisions.



**275 Practice Completed by Successor**

**A Determining Payment Shares**

Determine payment shares when a practice is completed by a successor according to the following table.

<b>WHEN a participant starts a practice and...</b>	<b>AND...</b>	<b>THEN...</b>
discontinues farming operations	the practice is completed by a successor	<ul style="list-style-type: none"> <li>• the original participant or participant's estate may be paid any C/S attributable to the participant</li> <li>• successor, if an eligible producer who completes the practice, may be paid and C/S attributed to the successor's contribution.</li> </ul>
sells the farm		
dies before the practice is completed		

**276-310 (Reserved)**



**Section 7 Processing C/S Earned****311 C/S Payments****A Issuing Payments**

Payments will be issued according to 63-FI and 2-ECP. Payments are automatically issued through the CSS/accounting interface when performance is recorded on FSA-848B. All the following must be completed before performance is recorded in the system and payments are issued:

- Participant Certification (FSA-848B, page 1)
- Performance Certification (FSA-848B, page 2)
- Performance Approval (FSA-848B, page 3).

**Note:** The person authorizing the payment must review the financial assistance details and sign FSA-848B, page 3, item 18 only if the payment is approved.

**B Payment Review**

DD will:

- be responsible for ensuring that payments are properly issued according this handbook
- provide a written report of the findings to SED.

**C Ineligible Contributions**

Ineligible contributions will be handled according to paragraph 235.

**D Producer Maximum**

The producer will receive no more than 75 percent (90 percent for limited resource, socially disadvantaged, or beginning farmer or rancher) of out-of-pocket costs. See paragraph 29 for bartering.

**E Completing CCC-770 ECP-2**

CED or PT will complete CCC-770 ECP-2 before an ECP payment is made. See Exhibit 6.

**311 C/S Payments (Continued)****F Funding Program Payments**

All C/S approvals entered in CSS before September 30, 2020, for ECP designations will be funded in CFLS and eFunds. If sufficient funds are **not** available in either system, the payment request will fail.

All C/S approvals entered in CSS made beginning October 1, 2020, for ECP designations will be funded in COF software. If sufficient funds are **not** available, the payment request will fail.

**Note:** In the event a payment fails because of insufficient funding, County Office must request additional funding through State Office.

**G Issuing Payments**

Payments may be issued to:

- participants, joint payees, or assignees
- creditor U.S. agencies to offset amount due
- IRS for non-resident alien income tax.

**312 Eligible and Ineligible Items for Processing C/S****A Eligible Costs**

Review all applicable costs for labor, material, equipment used, sales tax, and value of used material to determine the total eligible cost of the practice.

Expenses for personal labor and personal equipment should be less than that charged by contractors.

**B Ineligible Costs**

Ineligible costs for computing C/S earned include any items specified in paragraph 71.

**313 Computing C/S****A When to Compute C/S**

Compute C/S earned for the practice only after **all** the following actions and a second-party review have been completed:

- the performance report has been reviewed

**Note:** The Participant Certification (FSA-848B, page 1), Performance Certification (FSA-848B, page 2), and Performance Approval (FSA-848B, page 3) must have been reviewed, approved, and documented in CSS.

- all required information has been obtained
- approved adjustments have been made in:
  - C/S
  - extent
  - materials
  - practice components.

**Note:** C/S earned will be automatically calculated by CSS after all the information in this subparagraph is complete.

**B Rounding**

CSS will round all C/S earned to the nearest whole dollar as follows:

- increase an amount of \$.50 or more
- decrease an amount of \$.49 or less.

313 Processing C/S (Continued)

**C Extent Performed Less Than Extent Approved**

Use the following table when extent performed is less than extent approved.

<p><b>IF the extent performed is less than the extent approved, and the rate is a...</b></p>	<p><b>THEN...</b></p>
<p>percent of cost not to exceed</p>	<p>the lesser of the following will be earned:</p> <ul style="list-style-type: none"> <li>• C/S approved</li> <li>• C/S rate percentage multiplied by the total allowable eligible cost</li> <li>• maximum “not to exceed” rate per unit multiplied by extent performed.</li> </ul> <p><b>Example:</b> 75 percent of the total allowable cost, not to exceed \$ _____ per unit.</p>

**Example:** An EC1 practice was approved for 75 percent of the total allowable cost not to exceed \$100 per acre. There were 10 acres performed at a total cost of \$5,000. The total C/S paid would be \$1,000, calculated as follows.

Seventy-five percent of the total allowable cost would be \$3,750, or \$375 per acre; however, the restriction of \$100 per acre applies. Because of the restriction, the C/S payment is:

$$10 \text{ acres} \times \$100 \text{ per acre} = \$1,000 \text{ C/S paid to producer}$$

313 Processing C/S (Continued)

**D Extent Performed Greater Than Extent Approved**

Use the following table when extent performed is greater than extent approved.

<p><b>IF the extent performed is greater than the extent approved, and the rate is a...</b></p>	<p><b>THEN...</b></p>
<p>percent of cost not to exceed</p>	<p>the lesser of the following will be earned:</p> <ul style="list-style-type: none"> <li>• C/S approved</li> <li>• C/S rate percentage multiplied by the total allowable cost</li> <li>• maximum “not to exceed” rate per unit multiplied by extent approved.</li> </ul> <p><b>Example:</b> 75 percent of the actual cost, not to exceed \$ _____ per unit.</p>

**Example:** An EC1 practice was approved for 75 percent of the total allowable cost not to exceed \$100 per acre. Five acres were approved for C/S; however, 10 acres were actually performed at a total cost of \$5,000.

Seventy-five percent of the actual cost would be \$3,750, or \$375 per acre.

However, 2 restrictions apply to this scenario:

- only 5 acres were approved for C/S
- 75 percent of the total allowable cost not to exceed \$100 per acre applies.

Because of the restrictions, the correct calculation would be as follows:

$$5 \text{ acres} \times \$100 \text{ per acre} = \$500 \text{ C/S paid to the producer.}$$

**314 Limited Resource, Socially Disadvantaged, and Beginning Farmer or Rancher Provision****A Using the Limited Resource, Socially Disadvantaged, and Beginning Farmer or Rancher Provision**

Ensure that qualified producers are designated limited resource, socially disadvantaged, and beginning farmer or rancher according to 1-CM. The limited resource, socially disadvantaged, and beginning farmer or rancher C/S percentage designated in the Program Provisioning software will automatically be used to process C/S approved and C/S earned for producers designated as limited resource, socially disadvantaged, and beginning farmer or rancher on CCC-860. Limited resource, socially disadvantaged, and beginning farmer or rancher producers may be included on the same FSA-848A as producers not designated as limited resource, socially disadvantaged, and beginning farmer or rancher.

**Note:** The socially disadvantaged producer definition as defined in the 1990 Farm Bill applies to ECP. Gender is not a covered group under the 1990 Act definition.

**315 C/S Advances****A C/S Advances Availability**

C/S advance payments will be available only on the EC3 practice.

During the initial cost share request (FSA-848) for EC3, producers may request 25 percent of the total cost share available, as an advance payment to begin the repair or replacement of fence according to 2-ECP.

If the EC3 advance payment is requested and accepted, the funds must be expended within 60 calendar days of receipt. The producer is responsible for providing proof of expenditures to the County Office.

If after 60 calendar days of issuance the producer has not submitted proof of expenditure for the advance amount, the County Office will allow an additional 15 calendar days before initiating collection actions according to normal FI rules.

**Notes:** The 25 percent advance is held in CSS as a payment with no performance. If the producer does not spend the entire advance payment within the designated timeframe, a receivable must be created for the full amount. Any performance-based payments are later issued and will off-set against the receivable. If the performance-based payment is more than 25 percent, ~~of~~ the entire receivable will be paid off and the balance issued to the producer.

County Office must track the 60 calendar-day period manually.



**315 C/S Advances (Continued)**

**B Acceptable and Unacceptable Reasons for Not Completing Practices**

Acceptable reasons for not completing practices may include, but are not limited to, the following:

- flood
- drought
- death
- involuntary loss of control of the farm.

Unacceptable reasons for not completing practices may include, but are not limited to, the following:

- financial inability to complete the practice
- change in plans for land use.

**316-320 (Reserved)**



**Section 8 Issuing Partial Payments****321 When Partial C/S Payments May Be Made****A Authority for Partial Payment**

At the request of the producer, partial payment for a practice may be processed if the applicant will complete **the entire** practice, with or without C/S, within the time prescribed by COC.

If the total practice extent is not completed within the time prescribed, the applicant must refund the payment made unless prevented from completing the practice for reasons beyond the applicant's control.

**B Making Partial Payments**

Make partial payments only when all of the following conditions are satisfied:

- C/S request is made on FSA-848B, page 1
- COC and assigned technical agency determine that the completed components are a reasonable attainment toward completion of the practice
- all completed components are listed on FSA-848B, page 1
- the participant agrees to complete the practice on FSA-848B, page 1 before the practice expiration date.

**322 Recovering C/S if Remaining Work Is Not Completed**

**A Recovering C/S**

Recover any partial payments if a practice is not completed, unless the producer was prevented from completing the practice for reasons beyond the producer's control.

**Note:** See paragraph 404 for late payment and refund interest instructions.

**B Acceptable Reasons for Not Completing Practices**

Acceptable reasons for not completing practices may include, but are not limited to, the following:

- flood
- drought
- death
- involuntary loss of control of the farm.

**C Unacceptable Reasons for Not Completing Practices**

Unacceptable reasons for not completing practices may include, but are not limited to, the following:

- financial inability to complete the practice
- a change in plans for land use.

**323-330 (Reserved)**

**Section 9 Issuing Payments****331 Issuing Program Payments****A CFLS**

All C/S approvals entered in CSS for ECP designations before September 30, 2020, will be recorded in CFLS. If sufficient funds are not available, the payment request will fail.

**B eFunds**

All C/S approvals entered in CSS for ECP designations before September 30, 2020, will be funded in eFunds. If sufficient funds are not available, the payment request will fail.

**C COF Software**

All C/S approvals entered in CSS for ECP designations beginning October 1, 2020, will be funded in the COF software. If sufficient funds are not available, the payment request will fail.

**332 COC Payment Responsibilities****A Controlling Allocations**

State Offices will allocate funds to County Offices for a specific disaster ID designated by the National Office. These allocations will be available for obligation at agreement approval. Payments above the obligation amount will **not** be approved unless the additional amount request was submitted to the State and National Offices in a timely manner.

**333 Agreements Between Landlords and Tenants****A Effect of Agreement**

Pay C/S to the eligible participant who pays the costs of performing the practice regardless of a lease or other agreement that provides for the payment to be:

- made in some other manner
- relinquished to someone who did not pay the related costs.

333 Agreements Between Landlords and Tenants (Continued)

**B Determining Proper Payee**

Review the facts in the case if there is a question of whether the information on the ECP agreement is correct. To determine who paid the costs, COC must consider the:

- terms of the lease or other agreement, which may have a bearing on the determination only if the terms clarify the way the practice was performed
- existing conditions and the way the practice was performed
- manner in which costs were billed and paid.

**C Rules for Specific Types of Cases**

A requirement in a lease or other agreement stating a tenant must perform a practice does not make the practice ineligible.

Determine who pays the practice cost in the following specific cases according to the following table.

<b>IF the lease or other agreement indicates that the...</b>	<b>THEN consider...</b>
landlord and tenant share the cost of the practice	both as having contributed to the cost, unless refuted by evidence.
tenant will perform the practice	the tenant as having paid the entire cost, unless refuted by evidence.
landlord will pay the cost of the practice	the landlord as having paid the entire cost, unless refuted by evidence.

**Note:** Do **not** consider a producer as having contributed to the cost of performing a practice if COC finds that the producer has been or will be reimbursed for the contribution through rental adjustment, exchange of cash, or other consideration by another person or legal entity.

## 334 When to Prepare Payment

### A Preparing to Issue C/S Payment

Record performance and issue payment according to 2-ECP when all the following have been satisfied:

- performance was appropriately certified on FSA-848B, page 2
- producer certifies practice completion on FSA-848B, page 1 according to paragraph 151
- supporting documentation is submitted according to paragraph 146
- current AD-1026 is on file according to paragraph 5
- current CCC-902 and CCC-901 (as needed) is on file according to paragraph 6
- CCC-860, when applicable
- other pertinent information is received, if applicable.

### B Reviews Before Payment

FSA-848B must be second-party reviewed by an employee who is not the employee entering the performance data. The reviewer:

- may be CED, designated employee, or COC member
- must sign and date FSA-848B, page 3
- must **not** have an interest in the farm involved
- must ensure that the final payment amount is reduced by any advance payment if the producer accepted an EC3 advance payment.

### C Payments Due Deceased, Missing, or Incompetent Persons

Prepare payments due to persons who are deceased, missing, or incompetent according to 1-CM.

**335 Refunds, Priority of Offsets, Withholdings, and Assignments**

**A Handling Refunds**

Handle refunds according to 64-FI.

**B Offset Applicability**

Offsets apply to ECP.

**C Assigning Program Payments**

Payments earned may be assigned according to 1-CM or 63-FI.

**D Determining Priority**

The priority of offsets, withholdings, and assignments should be determined according to 1-FI, 58-FI, and 63-FI.

**336 TA Reimbursements**

**A TA Billing Policy**

A national Interagency Agreement (Form 7600) has been developed to establish the financial relationship between FSA and NRCS for ECP TA.

**B TA Actual Costs**

NRCS State Office must:

- continue to provide billings for TA expenses incurred to the FSA State Office
- bill the FSA State Office for the actual cost of ECP services performed, consistent with terms and conditions described in the MOA, but not to exceed 10 percent of the amount of funds allocated to counties.



**336 TA Reimbursements (Continued)****C TA Billing Frequency and Details**

No more than quarterly, NRCS State Office submits to the FSA State Office (by an agreed upon documented source such as e-mail, memorandum, etc.) a statement of costs incurred providing ECP TA. The statement must include the following:

- FY and quarter
- disaster ID
- County Office name where service was provided
- itemization of charges, including but not limited to:
  - number of personnel hours by employee
  - dates of service provided
  - employee lodging
  - POV mileage
  - GOV fuel
  - M&IE
- dollar amount of reimbursement.

**D Billing Verification**

After receiving the statement of costs incurred by the providing TA and before payments are processed, FSA State Office must forward a copy of the statement to the applicable County Office for CED and DD review. CED must verify that the charges for ECP TA reimbursement are reasonable. If necessary, CED must coordinate reviewing charges with the applicable NRCS Field Office.

After completing the ECP TA billing review and resolving any issues, CED must notify SED through DD of the verification results. **Before** forwarding to SED, DD must review CED's results and make any necessary comments or revisions.

**336 TA Reimbursements (Continued)**

**E TA Payment Notification**

Once the confirmation process in subparagraph D is complete, FSA State Office will:

- approve the invoice
- notify the submitting NRCS State Office of approval.

NRCS State Office will then notify NRCS National Accounts Receivable Servicing Team of the pending TA payment due.

NRCS National Accounts Receivable Servicing Team initiates the payment process through IPAC.

**F Correcting Payments**

State Offices will contact their NRCS point of contact for TA payment corrections.

**337-340 (Reserved)**

**Section 10 C/S Payment Adjustments**

**341 When C/S Payment Adjustment Is Required**

**A Conditions Requiring C/S Payment Adjustment**

An adjustment on FSA-848B certification is required if:

- overpayment is caused by an error in data entry, which includes excess credit to any refund or other charge, as well as overpayment
- underpayment is caused by an error in data entry, which includes deficient credit to a refund, or other charge as well as underpayment
- underpayment is caused by erroneous data.

**Note:** If the:

- applicant reported erroneous data on the original FSA-848B, the applicant must sign a corrected FSA-848B, page 1 to receive the additional payment or credit
- County Office made the error in the data, the applicant's signature is not required.

**B Correction Process**

See 2-ECP to generate additional FSA-848B's and, as applicable, issue additional payments or create a receivable.

**342-389 (Reserved)**



**PART 8 Compliance****Section 1 Spot Checks****390 Lifespan and Maintenance Policy****A Practice Lifespan**

The practice lifespan is a period of time for which the practice is subject to spot checks to verify that the practice is being maintained and used for the purpose designated.

**Note:** Lifespans begin on January 1, after the calendar year the practice is installed.

**B Maintenance Policy**

A practice must be maintained for the practice lifespan specified in the practice write-up in Exhibit 12.

**Note:** COC's must advise producers that they are required to maintain the practice for its lifespan.

**391 Spot Check Policy****A Spot Check Provisions**

The provisions in 2-CP apply to ECP spot checking, except as provided in this part.

Coordinate spot checks with other work and programs requiring farm visits if possible.

Review producer's proof of payment and supporting evidence to ensure that they conform to the reported cost of the practice if spot checks are performed within 1 year after the FY in which the practice was completed.

**Note:** Failure to present proof of payment documentation could lead to a refund of all C/S paid. Failure to maintain the practice at the minimum standards could lead to a refund of all C/S paid to the participant.

Spot checks are required to:

- verify practice maintenance
- identify and uncover erroneous or inadequate reporting by producers
- encourage accurate reporting.

USDA employees as well as FSA employees, including STC and COC members, must be spot checked.

392 Extent of Spot Checks

**A Performing Spot Checks**

Perform spot checks according to the following tables.

Current Year Practices	
Step	Action
1	Obtain report on ECP practices completed during the current FY.
2	Select the performed practices that are required spot checks.
3	Select a random sample of at least 5 percent or 5 of the total practices performed (including required spot checks) that are completed during the current FY.
4	For all practices selected, check any other C/S practices with an unexpired lifespan on the same farm.
5	Complete FSA-276 according to Exhibit 25 for each farm.

Prior Year Practices	
Step	Action
1	Prepare or obtain a list of all prior year ECP practices still within their active lifespan not listed on the current year report.  <b>Note:</b> Select EC1 from the previous year.
2	Select those practices that are required spot checks.
3	Select a minimum random sample of at least 5 percent or 5 of the total practices performed (including required spot checks) that are on the manual list (including required checks).
4	For all practices selected, check any other C/S practices with an unexpired lifespan on the same farm.
5	Complete FSA-276 according to Exhibit 25 for each farm.

**B State Office Spot Checks**

To ensure that the policies and provisions of ECP are being followed, a State Office representative must review the following number of applications for practices performed (including required spot checks) during the current program implementation.

**Note:** These reviews on completed practices are in addition to the applications reviewed before COC approval.

For County Offices that receive:

- less than 1,000 applications, the greater of 10 ECP applications or 5 percent of ECP applications not to exceed 25 applications
- greater than or equal to 1,000 applications or 5 percent of ECP applications not to exceed 75 applications.

**393 Scope of Spot Checks****A Accuracy of On-Farm Check**

By visual inspection, verify the accuracy of the information submitted with the performance report. List discrepancies on FSA-276.

**Note:** If the discrepancies on FSA-276 indicate that the practice fails to meet minimum specifications or requirements, enter whether the practice appears to be solving the conservation problem on FSA-276, item 15.

**B Measurements**

When acreage is involved in the practice report, verify the acreage and document findings on FSA-276.

**C Inspecting Producer's Records**

Review producer's **proof of payment** and supporting evidence to ensure that they incurred the cost of the practice according to paragraph 146.

**394 Follow-Up Action on Discrepancies****A Corrective Action**

Determine the corrective action to be taken by the producer if the practice does not meet ECP requirements. Allow the producer additional time to take corrective action, if applicable. At the end of that time, if corrective action was not taken, then seek a refund.

**B Overpayments**

Recover any overpayments.

**C Underpayments**

The amount of the underpayment must be paid if an incorrect payment was made.

**D Violations**

See Part 8, section 2 or 4-CP when a discrepancy or a violation has been determined.

**395-400 (Reserved)**





**Section 2 Violations****401 Failure to Maintain Practices****A Policy**

A practice must be maintained and used throughout its normal lifespan for the purposes for which C/S was approved. This applies if control of the land on which a practice was performed:

- remains under the participant's control
- is voluntarily relinquished by the participant, and the new owner or operator agrees in writing to maintain the practice throughout its lifespan.

**Exceptions:** This policy does not apply under the following circumstances:

- ECP-PM determines upon reviewing STC and/or COC recommendation and the fully documented case file that good farming practice does not require this maintenance and use
- failure to maintain and use the practice was because of conditions beyond the participant's control.

**B Actions That Constitute Violations**

Actions or failures to take action that result in the failure of a practice to meet its conservation purpose are violations. Payments must be recovered for violations. Violations may include the following:

- failure to perform normal repair, upkeep, and maintenance
- destruction of or substantial damage to a practice
- discontinuing the use of a practice before the lifespan expires
- conversion of a practice to recreational uses, unless the practice will continue to serve its conservation purpose
- other use or misuse of a practice so that it fails to meet its conservation purpose.

**401 Failure to Maintain Practices (Continued)**

**C Payments To Be Recovered**

Recover the entire C/S paid on the portion of the practice not properly maintained and used.

A partial refund may be required when a practice has not been maintained and COC determines that a total refund is not justified.

The partial refund will be based on the actual C/S paid multiplied by the percentage of the unexpired lifespan remaining when it is determined that the practice is not being maintained.

**D Conditions That Do Not Constitute Violations**

Failing to maintain a practice is not a violation if STC or COC determines that any of the following conditions exist:

- practice has served its purpose for its lifespan
- failure was because of conditions beyond the producer's control
- failure occurred after all persons or legal entities who shared in the payment involuntarily lost control of the land
- failure occurred on acreage or other extent of the practice on which costs were not shared.

## 402 Actions That Defeat the ECP Purpose

### A Overview

Any person or legal entity participating in ECP may be required to refund or forfeit payment if that participant adopts or participates in any action that may defeat the purpose of ECP. In these cases, all or any part of C/S that was paid, or would otherwise be due under ECP, may be required to be refunded or forfeited.

### B Unauthorized Actions

Actions that may defeat ECP are:

- failing to maintain practices performed with C/S under a previous program
- failure to use a practice for the purpose approved
- performing other willful acts that either:
  - violate reasonable conservation principles
  - offset conservation accomplishments.

### C Violations Requiring Special Handling

The following types of violations must be referred to STC:

- a scheme or device depriving other persons or legal entities of C/S
- knowingly filing false claims
- evading the maximum C/S limitation
- 6-PL.

**Note:** See 7-CP.

### D Responsibility for Determination

Determining a violation may be based on COC or STC findings.

### E Overreporting Performance

A person or legal entity must refund all or any part of C/S payments if the participant unintentionally files a performance report for a greater extent than was actually performed, but the violation does not constitute a false claim. See 7-CP.

**Note:** STC concurrence is required.

**403 COC, STC, and Employee Cases****A Overview**

COC or STC members must recuse themselves from participating in any decision on a case where the member has a personal interest in the case. When a member recuses themselves, the remaining members act as the committee with regard to:

- deposition of the case
- referral of the case to ECP-PM for advice.

**B Policy**

When there has been a compliance issue regarding STC or COC members, report facts about the participation of Government employees to appropriate agency and administrative officials:

Compliance issues suspected to be serious will be investigated and handled according to 9-AO even if the persons involved are employees of other agencies.

Report in writing any information involving compliance issues or personnel infractions of employees of USDA or other Government agencies.

**404 Withholdings and Late Payment and Refund Interest****A Refunds**

Refunds on pending cases must be handled according to 58-FI.

**B Late Payment and Refund Interest Policy**

Late payments and refund interest rates apply to C/S refunded according to 58-FI.

**C Prompt Payment Interest**

In certain instances when the payment is not issued timely and a revision has occurred, CSS will not allow the user to enter the date documentation was received before the date of the revision approval. In this situation, prompt payment interest will be issued through online payments.

For cost share applications created and approved before October 1, 2020, CSS automatically initiates prompt payment interest based on the later of the producer's signature date or the date the documentation was received. Revisions to these agreements will behave in the same manner.

For new applications approved after October 1, 2020, prompt payment interest must be issued through Online Payments software according to 58-FI.

**405 COC and STC Responsibility****A Referring Program Compliance Matters**

COC must refer any program compliance issues or matters that appear to violate a Federal statute to STC.

**B Ensuring Full Compliance**

STC must ensure full compliance with ECP policy and procedures, as provided in this directive. In addition, STC will take the following steps to prevent fraud, bribery, conspiracy, discrimination, or other issues:

- initiate a preliminary review if a significant violation is suspected
- determine whether the facts justify an investigation.

**Note:** Investigations must be completed according to 9-AO.

**406 Handling Program Infractions****A County Office Action**

If a person or legal entity violates a program provision relating to payments, document all pertinent facts about the nature and extent of the violation. If the case:

- involves possible violations of criminal or civil statutes, contact appropriate agency officials
- is a violation of a program provision and does not involve a false claim or fraud, COC must make a detailed finding of fact and record its determination.

**Notes:** Include any amount to be recovered in the finding.

If warranted, COC may submit the case with a recommendation for STC action.

**B Producer Notification**

COC or STC will promptly notify the producer if it finds that program provisions have been violated. Include a statement of:

- COC's determination and the facts upon which it is based
- the amount of overpayment to be refunded with a demand for the refund.

**Note:** Advise the producer of the right to appeal according to 1-APP.



## Reports, Forms, Abbreviations, and Redelegations of Authority

### Reports

None

### Forms

The following table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-672	Reimbursement or Advance of Funds Agreement		86
AD-1026	Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification		3, 5, 334
CCC-170	Agreement for ECP Assistance for Levees Not Yet Repaired to Corps of Engineers' Specifications	Ex. 11	47
CCC-770 ECP-1	ECP Checklist Before Approval Is Made	Ex. 5	12, 131
CCC-770 ECP-2	ECP Checklist Before Payment Is Made	Ex. 6	12, 311
CCC-860	Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification		6, 66, 96, 314, 334
CCC-902 and CCC-901 as needed	Farm Operating Plan for Payment Eligibility 2009 and Subsequent Program Years		6, 334
CRP-42	County Precipitation and Feed and Forage Loss Report		91
Form 7600	Interagency Agreement		336
FSA-23	Determining Agricultural Market Value and Cost Share Per Acre Worksheet	Ex. 17	66, 131, 134
FSA-276	On-Farm Spot Check Record	Ex. 25	392, 393, Ex. 4
FSA-848	Cost-Share Request	Ex. 8	Text, Ex. 4
FSA-848-1	Continuation Sheet for Cost-Share Request		11, Ex. 8
FSA-848A	Cost-Share Agreement	Ex. 9	Text, Ex. 4
FSA-848A-1	Continuation Sheet for Cost-Share Agreement		11, Ex. 9
FSA-848B	Cost-Share Performance Certification and Payment	Ex. 10	Text, Ex. 4, 25
FSA-848B-1	Continuation Sheet for Cost-Share Performance Certification and Payment		11, Ex. 10

## Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

## Forms (Continued)

Number	Title	Display Reference	Reference
FSA-850	Environmental Screening Worksheet	Ex. 18	Text, Ex. 4
NRCS-CPA-052	Environmental Evaluation Checklist		102, 104, 131, 134, Ex. 4

## Abbreviations Not Listed in 1-CM

The following table lists all abbreviations not listed in 1-CM.

Approved Abbreviation	Term	Reference
CD	Conservation Division	11, 116, 134
CFLS	Conservation Funds Ledger System	111, 114, 115, 311, 331
COF	Common Obligation Framework Software	111, 114, 115, 311, 331
C/S	cost-share	Text
CSS	Cost-Share Software	Text, Ex. 4
ECP-PM	Emergency Conservation Program - Program Manager	Text, Ex. 2, 12
eFunds	electronic funds control	111, 114, 115, 311, 331
IAA	inter-agency agreement	117
IPAC	Intra-Governmental Payment and Collection System	87, 336
LAR	Loss Assessment Report	3, 9, 91
MOA	memorandum of agreement	76, 77, 336, Ex. 3
NHPA	National Historic Preservation Act	102
SEC	State Environmental Coordinator	20, 102
SEB	State Emergency Board	20, 76, 91
SEG	State Environmental Guide	102
SHPO	State Historic Preservation Office	102
STORM	Systematic Tracking for Optimal Risk Management software	91
TA	technical assistance	Text
THPO	Tribal Historic Preservation Office	102

## Redelegations of Authority

None.



## Definitions of Terms Used in This Handbook

### Aquaculture

Aquaculture means the propagation and rearing of aquatic species for food from a commercial operation conducted on private land.

### Aquaculture Facility

An eligible aquaculture facility is a commercial aquaculture operation conducted on private land.

### Bartering

Bartering is the direct exchange of goods or services without using money, according to the established rates of exchange or by bargaining between the parties.

### Disabled Person

The law defines a disabled person as anyone who:

- has a physical or mental impairment that substantially limits 1 or more of that person's major life activities
- has a record of this impairment
- is regarded as having this impairment.

### District

District, for the purposes of this handbook, means organized districts, mutual water companies, and associations. For the purposes of this policy, districts must include those formal and informal organizations that have all of the following characteristics:

- are formed under State law either:
  - to solve a mutual problem, such as, flood control
  - carry out a mutual purpose, such as, distribution of irrigation water
- have the authority to tax or assess individual members to carry out the proposed conservation measures
- can encumber the member's land, water rights, or other property through unpaid liens.

### Dry Well

A dry well is a well that fails to yield sufficient water.

## Definitions of Terms Used in This Handbook (Continued)

### Eligible Permanent Farm Fencing

Eligible permanent farm fencing is a permanent barrier recognized within the county as a farm fence built to control livestock.

### Emergency Designation

An emergency designation is a determination by COC that a geographic area in the county has suffered damage by a natural disaster. In the case of severe drought, emergency program designation is made by ECP-PM.

### Farmland

Farmland is the sum of the following:

- cropland
- noncropland.

### Lifespan of a Practice

The lifespan of a practice is a period of time for which the practice is subject to spot checks to verify that it is being maintained and used for the purpose designed.

**Note:** Lifespans begin January 1 after the calendar year the practice is installed.

**Definitions of Terms Used in This Handbook (Continued)****Livestock**

Livestock for ECP purposes are those used for food or fiber, such as:

- beef and dairy cows
- horses, mules, and donkeys used for commercial food or human consumption or kept for producing food and fiber, such as, draft horses or cow ponies
- buffalo or beefalo not running wild or uncontrolled on the range
- goats for food or milk production
- poultry for food including domesticated chickens, ducks, geese, and turkeys, and those kept for egg production
- sheep for food or wool production
- swine for food
- fish for food
- other animals raised exclusively for commercial food or fiber.

Animals that are **ineligible** include those:

- used for recreational activities or recreational business, such as, race horses, pack animals, rodeo stock, and polo ponies

**Note:** As determined by STC or COC, horse breeding operations in the business of producing horse breeding stock for commercial use as a part of their farming operation and they claim the horse breeding stock for tax purposes with the IRS may be eligible.

**Example:** Schedule F (Form 1040), Profit or Loss From Farming.

- running wild or uncontrolled on the range
- maintained for slaughter purposes other than human consumption such as, glue, or fur.

## Definitions of Terms Used in This Handbook (Continued)

### Natural Disaster

Natural disasters are disasters that are naturally caused, such as:

- hurricane and typhoon
- tornado
- high winds, including micro-bursts
- storm, including ice storms
- flood
- high water
- wind-driven water
- tidal wave
- earthquake
- volcanic eruption
- landslide
- mudslide
- severe snowstorm
- drought
- wildfire by lightning or when exacerbated by natural conditions
- explosion
- other natural phenomena.

### Severe Damage

Severe damage is damage that impairs or endangers the land or materially affects the productive capacity of the land.

### Severe Drought

A severe drought condition exists when available water from sources currently being used for livestock or orchards and vineyard irrigation have been reduced below normal and survival is unlikely without additional water.

### State

State for purposes of this handbook is any of the United States of America, Puerto Rico, The Virgin Islands, Guam, or Commonwealth of the Northern Mariana Islands.

## Example of Memorandum of Agreement

The following is an example of a Memorandum of Agreement between FSA and NRCS.

**Memorandum of Agreement (MOA)**  
**Between**  
**Natural Resources Conservation Service (NRCS)**  
**And**  
**Farm Service Agency (FSA)**  
**For Provision of the Technical Assistance for the Emergency Conservation Program (ECP)**  
**Through September 30, 2024**

**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 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 are:

A. The Economy Act, 31 U.S.C. § 1535, which provides that an agency may place an order with a major organizational unit within the same agency or another agency for goods or services if:

1. Funds are available;
2. The ordering agency decides the order is in the best interest of the United States Government;
3. The servicing agency to fill the order is able to provide or obtain through contract the ordered goods or services; and
4. The ordering agency decides ordered goods or services cannot be provided by contract as conveniently or economically by a

Example of Memorandum of Agreement (Continued)

commercial enterprise (payments must be made on the basis of the actual cost of goods or services provided); AND

- B. The Agricultural Credit Act of 1978, as amended (P.L. 95-334; 16 U.S.C. Sections 2201-2206), the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590a-590f, 590g), and the regulations at 7 CFR parts 610 and 701. Other authorities may also apply.

**IV. Economy Act Findings**

As set forth in the attached "Determinations and Findings Pursuant to 48 CFR subpart 17.5" FSA states that sufficient funding amounts are available, that this agreement is in the best interest of the United States Government, and that the services requested cannot be provided by contract as conveniently or economically by a commercial enterprise.

NRCS states that it has the capability and expertise to provide or get by contract the requested services.

**V. 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.
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.

Example of Memorandum of Agreement (Continued)

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 extant 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 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 review prior to committing to SHPO or Tribal consultation or making final NHPA Section 106 decisions. This 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 National Office reserve, from ECP funds allocation to the State, an amount adequate but not greater than 10 percent of the funds allocated to the States, 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 regard 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,**

Example of Memorandum of Agreement (Continued)

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.

C. NRCS and FSA agree to:

1. 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. Enter into a national level reimbursable agreement (Form 7600) for each fiscal year based on this MOA and any amendments hereto, for ECP technical assistance.
3. Amend Form 7600 as deemed necessary by FSA, based upon current funds held in reserve for technical assistance.
4. Determine, between the FSA State Executive Director and the NRCS State Conservationist, and document in the State Emergency Board, or similar Board minutes:
  - a. The ECP practices for which NRCS will provide technical assistance;
  - b. The format for which NRCS will provide statement of actual costs incurred in providing the technical assistance, if deemed necessary;
  - c. Any other provision deemed necessary by the FSA State Office, FSA State Technical Committee, or the NRCS State Conservationist, that is consistent with this Memorandum of Agreement and does not nullify any provision in this Memorandum of Agreement.
5. 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 of NRCS, and the Administrator of FSA, have final authority for ensuring consistent implementation of ECP policies and procedures.



Example of Memorandum of Agreement (Continued)

D. This MOA:


1. Will take effect upon the signature of Administrator of FSA and the Chief of NRCS.
2. 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.
3. Will run for a period of 5 years from date of execution.
4. May be modified by written amendment duly executed by the Administrator of FSA and the Chief of NRCS, or their delegates.

E. Nothing in this MOA shall obligate either NRCS or FSA to obligate or transfer any funds. The national level reimbursable agreement (Form 7600) referenced above will address the obligation or transfer of funds, contingent upon the availability of funds. Negotiation, execution, and administration of this agreement must comply with all applicable statutes and regulations. Obligations under 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.

F. This MOA is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

NATURAL RESOURCES  
CONSERVATION SERVICE

FARM SERVICE AGENCY

 Digitally signed by KEVIN  
NORTON  
Date: 2019.09.30 10:18:45  
-04'00'

Acting for

Matthew Lohr  
Chief, NRCS

Date

 *Sept. 27, 2019*  
Richard Fordyce  
Administrator, FSA

Date



**ECP County Office Participant Files**

Listed in this exhibit are the subject file codes for ECP files.

**Disposition:** Except as noted, destroy all files under this subject when they are 5 years old.

**Color Code:** The color code for this subject is yellow.

<b>Emergency Conservation Program Files.</b> This subject provides financial assistance to owners of land that carry out emergency measures to restore the land after the land is damaged by a natural disaster.		
<b>Subject</b>	<b>Type of Material To Be Filed</b>	<b>Retention</b>
ECP Emergency Conservation Program	General material about ECP too broad to be filed under 1 of the more specific subjects in this exhibit.	Destroy these files when 5 years old.
ECP 1 Program Development	Correspondence about the development of the program, including objectives, funding allocation, cost-share limitations, and approved practices.	
ECP 1-1 Practice Specifications	Correspondence about technical specifications for practices and materials authorized for use in ECP projects. This includes practices developed at all levels of FSA, and special practices for which NRCS developed the technical specifications.	
ECP 2 Interagency Cooperation	Correspondence about cooperation between the County Office and other Federal and State agencies, such as NRCS. This includes memorandum of understanding with soil conservation districts.	
ECP 3 Reports and Statistics	Reports covering all subjects included under this subject that cannot be filed under 1 of the more specific subjects in this exhibit. Subdivide these files as needed.	
ECP 4 Program Development	Correspondence about the control of program activities and funds.	
ECP 4-1 County Allocation Control Ledger	The sequential ledger entry report, the detailed ledger used to control program funds, and related correspondence.	
ECP 4-2 Control Technical Services Referrals	Correspondence about the control of referrals to State Conservationists and other agencies.	
ECP 4-3 TSP Transfer of Funds	Correspondence about the transfer of funds to TSP for technical assistance.	
ECP 5 Financial Assistance Requests	General correspondence about requests for financial assistance too broad to be filed under 1 of the more specific subjects in this exhibit.	
ECP 5-1 Pending COC Consideration	FSA-848's received in the County Office but not yet reviewed by COC.	Move to appropriate file after COC review.

**ECP County Office Participant Files (Continued)**

<b>Subject</b>	<b>Type of Material To Be Filed</b>	<b>Retention</b>
ECP 5-2 Pending Needs Determinations	Requests pending determination of need and feasibility by technician. This includes copies of FSA-848, page 2 forwarded to technical agencies.	Destroy these files when 5 years old.
ECP 5-3 Pending Reports of Performance	Requests pending report from producer on FSA-848B, page 1 and certification by responsible technical agency on FSA-848B, page 2 that practices approved by COC have been completed and payment is due.	
ECP 5-4 Pending Payment	Requests pending issuance of payment to producer and entry on the automated ledger report. Issue checks as soon as possible after completion certification by producer and technical agency, if applicable.	
ECP 6 Participant Folders	Individual folders containing FSA-848, FSA-848A, FSA-848B, other forms, and related correspondence about the participation of the farm in EFRP and the approval of and payment for request financial assistance practices.  Disapproved or canceled requests.	Destroy these files 10 years after practice is completed for practices with a 10-year lifespan. Destroy these files 5 years after practice is completed for practices with a 5-year or less lifespan.  Destroy these files when 3 years old.
ECP 8 Appeals	Appeals pending.	Destroy these files when 5 years old.
ECP 9 Spot Checks	FSA-276's and other related documentation.	

**ECP County Office Participant Files (Continued)**

<b>Subject</b>	<b>Type of Material To Be Filed</b>	<b>Retention</b>
Pending COC Consideration	<ul style="list-style-type: none"> <li>• Marked map with explanation of damage.</li> <li>• Available producer/FSA/TSP photos.</li> <li>• FSA-848 with requested practices and extent estimates signed by the producer on page 1.</li> </ul>	Destroy these files 10 years after practice is completed for practices with a 10-year lifespan.
Pending Needs and Environmental Determinations	<ul style="list-style-type: none"> <li>• Copies of FSA-848, page 2 forwarded to technical agencies. Record date request for determination was sent to TSP.</li> </ul>	Destroy these files 5 years after practice is completed for practices with a 5-year or less lifespan.
Approving FSA-848A	<ul style="list-style-type: none"> <li>• Determination of need and eligibility approved and returned from TSP on page 2 of FSA-848 (exception/waivers in paragraph 101).</li> <li>• Environmental Compliance on FSA-850 or NRCS-CPA-052.</li> <li>• Producer notified in writing of determination and ability to begin restoration. (If producer was granted a waiver, a copy of the waiver must also be in the participant file.)</li> <li>• Producer must return the signed FSA-848A within 15 calendar days (subparagraph 177 C).</li> </ul>	Destroy these files when 3 years old.
Approving and paying FSA-848B	<ul style="list-style-type: none"> <li>• Once the practice is completed, the producer must file the performance report on FSA-848B. (If the producer requests an extension, documentation of the extension must be in the participant file as well.)</li> <li>• County Offices must document receipt and review of FSA-848B by:               <ul style="list-style-type: none"> <li>• Reviewing, date stamping, and retaining the submitted bills/invoices/canceled checks/analysis tags (paragraph 142).</li> <li>• Enter producer certification in CSS and print FSA-848B.</li> <li>• Obtain producer and/or TSP certification on FSA-848B.</li> <li>• Obtain COC approval.</li> <li>• Issue C/s payment once all requirements have been met, all signatures are obtained, a second party review has been completed.</li> <li>• Issue the payments through NPS.</li> </ul> </li> </ul> <p>If CCC-770 -1/2 is required, it must be kept on file. If an advance payment was issued, document according to paragraph 215.</p>	
Participant reminders	<ul style="list-style-type: none"> <li>• Payment documentation must be retained for a minimum of a year after approval.</li> <li>• If the producer relinquishes control of the land, and the practice is not maintained, the producer may be required to refund C/S on a pro-rated basis.</li> <li>• The practice is subject to spot checks that can happen at any point during the lifespan of that practice.</li> </ul>	



CCC-770 ECP-1

The following is an example of CCC-770 ECP-1. This form is available from the FFAS Employee Forms/Publications website at <https://intranet.fsa.usda.gov/dam/ffasforms/forms.html>.

<p><b>CCC-770 ECP-1</b> (04-07-21)</p> <p style="text-align: center;"><b>U.S. DEPARTMENT OF AGRICULTURE</b> Commodity Credit Corporation</p> <p style="text-align: center;"><b>ECP CHECKLIST BEFORE APPROVAL IS MADE</b></p>	<p>1. Producer's Name</p> <hr/> <p>2. State Office Name</p> <hr/> <p>3. County Office Name</p> <hr/> <p>4. Agreement No.</p> <hr/> <p>5. FSN</p> <hr/> <p>6. Disaster Type, Disaster ID</p> <hr/> <p>7. Fiscal Year</p>			
<p>This is an internal checklist and does not negate any responsibilities by the producer. It does not indicate any misaction or misinformation on the part of the county office if it is not completed. However, it will be used to insure accountability of actions.</p> <p>Completion of this form before issuing approvals is optional.</p>				
<b>Verification</b>	<b>Handbook or Other Applicable References</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
8. Onsite inspection has been completed.	1-ECP, Paragraph 101			
9. Needs determination on FSA-848, page 2, complete.	1-ECP Paragraph 81			
10. Practice(s) was started after the producer requested ECP assistance. If "NO", see paragraph 101 & 102	1-ECP, Paragraph 131			
11. STC representative has reviewed sample ECP requests before COC approval.	1-ECP, Paragraph 131			
12. All easements, permits, rights-of-way, water rights are in order.	1-ECP, Paragraph 28			
13. FSA-850, NRCS CPA-052 or State equivalent is on file.	1-ECP, Paragraph 102 and 1-EQ			
14. Land is not enrolled in WRP, EWP or any other C/S program.	1-ECP, Paragraph 51			
15. ECP application has been entered in CSS.	2 ECP			
16. For drought, ECP drought designation approved by ECP PM before sign up period is approved.	1-ECP, Paragraphs 91			
17. Remarks				
<p><b>Certification:</b> I (we) the undersigned certify the above items have been verified or updated accordingly.</p>				
18A. Signature of Preparer			18B. Date (MM-DD-YYYY)	
19A. I concur/do not concur the above items have been verified and updated.			<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur	
19B. CED Signature for Spotcheck			19C. Date (MM-DD-YYYY)	
20A. I concur/do not concur the above items have been verified and updated.			<input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur	
20B. DD Signature for Spotcheck			20C. Date (MM-DD-YYYY)	
<p><small>In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.</small></p> <p><small>Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.</small></p> <p><small>To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <a href="http://www.ascr.usda.gov/complaint_filing_cust.html">http://www.ascr.usda.gov/complaint_filing_cust.html</a> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider, employer, and lender.</small></p>				





CCC-770 ECP-2

The following is an example of CCC-770 ECP-2. This form is available from the FFAS Employee Forms/Publications website at <https://intranet.fsa.usda.gov/dam/ffasforms/forms.html>.

<b>CCC-770 ECP-2</b> (04-07-21)  <b>ECP CHECKLIST BEFORE PAYMENT IS MADE</b>	<b>U.S. DEPARTMENT OF AGRICULTURE</b> Commodity Credit Corporation		1. Producer's Name			
			2. State Office Name	3. County Office Name		
			4. Agreement No.	5. FSN		
			6. Disaster Type, Disaster ID	7. Fiscal Year		
	This is an internal checklist and does not negate any responsibilities by the producer. It does not indicate any misaction or misinformation on the part of the county office if it is not completed. However, it will be used to insure accountability of actions.  Completion of this form before issuing approvals is optional.					
<b>Verification</b>			<b>Handbook or Other Applicable References</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>8. Approval:</b>						
A. COC has approved the FSA-848A and documented it in the COC minutes.			1-ECP, Paragraph 136			
B. Participant has been notified of approved extent and cost shares with copy of the FSA-848A and letter.			1-CONSV, Paragraph 290 and 1-ECP Paragraph 136			
C. Participant signed FSA-848A.			1-ECP, Paragraph 136			
<b>9. Computation</b>						
A. Supporting documentation (bills, invoices, etc.) has been provided by the producer and is date stamped.			1-ECP, Paragraph 146			
B. Minimum qualifying cost of restoration is met.			1-ECP, Paragraph 73			
C. Only eligible items are included in C/S computation.			1-ECP, Paragraph 212 and Part 3, Section 2			
D. List of all eligible persons or legal entities to receive an ECP payment.			1-ECP, Paragraphs 35, 36, 37, 38, 39, & 40			
E. STC representative has reviewed any request from COC, County Office or State Office personnel.			1-ECP, Paragraph 131			
F. Approval is within authorized approval authority.			1-ECP, Paragraph 131			
<b>10. Payments:</b>						
A. FSA-848B, page 1 has been signed by all producers receiving a share of the payment.			1-ECP, Paragraph 142			
B. FSA-848B, page 1 has been timely filed – before practice expiration date.			1-ECP, Paragraph 143			
C. Practice completed by eligible person or legal entity on eligible land.			1-ECP, Part 2,			
D. FSA-848B, page 2 completed and signed by responsible technical agency.			1-ECP, Paragraphs 144, 152, and 153			
E. Practice location is recorded on aerial photography/imaging.			1-ECP, Paragraph 145			
F. FSA-848B is updated with final performance data.			1-ECP, Part 7, Section 3			
G. Payment does not exceed 75 percent of the producer's actual costs.			1-ECP, Paragraph 66			
H. Payment does not exceed 50 percent of the agricultural market value of the land.			1-ECP, Paragraph 66			
I. Has county office made second party review?			1-CONSV, Paragraph 194 and 1-ECP, Paragraph 234			
J. Payments are issued timely. See 61-FI for prompt payment provisions.			1-ECP 61-FI			
11. Remarks						
<b>Certification:</b> <b><i>I (we) the undersigned certify the above items have been verified or updated accordingly.</i></b>						
12A. Signature of Preparer					12B. Date (MM-DD-YYYY)	
<b>13A. I concur/do not concur the above items have been verified and updated.</b> <input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur						
13B. CED Signature for Spotcheck					13C. Date (MM-DD-YYYY)	
<b>14A. I concur/do not concur the above items have been verified and updated.</b> <input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur						
14B. DD Signature for Spotcheck					14C. Date (MM-DD-YYYY)	
<small>In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.</small>  <small>Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.</small>  <small>To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <a href="http://www.ascr.usda.gov/complaint_filing_cust.html">http://www.ascr.usda.gov/complaint_filing_cust.html</a> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider, employer, and lender.</small>						



**FSA-848**

**A FSA-848 Completion Instructions**

Following is an explanation of entries on a completed FSA-848.

<b>Item</b>	<b>Instructions</b>
1	Enter the State and county codes.
2	Enter the name, address, and telephone number of the County Office.
3	Enter the C/S application number.
4	Enter the program code.
5	Enter the contract ID, if applicable.
6	Enter the description of the site and practice objectives and estimated start date.
7	Enter the primary disaster type for this application.
8	Select 1 or more of the listed crops.
9	Select 1 or more listed livestock and enter the amount in units.
10A	Enter FSN.
10B	Enter the tract number.
10C	Enter the field number.
10D	Enter the practice control number.
10E	Enter the practice title.
10F	Enter the practice unit.
10G	Enter the practice acres.
10H	Enter the extent requested that corresponds to items 10A through 10F.
10I	Enter the requested C/S that corresponds to items 10A through 10H.
10J	Enter the total requested C/S that corresponds to the sum of item 10I.
11A	Enter the applicant's name, address, and telephone number.
11B	Enter the applicant's estimated percent share.
11C	Check the box to indicate whether the applicant is a limited resource producer.
11D	Check the box to indicate whether the applicant is a beginning farmer, if applicable.
11E	Check the box to indicate whether the applicant is socially disadvantaged, if applicable.
11F	The applicant or signing authority must sign.
11G	Enter the title/relationship that corresponds to the signing authority in item 11F.
11H	Enter today's date. If there are additional applicants, complete FSA-848-1, item 4.
12A	Enter the program code.
12B	Enter the program year.
12C	Enter the State and county codes that correspond to item 1.
12D	Enter the hydrologic unit code.
12E	Enter the application number that corresponds to item 3.
12F	Enter the contract ID that corresponds to item 5, if applicable.
12G	Enter the disaster ID.
13A	Enter FSN.
13B	Enter the tract number.
13C	Enter the field number.

**FSA-848 (Continued)**

**A FSA-848 Completion Instructions (Continued)**

<b>Item</b>	<b>Instructions</b>
13D	Enter the practice control number.
13E	Enter the primary purpose code.
13F	Enter the practice unit.
13G	Enter the practice extent requested that corresponds to item 10H.
13H	Enter the practice extent needed that corresponds to items 13A through 13F.
13I	Enter the requested C/S rate and type that correspond to item 10I, if the practice control number has a flat rate.
13J	Enter the requested C/S that corresponds to items 10I and 14 J, as applicable. If there are additional practices, complete FSA-848-1, item 6.
13K	Enter the sum of all requested C/S from item 13J and continuation pages.
14A	Enter FSN.
14B	Enter the tract number.
14C	Enter the field number.
14D	Enter the practice control number.
14E	Enter the component number.
14F	Enter the component title.
14G	Enter the component unit.
14H	Enter the component extent requested that corresponds to items 14A through 14G.
14I	Enter the component extent needed that corresponds to items 14A through 14G.
14J	Enter the requested C/S rate and type that correspond to items 14A through 14C.
14K	Enter the requested C/S rate and type that correspond to items 14A through 14C. If there are additional components, complete FSA-848-1, item 7.
15A	Enter FSN.
15B	Enter the tract number.
15C	Enter the field number.
15D	Enter the practice control number.
15E	Enter the technical practice code.
15F	Enter the technical practice title.
15G	Enter the technical practice unit.
15H	Check the box indicating if the technical practice is cost-shared.
15I	Enter the technical practice extent planned that corresponds to items 15A through 15G. If there are additional technical practices, complete FSA-848-1, item 8.
16A	The signing authority must sign, such as FSA, Forest Service, NRCS, or other technical service provider.
16B	Enter today's date.
16C	Enter the affiliation that corresponds to item 16A.
16D	Enter the practice control number.
16E	Enter the date referred for needs determination.
16F	Enter the date the referral expires.
16G	Enter the needs statement. If there are additional practices with needs determinations, complete FSA-848-1, item 9.

FSA-848 (Continued)

B Example of FSA-848

Following is an example of a completed FSA-848.

Form Approved - OMB No. 0560-0082  
OMB Expiration Date: 04/30/2024

<b>FSA-848</b> (04-07-21)		<b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency  <b>COST-SHARE REQUEST</b>			<b>1. ST. &amp; CO. Code:</b> 19 165		<b>2. County Office Name, Address and Telephone Number</b> Example County FSA 2519 Southwest Ave Harlan, IA 51537-1234 (712) 755-5126			
<p><i>THIS REQUEST is submitted by the undersigned owners, operators, tenants, and/or producers (who individually may be referred to as "the Applicant"). By signing this form, the Applicant agrees to the following: 1) the Applicant is requesting cost-share assistance to perform a practice(s) designed to meet the objectives of the program referenced in Box 5-2; 2) the Applicant agrees that this practice(s) would not be performed without Federal cost-sharing; and, 3) if cost-sharing is approved for the practice(s) requested, the Applicant (a) destroys the approved practice(s), or (b) voluntarily relinquishes control of or title to, the land on which the approved practice(s) has been established, and the new owner and/or operator of the land does not agree in writing to properly maintain the practice(s) for the remainder of its life span. The Applicant further agrees that if he or she begins the practice(s) before receiving written approval, he or she may be denied cost-share funding. Further, the Applicant hereby authorizes a representative of USDA to have access to the practice site area(s). Further, the applicant understands that form FSA-848-1 is by reference incorporated herein. BY SIGNING THIS APPLICATION, THE APPLICANT ACKNOWLEDGES RECEIPT OF THE FOLLOWING FORMS: FSA-848 AND ANY ADDENDUM THERE TO.</i></p>										
<b>3. Application Number</b> 19 165 2010 0009							<b>4. Program Code</b> ECP		<b>5. Contract ID (if applicable)</b>	
<b>6. Description of Site and Practice Objectives</b> Flood have impacted multiple fields with debris and damages to fences.										
<b>EMERGENCY PROGRAMS ONLY</b>										
<b>7. Disaster Type:</b>					<b>9. Livestock(s) (Select and list amount with units):</b>					
<b>8. Crop(s) (Select):</b> <input type="checkbox"/> Flowers or Bulbs <input type="checkbox"/> Vegetables or Fruits <input type="checkbox"/> Field Grown Ornamentals <input type="checkbox"/> Seed Crops <input checked="" type="checkbox"/> Grain or Row Crops <input type="checkbox"/> Other: <input type="checkbox"/> Orchards or Vineyards <input type="checkbox"/> Hay Forage or Pasture					<input type="checkbox"/> Cattle: <input checked="" type="checkbox"/> Buffalo/Beefalo: 100 <input type="checkbox"/> Sheep: <input type="checkbox"/> Fish: <input type="checkbox"/> Goats: <input type="checkbox"/> Poultry: <input type="checkbox"/> Swine: <input type="checkbox"/> Horses, Mules or Donkeys: <input type="checkbox"/> Other animals raised exclusively for commercial food or fiber:					
<b>10. PRACTICES REQUESTED</b>										
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Practice Title	F. Practice Units	G. Practice Acres	H. Extent Requested	I. Requested Cost-Share		
5854	16614	1	2010_0009_01_EC1	EC1 Removing Debris from Farmland	Acres	10.00	15.00	\$1,500.00		
5854	16614	5				50.00				
5854	16635	10	2010_0009_01_EC3	EC3 Restoring Permanent Fence	Feet	5.00	5.00	\$100.00		
<b>J. Total Requested Cost-Share:</b>							\$1,600.00			
<b>11. APPLICANT'S REQUEST</b>										
<p><i>I (We) request cost-share assistance under the program to meet the objective(s) described above. The practice(s) on this request would not be performed without Federal cost-sharing. If cost-sharing is approved for the practice(s) 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(s), I, (a) destroy the approved practice(s), 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(s) for the remainder of the lifespan(s). I understand that if I begin the practice before receiving written approval I may be denied funding.</i></p>										
<b>A. Applicant's Name, Address and Telephone Number</b> Costshare Applicant 2519 Southwest Ave Harlan, IA 51537 (123) 456-7890			<b>B. Percent Share</b> 60.00%	<b>C. Limited Resource</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>D. Beginning Farmer</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>E. Socially Disadvantaged</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>F. Signature (By)</b> 		<b>G. Title/Relationship of the Individual If Signing in a Representative Capacity</b>	<b>H. Date (MM-DD-YYYY)</b> 10-04-20XX
<p><small><b>NOTE:</b> The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a - as amended). The authority for requesting the information identified on this form is: 7 CFR Part 701, 7 CFR Part 1410, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and 16 U.S.C. § 2201-2206. The information will be used to determine eligibility to participate in and receive benefits under a cost-share assistance program through documentation of the applicant's agreement to comply with the terms and conditions contained in the cost-share request. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and non-governmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Privacy Laws identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to participate in and receive benefits under a cost-share assistance program.</small></p> <p><small><b>Public Burden Statement (Paperwork Reduction Act):</b> According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0082. The time required to complete this information collection is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</small></p> <p><small>By signing this form, the Applicant acknowledges and understands that any false representation or claims are subject to civil and criminal penalties (including, but not limited to those under 18 U.S.C. 1001).</small></p> <p><small>In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA. (Not all bases apply to all programs.) Remedies and complaint filing deadlines vary by program or incident.</small></p> <p><small>Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.</small></p> <p><small>To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <a href="http://www.usda.gov/complaint_filing_cust.html">http://www.usda.gov/complaint_filing_cust.html</a> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-6292. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 696-7442; or (3) email: <a href="mailto:program.ad3027@usda.gov">program.ad3027@usda.gov</a>. USDA is an equal opportunity provider, employer, and lender.</small></p>										

FSA-848 (Continued)

B Example of FSA-848 (Continued)

FSA-848 (0407-21)										Page 2			
12. APPLICATION INFORMATION										EMERGENCY PROGRAMS ONLY			
A. Program Code ECP		B. Program Year 20XX		C. ST. & CO. Code 19 165		D. Hydrologic Unit Code 160300030101		E. Application Number 19_165_2010_0009		F. Contract ID		G. Disaster ID 1471	
13. PRACTICES REQUESTED AND NEEDED													
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Primary Purpose Code	F. Practice Units	G. Practice Extent Requested	H. Practice Extent Needed	I. Requested Cost-Share Rate and Type	J. Requested Cost-Share				
5854	16614	1	2010_0009_01_EC1	G	Acres	15.00	10.00		\$1,125.00				
5854	16614	5											
5854	16635	10	2010_0009_01_EC5		Feet	5.00	0.00		\$300.00				
									K. TOTALS:	\$1,425.00			
14. COMPONENTS REQUESTED AND NEEDED													
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Component No.	F. Component Title	G. Component Units	H. Component Extent Requested	I. Component Extent Needed	J. Requested Cost-Share Rate and Type	K. Requested Cost-Share			
5854	16614	1	2001_0009_01_EC1	R500	Heavy Debris Removal	Acres	15.00	10.00	75% of Cost - Not to exceed \$75.00/unit	\$1,125.00			
5854	16614	5											
5854	16635	10	2010_0009_01_EC5	B50	Barbwire Fence	Feet	5.00	0.00	75% of Cost - Not to exceed \$60.00/unit	\$300.00			
15. TECHNICAL PRACTICES PLANNED													
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Technical Practice Code	F. Technical Practice Title	G. Technical Practice Units	H. Technical Practice Cost-Shared	I. Technical Practice Extent Planned					
5854	16614	1	2010_0009_01_EC1	500	Obstruction Removal	Acres	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	10.00					
5854	16614	5					<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						
5854	16635	10	2010_0009_01_EC5	362	Fence	Feet	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	0.00					
16. Needs Determination													
		A. Signature of Technical Service Provider	B. Date	C. Affiliation	D. Practice Control No.	E. Date Referred	F. Referral Expiration	G. Needs Statement					
			10-05-20XX	FSA	2010_0009_01_EC1			The fence damage was due to poor maintenance.					
			10-09-20XX	NRCS	2010_0009_01_EC5	10-04-20XX	10-19-20XX	only 10 acres needed and feasible.					

**FSA-848A**

**A FSA-848A Completion Instructions**

Following is an explanation of entries on a completed FSA-848A.

<b>Item</b>	<b>Instructions</b>
1	Enter the State and county codes.
2	Enter the name, address, and telephone number of the County Office.
3	Enter the C/S application number.
4	Enter the agreement number.
5	Enter the program year.
6	Enter the disaster ID number, if applicable.
7	Enter the program code.
8	Enter the contract ID, if applicable.
9A	Enter FSN.
9B	Enter the tract number.
9C	Enter the field number.
9D	Enter the practice control number.
9E	Enter the program accounting code.
9F	Enter the fund code.
9G	Enter the practice unit.
9H	Enter the practice extent approved that corresponds to items 9A through 9G.
9I	Enter the practice expiration date.
9J	Enter the practice life span.
9K	Enter the approved C/S rate and type that correspond to items 9A through 9J, if the practice control number has a practice rate.
9L	Enter the approved C/S that corresponds to items 9A through 9K and items 10A through 10I, as applicable. If there are additional approved practices, complete FSA-848A-1, item 2.
9M	Enter the sum of all C/S requested that corresponds to the sum of item 9L.

**FSA-848A (Continued)**

**A FSA-848A Completion Instructions (Continued)**

<b>Item</b>	<b>Instructions</b>
10A	Enter FSN.
10B	Enter the tract number.
10C	Enter the field number.
10D	Enter the practice control number.
10E	Enter the component number.
10F	Enter the component title.
10G	Enter the component unit.
10H	Enter the component extent approved that corresponds to items 10A through 10G.
10I	Enter the approved C/S rate and type that correspond to items 10A through 10H.
10J	Enter the approved C/S rate and type that correspond to items 10A through 10I. If there are additional approved components, complete FSA-848A-1, item 3.
11A	The FSA representative must sign.
11B	Enter today's date.
11C	Enter C/S willing to approve.
11D	Enter the C/S approved amount.
12A	Enter the participant's name, address, and telephone number.
12B	The participant or signing authority must sign.
12C	Enter the title/relationship that corresponds to the signing authority in item 12B.
12D	Enter the date.
13A	Enter the program code.
13B	Enter the program year.
13C	Enter the State and county codes that correspond to item 1.
13D	Enter the agreement number that corresponds to item 4.
13E	Enter the contract ID that corresponds to item 8.
13F	Enter the disaster ID that corresponds to item 6.
14	Enter any applicable remarks.



FSA-848A (Continued)

B Example of FSA-848A

The following is an example of a completed FSA-848A.

This form is available electronically. Form Approved - OMB No. 0560-0082  
OMB Expiration Date: 04/30/2021

<b>FSA-848A</b> (12-02-19)		<b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency				1. ST. & CO. Code : 19 165 2. County Office Name, Address and Telephone Number Example County FSA 2519 Southwest Ave Harlan, IA 51537-2378 (712) 755-5116					
<b>COST-SHARE AGREEMENT</b> (See Page 2 for Privacy Act and Burden Statements)						3. Application Number 19 165 2010 0009		4. Agreement Number 19 165 2010 0009			
THIS AGREEMENT is entered into between the Farm Service Agency (referred to as "FSA") and the undersigned owners, operators, tenants, and/or producers (who individually will herein be referred to as "the Participant"). By signing this form, the Participant agrees to the following: 1) the Participant requested cost-share assistance to perform a practice(s) designed to meet the objectives of the program referenced on FSA-848; 2) the Participant agrees that this practice(s) would not be performed without Federal cost-sharing; and, 3) for the practice(s) approved, the Participant agrees to refund all or part of the funds paid to him/her, as determined by the Approving Official, if before expiration of the lifespan of the specified practice(s), the Participant (a) destroys the approved practice(s), or (b) voluntarily relinquishes control of or title to, the land on which the approved practice(s) has been established, and the new owner and/or operator of the land does not agree in writing to properly maintain the practice(s) for the remainder of its life span. The Participant further agrees that if he or she began the practice(s) before receiving written approval, he or she may be denied cost-share funding. Further, the Participant hereby authorizes a representative of USDA to have access to the practice site area(s). Further, the participant understands that form FSA-848A-1 is by reference incorporated herein. BY SIGNING THIS AGREEMENT, THE PARTICIPANT ACKNOWLEDGES RECEIPT OF THE FOLLOWING FORMS: FSA-848A AND ANY ADDENDUM THERETO.						5. Program Year 20XX		6. Disaster ID Number 1471			
<b>9. PRACTICES APPROVED</b>						7. Program Code ECP		8. Contract ID (if applicable)			
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Program Accounting Code	F. Fund Code	G. Practice Units	H. Practice Extent Approved	I. Practice Expiration Date	J. Practice Life Span	K. Approved Cost-Share Rate and Type	L. Approved Cost-Share
5854	16614	1	2010_0009_01_EC1	4040		Acres	10.00	10-09-2012			\$800.00
5854	16614	5									
5854	16635	10	2010_0009_10_EC3	4040		Feet	0.00		15.00		\$0.00
M. TOTALS:											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Component No.	F. Component Title	G. Component Units	H. Component Extent Approved	I. Approved Cost-Share Rate and Type	J. Approved Cost-Share		
5854	16614	1	2010_0009_01_EC1	R500	Heavy Debris Removal	Acres	10.00	75% of Cost - Not to Exceed \$80.00/unit	\$800.00		
5854	16614	5									
5854	16635	10	2010_0009_01_EC3	B50	Barbwire Fence	Feet	0.00		\$0.00		
11. USDA USE ONLY - Application Approval		A. Signature of FSA Representative				B. Date (MM-DD-YYYY) 10-10-20XX		C. Cost-Share Willing to Approve \$300.00		D. Cost-Share Approved \$300.00	
<b>12. PARTICIPANT APPROVAL ACKNOWLEDGEMENT</b> Your request for program cost-sharing to perform the practice(s) shown above is approved for the farm(s) identified above. By signing below, you agree to complete the specified practice(s) and components on or before the practice expiration date(s). To receive payment or credit for any cost-shares earned on these practice(s), report performance on the FSA-848B and file with the issuing office by the practice expiration date(s) listed above. If you decide not to perform this practice, or if you cannot complete it by the practice expiration date, please notify the Approving Official's office in writing at once.											
A. Participant's Name, Address and Telephone Number Costshare Applicant 2529 Southwest Ave. Harlan, IA 51537 (123) 456-7890			B. Signature (By)			C. Title/Relationship of the Individual If Signing in a Representative Capacity			D. Date (MM-DD-YYYY)		

FSA-848A (Continued)

B Example of FSA-848A (Continued)

FSA-848A (12-02-19)					Page 2
13. AGREEMENT INFORMATION					EMERGENCY PROGRAMS ONLY
A. Program Code	B. Program Year	C. ST. & CO. Code	D. Agreement Number	E. Contract ID	F. Disaster ID
ECP	20XX	19 165	19_165_2010_0009		1471
14. REMARKS					
Remarks on the agreement.					
<p><b>NOTE:</b> The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 701, 7 CFR Part 1410, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and 16 U.S.C. § 2201-2206. The information will be used to determine eligibility to participate in and receive benefits under a cost-share assistance program through documentation of the participant's agreement to comply with the terms and conditions contained in the cost-share agreement. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to participate in and receive benefits under a cost-share assistance program.</p> <p><b>Public Burden Statement (Paperwork Reduction Act):</b> According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0082. The time required to complete this information collection is estimated to average 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. <b>RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</b></p> <p>By signing this form, the Participant acknowledges and understands that any false representation or claims are subject to civil and criminal penalties including, but not limited to those under 18 U.S.C. 1001.</p> <p><small>In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.</small></p> <p><small>Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.</small></p> <p><small>To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <a href="http://www.nrc.usda.gov/complaint_filing_cust.html">http://www.nrc.usda.gov/complaint_filing_cust.html</a> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (800) 632-9892. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-4410; (2) fax: (202) 680-7442; or (3) email: <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider, employer, and lender.</small></p>					

**FSA-848B**

**A FSA-848B Completion Instructions**

Following is an explanation of entries on a completed FSA-848B.

<b>Item</b>	<b>Instructions</b>
1	Enter the State and county codes.
2	Enter the name, address, and telephone number of the County Office.
3	Enter the C/S application number.
4	Enter the C/S agreement number.
5	Enter the program year.
6	Enter the disaster ID number, if applicable.
7	Enter the program code.
8	Enter the contract ID, if applicable.
9A	Enter FSN.
9B	Enter the tract number.
9C	Enter the field number.
9D	Enter the practice control number.
9E	Enter the practice unit.
9F	Enter the practice extent approved that corresponds to items 9A through 9E.
9G	If the practice in item 9D is: <ul style="list-style-type: none"> <li>• complete, ENTER “Yes”</li> <li>• not complete, ENTER “No”.</li> </ul>
9H	Enter the acres served.
9I	Enter the approved C/S that corresponds to items 9A through 9F.
9J	If the practice is complete, enter the total installation cost that corresponds to items 9A through 9I.
9K	If the practice is not complete and C/S is still requested for this practice, list codes for completed components for that practice.
9L	Enter the total approved C/S that corresponds to the sum of item 9I and the total installation cost that corresponds to the sum of item 9J. If there are additional practices, complete FSA-848B-1, item 2.
10A	Check the boxes indicating whether any participants on the contract bear all expenses for performing a practice. If the answer was “No”, give all pertinent information about other persons/agency who bore any part of the expenses.
10B	Check the boxes indicating whether any participants on the contract have received or will receive a C/S payment under the same program during the current FY. If the answer was “Yes”, enter the State, county, and amount by farm.
10C	The producer or signing authority must sign.
10D	Enter the title/relationship that corresponds to the signing authority in item 10C.
10E	Enter today’s date.
11A	Enter the program code.
11B	Enter the program year.
11C	Enter the State and county codes.
11D	Enter the C/S agreement number.
11E	Enter the contract ID, if applicable.

**FSA-848B (Continued)**

**A FSA-848B Completion Instructions (Continued)**

<b>Item</b>	<b>Instructions</b>
11F	Enter the disaster ID.
12A	Enter FSN.
12B	Enter the tract number.
12C	Enter the field number.
12D	Enter the practice control number.
12E	Enter the practice unit.
12F	Enter the practice extent approved that corresponds to items 12A through 12E.
12G	Enter the practice extent performed that corresponds to items 12A through 12F.
12H	Enter the acres served that correspond to items 12A through 12G.
12I	Enter the approved C/S that corresponds to items 12A through 12H.
12J	Enter the total installation cost that corresponds to items 12A through 12I.
12K	Enter the total C/S earned that corresponds to items 12A through 12J.
12L	Enter the sum of all approved C/S from item 12I and continuation pages, the sum of the total installation cost from item 12J and continuation pages, and the total C/S earned from item 12K and continuation pages. If there are additional practices, complete FSA-848B-1, item 4.
13A	Enter FSN.
13B	Enter the tract number.
13C	Enter the field number.
13D	Enter the practice control number.
13E	Enter the component number.
13F	Enter the component title.
13G	Enter the component unit.
13H	Enter the component extent approved that corresponds to items 13A through 13G.
13I	Enter the approved C/S that corresponds to items 13A through 13H.
13J	Enter the component extent performed that corresponds to items 13A through 13I.
13K	Enter the C/S earned that corresponds to items 13A through 13J. If there are additional components, complete FSA-848B-1, item 5.
14A	Enter FSN.
14B	Enter the tract number.
14C	Enter the field number.
14D	Enter the practice control number.
14E	Enter the technical practice code.
14F	Enter the technical practice title.
14G	Enter the technical practice unit.
14H	Check the box indicating if the technical practice is cost-shared.
14I	Enter the technical practice extent planned that corresponds to items 14A through 14H.
14J	Enter the technical practice extent applied that corresponds to items 14A through 14I. If there are additional technical practices, complete FSA-848B-1, item 6.

**FSA-848B (Continued)**

**A FSA-848B Completion Instructions (Continued)**

<b>Item</b>	<b>Instructions</b>
15A	The technical service provider or participant must sign, if applicable.
15B	Enter today's date.
15C	Enter the affiliation.
15D	Enter the practice control number.
15E	Enter the performance statement. If there are additional practices with performance certifications, complete FSA-848B-1, item 7.
16A	Enter the program code.
16B	Enter the program year.
16C	Enter the State and county codes.
16D	Enter the C/S agreement number.
16E	Enter the contract ID, if applicable.
16F	Enter the disaster ID.
17A	Enter FSN.
17B	Enter the tract number.
17C	Enter the field number.
17D	Enter the practice control number.
17E	Enter the component number.
17F	Enter the participant's name.
17G	Enter the program accounting code.
17H	Enter the partial or final payment for the practice.
17I	Enter the partial or final payment for the agreement.
17J	Enter the C/S earned.
18A	The FSA representative must sign to approve performance.
18B	Enter today's date.
18C	Enter the total approved C/S for the agreement.
18D	Enter the current amount earned.
18E	If final payment, enter the total C/S earned on the agreement.

FSA-848B (Continued)

B Example of FSA-848B

The following is an example of a completed FSA-848B.

This form is available electronically. Form Approved - OMB No. 0560-0082  
OMB Expiration Date: 04/30/2021

<b>FSA-848B</b> (12-02-19)		<b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency				1. ST. & CO. Code: 19 165		2. County Office Name, Address and Telephone Number Example County FSA 2519 Southwest Ave Harlan, IA 51537-2378  (712) 755-5516			
<b>COST-SHARE PERFORMANCE CERTIFICATION AND PAYMENT</b>											
<i>(See Page 3 for Privacy Act and Burden Statements.)</i>											
THIS CERTIFICATION AND REQUEST FOR PAYMENT is submitted by the undersigned owners, operators, tenants, and/or producers (who individually will herein be referred to as "the Participant"). By signing this form, the Participant agrees to the following: 1) the Participant requested cost-share assistance to perform practice(s) designed to meet the objectives of the program referenced on FSA-848; 2) the Participant agrees that this practice(s) will not be performed without Federal cost-sharing; and, 3) for the practice(s) approved, the Participant agrees to refund all or part of the funds paid to him/her, as determined appropriate by the Approving Official, if, before expiration of the lifespan of the specified practice(s), the Participant (a) destroys the approved practice(s), or (b) voluntarily relinquishes control of or title to, the land on which the approved practice(s) has been established, and the new owner and/or operator of the land does not agree in writing to properly maintain the practice(s) for the remainder of its life span. The Participant further agrees that if he or she began the practice(s) before receiving written approval, he or she may be denied cost-share funding. Further, the Participant hereby authorizes a representative of USDA to have access to the practice site area(s). Further, the participant understands that form FSA-848B-1 is by reference incorporated herein. BY SIGNING THIS CERTIFICATION, THE PARTICIPANT ACKNOWLEDGES RECEIPT OF THE FOLLOWING FORMS: FSA-848B AND ANY ADDENDUM THERETO.											
NOTE: To receive payment or credit for any cost-shares earned on these practice(s), report performance below, by completing Items 9 and 10, and file with the issuing FSA county office by the practice expiration date(s) listed on the FSA-848A.											
<b>9. PRACTICES PERFORMED</b>											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Practice Units	F. Practice Extent Approved	G. Is the Practice Complete? (YES or NO)	H. Acres Served	I. Approved Cost-Share	J. Total Installation Cost	K. If practice is not complete and cost-share is still requested for this practice, list codes for completed components.	
5854	16614	1	2010_0009_01_EC1	Acres	10.00	Yes	10.00	\$800.00	\$700.00		
5854	16614	5									
L. TOTALS:								\$800.00	\$700.00		
<b>INSTRUCTIONS TO PARTICIPANT to receive payment or credit for any cost-shares earned on this agreement, report performance on page 1, and file with the issuing FSA county office by the practice expiration dates.</b>											
10. <b>CERTIFICATION BY PARTICIPANT:</b> I certify that the above information is true and correct. I further certify that the entry(ies) in Item 9G show that the practice(s) was performed in accordance with the practice specifications and other requirements. If Item 9G indicates that the practice is not complete, I request cost-share for the completed components shown in Item 9K. I agree to complete the remaining components approved on the FSA-848A, for this practice(s), by the practice expiration date, regardless of whether or not cost-share assistance is approved. I agree to refund any cost-share assistance paid to me under this practice(s), if I fail to complete it. 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 and use the practice(s) for the minimum maintenance period established for the practice(s). I agree to refund all or part of the cost-share assistance paid to me, as determined by the Approving Official, if before expiration of the practice lifespan specified above, (a) I destroy the practice installed, or (b) voluntarily relinquish control or title to the land on which the installed practice(s) have been established and the new owner and/or operator of the land does not agree in writing to properly maintain the practice(s) for the remainder of their lifespan. I understand that FSA-848 and FSA-848A and any addendum thereto are by reference incorporated herein and with this form constitutes the entire agreement between the parties.											
A(1) Did you and the other participants on this agreement bear all the expense (except for program cost sharing) for performing this practice?  <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						B(1) During the current fiscal year Oct. 1 – Sep. 30, have you received or will you or any participant on this agreement receive a cost-share payment under the same program on this or any other farm other than through this FSA-848B?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> NO					
A(2) If "NO", report name(s) and addresses of other person(s) or agency who bore any part of the expenses. Also, show kind, extent and value of their contribution.						B(2) If "YES", report State, County, and amount by farm.					
C. Participant Signature (By)				D. Title/Relationship of the Individual If Signing in a Representative Capacity				E. Date (MM-DD-YYYY)			

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.usda.gov/complaint\\_filing\\_cust.html](http://www.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (800) 633-9962. Submit your completed form or letter to USDA by (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intak@usda.gov](mailto:program.intak@usda.gov). USDA is an equal opportunity provider, employer, and lender.

**FSA-848B (Continued)**

**B Example of FSA-848B (Continued)**

FSA-848B (12.02.19)											Page 2
11. AGREEMENT INFORMATION										EMERGENCY PROGRAMS ONLY	
A. Program Code ECP		B. Program Year 20XX		C. ST. & CO. Code 19 165		D. Agreement Number 19_165_2010_0009			E. Contract ID		F. Disaster ID 1471
12. PRACTICE EXTENT PERFORMED											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Practice Units	F. Practice Extent Approved	G. Practice Extent Performed	H. Acres Served	I. Approved Cost-Share	J. Total Installation Cost	K. Cost-Share Earned	
5854	16614	1	2010_0009_01_EC1	Acres	10.00	10.00	10.00	\$800.00	\$700.00	\$525.00	
5854	16614	5									
L. TOTALS:								\$800.00	\$700.00		
13. COMPONENT EXTENT PERFORMED											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Component No.	F. Component Title	G. Component Units	H. Component Extent Approved	I. Approved Cost-Share	J. Component Extent Performed	K. Cost-Share Earned	
5854	16614	1	2010_0009_01_EC1	R500	Heavy Debris Removal	Acres	10.00	\$800.0	10.00	\$525.00	
5854	16614	5									
14. TECHNICAL PRACTICE EXTENT APPLIED											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Technical Practice Code	F. Technical Practice Title	G. Technical Practice Units	H. Technical Practice Cost-Shared	I. Technical Practice Extent Planned	J. Technical Practice Extent Applied		
5854	16614	1	2010_0009_01_EC1	500	Obstruction Removal	Acres	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	10.00	10.00		
5854	16614	5					<input type="checkbox"/> YES <input type="checkbox"/> NO				
							<input type="checkbox"/> YES <input type="checkbox"/> NO				
15. Performance Certification		A. Signature of Technical Service Provider or Participant	B. Date	C. Affiliation	D. Practice Control Number	E. Performance Statement					
				NRCS	2010_0009_01_EC1	10 acres of debris removed.					

**FSA-848B (Continued)**

**B Example of FSA-848B (Continued)**

16. AGREEMENT INFORMATION										EMERGENCY PROGRAMS ONLY	
A. Program Code	B. Program Year	C. ST. & CO. Code	D. Agreement Number			E. Contract ID		F. Disaster ID			
ECP	20XX	19 165	19 15 2010 0009					1471			
17. COST-SHARE DETAILS											
A. Farm No.	B. Tract No.	C. Field No.	D. Practice Control No.	E. Component No.	F. Participant's Name	G. Program Accounting Code	H. Partial or Final Payment for Practice	I. Partial or Final Payment for Agreement	J. Cost-Share Earned		
5854	16614	1	2010_0009_01-EC1	R500	Costshare Applicant	4040	Final	Final	\$525.00		
5854	16614	5									
<b>18. USDA USE ONLY – Performance Approval</b>			A. Signature of FSA Representative			B. Date (MM-DD-YYYY)	C. Total Approved Cost-Share	D. Current Earned Amount	E. If Final, Total Cost-Share Earned		
							\$800.00	\$525.00	\$525.00		
<p><small>NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 701, 7 CFR Part 1410, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and 16 U.S.C. § 2201-2206. The information will be used to determine eligibility to participate in and receive benefits under a cost-share assistance program through documentation of the participant's agreement to comply with the terms and conditions contained in the cost-share performance certification and payment request. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to participate in and receive benefits under a cost-share assistance program.</small></p> <p><small><b>Public Burden Statement (Paperwork Reduction Act):</b> According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0082. The time required to complete this information collection is estimated to average 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. <b>RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</b></small></p> <p><small>By signing this form, the Participant acknowledges and understands that any false representation or claims are subject to civil and criminal penalties including, but not limited to those under 18 U.S.C. 1001.</small></p>											



**Example of Cost Share Itemization**

The following is an example of a cost share itemization.

Fence Replacement – Hurricane Michael		
Type of fence: Woven		
Feet completed: 2600		
Dates of work: November 1, 2018 to December 1, 2018		
Expenses:		
Equipment:		
John Deere 5055 (65hp) with post auger	49 hours @ \$60.00 per hour	\$3185.00
Truck – hauling post and wire	62 hours @ 20.00 per hour	1240.00
Materials:		
Wire		1190.00
Post		925.00
Concrete		146.00
Staples/Nails		56.00
Insulators		0.0
Labor		
Ty Godfrey	122 hours @ \$20.00 per hour	2440.00
Bo Godfrey	122 hours @ \$10.00 per hour	1220.00
Parker Godfrey	60 hours @ \$10.00 per hour	600.00
		Total Cost \$11,002.00

*Quinton T Godfrey*

7-28-2020



CCC-170

The following is an example of a completed CCC-170.

<b>CCC-170</b> (04-07-21)		U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation	
<b>AGREEMENT FOR ECP ASSISTANCE FOR LEVEES NOT YET REPAIRED TO CORPS OF ENGINEERS' SPECIFICATIONS</b>			
<p><b>NOTE:</b> <i>The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a - as amended). The authority for requesting the information identified on this form is the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), the Agricultural Credit Act of 1978 - Title IV (16 U.S.C. 2204), the Agricultural Act of 2014 (16 U.S.C. 3833), and 7 CFR Part 701. The information will be used to determine eligibility to participate in and receive benefits under the Emergency Conservation Program through documentation of the producer's agreement to comply with the terms and conditions contained in the agreement for ECP assistance for levees not yet repaired to Corps Of Engineers' specifications. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to participate in and receive benefits under the Emergency Conservation Program.</i></p> <p><b>Paperwork Reduction Act (PRA) Statement:</b> <i>As specified in the Paperwork Reduction Act (5 CFR 1320.3), the information collection does not require OMB approval because FSA estimates that fewer than 10 participants will sign the agreement form for ECP assistance for levees not yet repaired to Corps of Engineers specifications. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</i></p>			
1. STATE NAME	2. COUNTY NAME	3. PRODUCER'S NAME	4. FARM NUMBER
Pennsylvania	Lebanon	James Michaels	A-45
<p>Until levee repairs are completed and in the event of subsequent damage as a result of a natural disaster, such as flooding, I agree to either of the following:</p> <ul style="list-style-type: none"> <li>• restore the ECP practice or practices for which cost shares are paid, without the benefit of additional cost shares.</li> <li>• refund cost shares as determined by the County FSA Committee for the county in Item 2 above</li> </ul>			
5. SIGNATURE		6. DATE (MM-DD-YYYY)	
/s/ James Michaels		XX-XX-XXXX	
<p><i>In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.</i></p> <p><i>Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.</i></p> <p><i>To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <a href="http://www.ascr.usda.gov/complaint_filing_cust.html">http://www.ascr.usda.gov/complaint_filing_cust.html</a> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider, employer, and lender.</i></p>			



**National ECP Practices**

The following table lists the nationally approved practices that are described in this exhibit.

<b>Code</b>	<b>Practice</b>	<b>Page</b>
EC1	Removing Debris From Farmland	2
EC2	Grading, Shaping, Releveling, or Similar Measures	5
EC3	Restoring Permanent Fences	7
EC4	Restoring Conservation Structures and Other Installations	10
EC5	Emergency Wind Erosion Control Measures	12
EC6	Drought Emergency Measures	14
EC7	Other Emergency Conservation Measures	19
EC8	Field Windbreaks and Farmstead Shelterbelts Emergency Measures	20

## National ECP Practices (Continued)

### EC1 Removing Debris From Farmland

#### A Purpose

This practice:

- removes debris from farmland deposited by a natural disaster which may:
  - include woody material, sand, rock, trash, and personal property
  - be material deposited by wind or water
- returns the land to agricultural use.

Examples of debris removal methods include:

- carrying by hand or snaring, and dragging by light equipment
- excavation, burning, chipping, shredding, hauling, burying at approved locations.

**Note:** Recycling or reuse of materials should be considered as the first option for material disposal.

**Example:** Woody debris recycled into mulch.

#### B Practice Policy

Apply this practice to farmland, including farmsteads and access roadways on farms, on which debris has been deposited by the approved disaster.

**Note:** Successful completion of an Environmental Evaluation is required, even if the ECP activity only involves debris removal. See paragraph 102.

**National ECP Practices (Continued)**

**EC1 Removing Debris From Farmland (Continued)**

**C C/S Policy**

The following provides C/S policy.

<b>IF component is...</b>	<b>THEN financial assistance is...</b>
removing debris from farmland that meets all the following criteria: <ul style="list-style-type: none"> <li>• materially affects the productive capacity of the land</li> <li>• prevents carrying out effective conservation measures</li> <li>• prevents returning the land to productive agricultural use</li> <li>• is of a magnitude that requires the use of hired or personal:                             <ul style="list-style-type: none"> <li>• labor not normally required in the operation of the farm or ranch</li> <li>• equipment that would not normally have been required in the operation of the farm or ranch</li> </ul> </li> </ul> <p><b>Note:</b> Debris must be disposed of in a way that will not:</p> <ul style="list-style-type: none"> <li>• interfere with existing conservation facilities</li> <li>• create a health hazard or an environmental problem, on or off-site.</li> </ul>	authorized using technical code 500.
removing debris from farmsteads and access roadways that could significantly interfere with normal farming operations	
removing debris that will not interfere with normal farming operations	<b>not</b> authorized.

**National ECP Practices (Continued)**

**EC1 Removing Debris From Farmland (Continued)**

**D C/S Rates**

Express the C/S rate as follows:

“ \_\_\_\_\_ percent of the actual cost not to exceed \$ \_\_\_\_ per unit of measure.”

The limitation must be based on the average cost of performing the unit of measure.

**E Lifespan**

For lifespan and spot checking, consider EC1 as similar in nature to a temporary practice and must be maintained for at least 1 year after the calendar year of completion.

**F Specifications**

The practice must provide details of any requirement, such as type of debris to be removed or manner of disposition, upon which cost sharing is conditioned.

Additional guidance on determining debris volume can be found in the FEMA Debris Estimating Field Guide (FEMA 329 / September 2010).



**National ECP Practices (Continued)**

**EC2 Grading, Shaping, Releveling, or Similar Measures**

**A Purpose**

This practice:

- grades, shapes, and levels land that has been damaged by a natural disaster
- returns the land to agricultural use.

**Note:** Activities related to land management or production improvement measures needed when extent of damage is less severe are not eligible for C/S.

**Example:** Land smoothing.

**B Practice Policy**

Apply this practice to farmland that has been seriously damaged by flood, hurricane, or other eligible natural disasters.

**C C/S Policy**

The following provides C/S policy.

<b>IF component is...</b>	<b>THEN financial assistance is...</b>
grading, shaping, and filling gullies created by the disaster	authorized using technical practice codes 342, 464, 466, 484, and 512.
releveling of previously leveled irrigated farmland	
removing humps, ridges, or depressions if they cause water to pond on the land surface	
incorporating sand or silt deposits into the soil	
re-establishing permanent vegetative cover on areas where <b>all</b> the following are present: <ul style="list-style-type: none"> <li>• grading and shaping is required for rehabilitation of the area</li> <li>• the pre-existing permanent vegetative cover was destroyed</li> <li>• the area involved would be subject to critical wind or water erosion unless the cover is re-established</li> </ul>	
<b>Note:</b> COC or an FSA employee must determine the need for an extent of permanent vegetative cover re-establishment.	

**National ECP Practices (Continued)**

**EC2 Grading, Shaping, Releveling, or Similar Measures (Continued)**

**C C/S Policy (Continued)**

<b>IF component is...</b>	<b>THEN C/S is...</b>
establishing vegetative cover on land where it did not previously exist, including drainage ways, even though grading and shaping is required to correct damage on the land	<b>not authorized.</b>
releveling measures on irrigated farmland that constitute floating or land planning	
performing measures in connection with normal farming operations	
repairing and restoring roadways, including field roads if required to correct damage on the land	

**D C/S Rates**

Express the C/S rate as follows:

“ \_\_\_\_\_ percent of the actual cost not to exceed \$ \_\_\_ per unit of measure.”

The limitation must be based on the average cost of performing the unit of measure.

**E Lifespan**

The practice must be maintained for at least 10 years after the calendar year of installation.

**F Specifications**

The practice must provide any requirements upon which cost sharing is conditioned. Technical standards and specifications may be included or incorporated by reference.

## National ECP Practices (Continued)

### EC3 Restoring Permanent Fences

#### A Purpose

This practice corrects damage to fences caused by natural disasters.

#### B Practice Policy

Apply this practice to farmland on which farm fences have been destroyed or seriously damaged by the approved disaster. See paragraph 72.

Regardless of the type of fence (barbed wire, high tensile wire, woven wire) requiring rehabilitation or replacement, materials and design must restore the fence function to a condition and function similar to that existing before the natural disaster; however, at a minimum, the fence restoration must conform to current NRCS standards and specifications.

Fences eligible for rehabilitation or replacement must be used for agricultural purposes. Ornamental fences are not eligible for assistance.

**Note:** COC must consider the following before making approvals:

- if fence was used for purpose of excluding or enclosing livestock
- if fence was used to exclude wildlife from agricultural land
- type of fence existing before disaster
- agricultural function of fence before disaster
- extent of damage to fence.

#### Fencing of Public Land

Fencing of public land is eligible only if:

- the participant's privately owned land will be directly benefited
- costs will be borne by the eligible participant
- participant has written evidence of right to use the land and maintain the fencing.

#### Boundary Fences

In a Presidential designated disaster, FEMA has overall responsibility; therefore, boundary fences may be restored using ECP funds. If the approved disaster is not under FEMA jurisdiction, STC may prohibit cost-sharing for boundary fences.

**National ECP Practices (Continued)**

**EC3 Restoring Permanent Fences (Continued)**

**C C/S Policy**

Cost-sharing must be limited to restoring or repairing fences damaged by natural disaster.

COC must establish a maximum C/S rate per foot for restoring fences, regardless of the type of fence to be restored.

The COC-established C/S rate must apply to fence restoration or replacement.

The COC-established C/S rate must be limited to the average cost of fence construction performed in the county, including the prevailing labor rate in the county.

**Note:** COC must use the same rate for boundary fences, cross fences, corrals, feed lots, and holding pens.

The following provides authorized and unauthorized C/S policy.

<b>IF request is for restoring or replacing...</b>	<b>THEN financial assistance is...</b>
fences needed to return the land to productive agricultural use	authorized using code 382.
livestock inclusion or wildlife exclusion fence	
cross fences	
boundary fences	
cattle gates	
the simple fence reconstruction with minor damage when materials from the previous fence are used	
reusable material from the fence damaged by the disaster	<b>not</b> authorized.
the following types of fences:	
<ul style="list-style-type: none"> <li>• ornamental fences</li> <li>• temporary fences</li> </ul>	
fences not for the purpose of enclosing or excluding livestock, or excluding wildlife from agricultural land	

**National ECP Practices (Continued)**

**EC3 Restoring Permanent Fences (Continued)**

**D C/S Rates**

Express the C/S rate as follows:

“ \_\_\_\_\_ percent of the actual cost not to exceed \$ \_\_\_\_ per unit of measure.”

The limitation must be based on the average cost of performing the unit of measure.

**E Lifespan**

When restored to specifications, the practice must be maintained for at least 10 years following the calendar year of installation.

**F Specifications**

The practice must conform to NRCS standard or specification requirements, such as size and type of posts and wire, spacing, bracing, and placement.

**Note:** County Offices can obtain NRCS standard or specification guidelines for their applicable county/area.

**National ECP Practices (Continued)**

**EC4 Restoring Conservation Structures and Other Installations**

**A Purpose**

This practice restores conservation structures and installations damaged by natural disasters.

COC may deduct the cost of any restoration work caused by lack of maintenance, such as lack of clean out or failure to maintain before the disaster.

**B Practice Policy**

Apply this practice to farmland on which conservation structures and other installations have been seriously damaged by the approved disaster.

**C C/S Policy**

The following provides C/S policy.

<b>IF component is...</b>	<b>THEN financial assistance is...</b>
dams, ponds, and other water impoundments for agricultural uses	authorized using technical codes 313, 320, 342, 348, 349, 350, 359, 362, 378, 388, 402, 410, 412, 423, 428, 430, 436, 441, 442, 443, 447, 468, 484, 516, 521, 532, 552, 555, 561, 574, 587, 600, 606, 607, 614, 620, 630, 636, 638, 642, 648, and 650.
sod waterways	
installed open or closed drainage systems	
diversions or spreader ditches	
terrace systems	
structures for the protection of outlets or water channels before the disaster	
wells	
windmills or solar units for livestock water damaged by wildfire	
springs	
pipelines	
ditches and other permanently installed systems	
permanent vegetative cover including re-establishment where needed in conjunction with:	
<ul style="list-style-type: none"> <li>• eligible structures</li> <li>• installations to prevent critical erosion and siltation</li> </ul>	
animal waste lagoons repaired or replaced outside the 100-year floodplain	

**National ECP Practices (Continued)**

**EC4 Restoring Conservation Structures and Other Installations (Continued)**

**C C/S Policy (Continued)**

<b>IF component is...</b>	<b>THEN C/S is...</b>
silt removal	<b>not authorized.</b>
animal waste lagoons repaired or replaced within the 100-year floodplain	
irrigation wells	
portable pumps	
Motors	
portable pipe	
roadways including field roads	
wheel move systems	
hand move systems	
center pivot systems	

**D C/S Rates**

Express the C/S rate as follows:

“\_\_\_\_\_ percent of the actual cost not to exceed \$\_\_\_ per unit of measure.”

The limitation must be based on the average cost of performing the unit of measure.

**E Lifespan**

The conservation structures and any other installations, including permanent vegetative cover when restored to specification, must be maintained for at least 10 years after the calendar year of installation.

**F Specifications**

The practice must specify any requirements on which C/S is conditioned.

**G Technical Responsibility**

Technical responsibility for this practice is assigned to NRCS.

**National ECP Practices (Continued)**

**EC5 Emergency Wind Erosion Control Measures**

**A Purpose**

This practice applies emergency wind erosion control measures to farmland damaged by natural disasters.

**B Eligibility**

Apply this practice to farmland subject to serious wind erosion because of either of the following:

- extended periods of insufficient moisture
- crop residue or stubble is not adequate to protect the land.

**C C/S Policy**

The following provides C/S policy.

<b>IF component is...</b>	<b>THEN financial assistance is...</b>
contour or cross slope chiseling	authorized using technical code 609.
chiseling where impractical to perform on the contour or on the cross slope	
deep plowing or similar measures to bring subsoil clods to the surface	
measures considered to be normal farming operations, such as those needed to prepare a seedbed for the next crop	<b>not</b> authorized.



**National ECP Practices (Continued)**

**EC5 Emergency Wind Erosion Control Measures (Continued)**

**D C/S Rates**

Express the C/S rate as follows:

“\_\_\_\_\_ percent of the actual cost not to exceed \$\_\_\_ per unit of measure.”

The limitation must be based on the average cost of performing the unit of measure.

**E Specifications**

The practice must specify any requirements, such as:

- implement required
- depth
- spacing
- tillage measures.

**National ECP Practices (Continued)**

**EC6 Drought Emergency Measures**

**A Purpose**

This practice provides water conservation and enhancement measures to:

- permit grazing of range, pasture, or forage by livestock
- supply emergency water for existing irrigation systems serving orchards and vineyards
- provide emergency water for confined livestock operations.

**B Eligibility**

Apply this practice to farmland suffering from severe drought because of an extended period of insufficient moisture.

**C Request to Implement**

For approval to implement the program, submit to STC and to ECP-PM copies of the information listed in paragraph 91.

**D Practice Policies**

Water conservation and enhancement measures are limited to the following.

- Those needed to permit livestock grazing of:
  - range
  - pasture
  - forage.
- Supply emergency water for existing irrigation systems serving orchards and vineyards.
- Permanent practices may be installed only if they are determined by COC to be more practicable and cost effective than temporary measures.

**National ECP Practices (Continued)**

**EC6 Drought Emergency Measures (Continued)**

**D Practice Policies (Continued)**

- Only those farms or ranches that had adequate livestock watering systems or facilities or adequate irrigation systems for orchards and vineyards before the drought are eligible for C/S assistance.
- A drought-related problem must exist, and the approved practice must be installed primarily to deal with the drought-related problem.
- There must be adequate range or pasture residue for livestock in the area to be served by a proposed water facility at the time of the request.
- Livestock water facilities should contribute to better distribution of grazing.
- Pump equipment and adequate storage facilities must be provided when wells are installed.
- Extensions of expiration dates beyond 120 calendar days from the original approval date require ECP-PM approval.
- STC must monitor the drought situation to determine when severe drought conditions have ended. When it is determined that the program is no longer needed, STC must direct COC to:
  - discontinue issuing approvals
  - return all unobligated funds.
- Notify ECP-PM when:
  - the program is terminated in the State
  - unobligated funds are being returned to ECP-PM.

**National ECP Practices (Continued)**

**EC6 Drought Emergency Measures (Continued)**

**E C/S Policies**

The following provides C/S policy.

<b>IF component is...</b>	<b>THEN financial assistance is...</b>
installing pipe to an existing or newly developed source of water because the primary source is inadequate  <b>Note:</b> One-time connection fee to public rural water utility lines charged by the water service authority, limited to labor, equipment, and materials, is authorized. Charges for water service must be wholly borne by the producer.	authorized using technical codes 378, 410, 430, 516, 521, 533, 552, 552, 574, 575, 614, and 642.
storage facilities, including tanks incorporated into a new or existing water distribution systems, and troughs above ground, if needed to supply water for immediate needs of livestock	
constructing and deepening wells for livestock water	
constructing tail water recovery pits for any irrigation system to orchards and vineyards	
developing springs or seeps for livestock water	
wells where there is no other source of emergency water available that could be developed at less expense	
measures to provide emergency water for livestock in confinement operations on the farm that were in confinement before the drought	
permanently installed submersible pump of a size that would address the needs of livestock on hand at time of disaster	
solar panels to provide power to pump water for livestock and the solar panels are the least costly alternative	

**National ECP Practices (Continued)**

**EC6 Drought Emergency Measures (Continued)**

**E C/S Policies (Continued)**

<b>IF component is...</b>	<b>THEN C/S is...</b>
water hauling	<b>not authorized.</b>
silt removal from water impoundments	
constructing pipelines to supply water for vegetable or other short-term crops	
establishing permanent or temporary vegetative cover	
livestock water facilities primarily for barns, recreation, wildlife, or corrals, except for livestock already in confinement	
livestock water facilities to make it possible to graze crop residues, field borders, temporary or supplemental pasture crops	
water facilities primarily for headquarters	
<b>Note:</b> Incidental use of water at headquarters is permitted if it does not lessen the effectiveness of the emergency water facility in serving its primary purpose.	
livestock water facilities to provide water on land on which the cover will be used for:	
<ul style="list-style-type: none"> <li>• hay</li> <li>• silage</li> <li>• field chopped and hauled to headquarters for feeding</li> </ul>	
dry well	
pumps or motors not permanently installed in wells	

**F Lifespan**

Permanently installed measures meeting NRCS technical standards and specifications must be maintained for at least 10 years following the calendar year of installation. Temporary measures must be maintained on the land for a period specified by either of the following:

- county program
- ECP-PM.

**National ECP Practices (Continued)**

**EC6 Drought Emergency Measures (Continued)**

**G C/S Rate**

C/S rate is 50 percent of the actual cost for all temporary practices.

C/S rate is 75 percent of the actual cost for all permanent practices.

Express the C/S rate as follows:

“ \_\_\_\_\_ percent of the actual cost not to exceed \$ \_\_\_ per unit of measure.”

The limitation must be based on the average cost of performing the unit of measure.

**H Specifications**

The practice must provide details of any requirements upon which cost sharing is conditioned. Technical specifications may be included or incorporated by reference.

**I Permanent and Temporary Measures**

The following shows examples of permanent measures and temporary measures.

<b>Permanent Measures</b>	<b>Temporary Measures</b>
buried pipelines	temporary pipelines
irrigation tailwater recovery systems for orchards and vineyards	spring or seep developments
construction and deepening of wells	portable water troughs, stock tanks, or tubs
livestock fountains, waterers, or troughs, when mounted on a concrete platform, or similar foundation	

**National ECP Practices (Continued)**

**EC7 Other Emergency Conservation Measures**

**A Authority**

Other emergency conservation practices may be approved by ECP-PM. Submit a copy of practice description for approval to ECP-PM for each applicable ECP implementation, regardless of a prior year’s approval.

**B General Policies**

ECP practices must meet the requirements in this handbook.

**C C/S Policies**

The following provides C/S policy.

<b>IF the component is...</b>	<b>THEN financial assistance is...</b>
replacing or restoring a conservation or pollution abatement practice damaged by the natural disaster	authorized using technical code 951.
restoring eligible land to its normal production capacity	
returning eligible land to productive agricultural use as a result of damage directly related to a natural disaster	
conserving or enhancing water resources	
for the solution of conservation or environmental problems existing before the disaster	<b>not</b> authorized.
an activity normally performed by producers independently of an ECP designation	

**D Lifespan**

All practices must specify a minimum lifespan.

**E C/S Rates**

Express the C/S rate as follows:

“ \_\_\_\_ percent of the actual cost not to exceed \$ \_\_\_\_ per unit of measure.”

The limitation must be based on the average cost of performing the unit of measure.

**National ECP Practices (Continued)**

**EC8 Field Windbreaks and Farmstead Shelterbelts Emergency Measure**

**A Purpose**

This practice restores or replaces field windbreaks and farmstead shelterbelts to help stop wind erosion and provide energy conservation.

**B Practice Policy**

Apply this policy to field windbreaks and farmstead shelterbelts that have been seriously damaged by natural disaster.

**C C/S/ Policy**

The following provides C/S policy.

<b>IF the component is...</b>	<b>THEN financial assistance is...</b>
removing debris from field windbreaks or farmstead shelterbelts replacing	authorized using code 650.
planting field windbreaks or farmstead shelterbelts	authorized using code 650.
purchasing tree seedlings or young shrubs used for field windbreaks or farmstead shelterbelts	
establishing vegetative cover where needed to prevent serious erosion until trees/shrub are established	
chemical or mechanical weed control measures: <ul style="list-style-type: none"> <li>• only where needed to establish trees for the windbreak</li> <li>• only during the first 24 months after planting</li> </ul>	
windbreaks or shelterbelts that: <ul style="list-style-type: none"> <li>• were not pre-existing</li> <li>• were not damaged by the disaster</li> <li>• are in CRP</li> </ul>	<b>not</b> authorized.
planting orchard trees or ornamental plantings	

**D Lifespan**

The practice must be maintained for at least 10 years after the calendar year of installation.



**National ECP Practices (Continued)**

**EC8 Field Windbreaks and Farmstead Shelterbelts Emergency Measure (Continued)**

**E C/S Rates**

Express the C/S rate as follows:

“ \_\_\_\_\_ percent of the actual cost not to exceed \$ \_\_\_\_ per unit of measure.”

The limitation must be based on the average cost of performing the unit of measure.

**F Specifications**

The practice must provide any requirements upon which cost sharing is conditioned. Technical standards and specifications may be included or incorporated by reference. All practices must specify a minimum lifespan.



## Example Formats for Providing Disaster Information to News Media

### A Natural Disaster Announcement

The following is an example format for a natural disaster announcement.

A (flood, tornado, etc.) has caused severe damage in \_\_\_\_\_ area(s) of the County. Farms and ranches suffering severe damage may be eligible for assistance under the Emergency Conservation Program (ECP) administered by the \_\_\_\_\_ Farm Service Agency (FSA) County Office if the damage:

- will be so costly to rehabilitate that Federal assistance is or will be needed to return the land to productive agricultural use
- is unusual and is not the type that would recur frequently in the same area
- affect the productive capacity of the farmland
- will impair or endanger the land.

A producer qualifying for ECP assistance may receive cost-share levels not to exceed 75 percent of the eligible cost of restoration measures. No producer is eligible for more than \$500,000 cost sharing per natural disaster occurrence. The following types of measures may be eligible:

- removing debris from farmland
- grading, shaping, or releveling severely damaged farmland
- restoring permanent fences
- restoring conservation structures and other similar installations.

Producers who have suffered a loss from a natural disaster may contact the local FSA County Office and request assistance from \_\_\_ (date) \_\_\_ to \_\_\_ (date) \_\_\_.

To be eligible for assistance, practices must not be started until all of the following are met:

- an application for cost-share assistance has been filed
- the local FSA County Committee (COC) or its representative has conducted an onsite inspection of the damaged area
- the Agency responsible for technical assistance, such as the Natural Resource Conservation Service (NRCS), has made a needs determination, which may include cubic yards of earthmoving, etc., required for rehabilitation.

## Example Formats for Providing Disaster Information to News Media (Continued)

### B Severe Drought Announcement

The following is an example format for a severe drought announcement.

A lack of moisture, over an extended period of time, has caused producers in \_\_\_\_\_ areas to suffer from the effects of severe drought conditions. Farms and ranches experiencing severe drought conditions may be eligible for cost-share assistance under ECP. This disaster program is administered by the U.S. Department of Agriculture, Farm Service Agency (FSA), which provides cost-share assistance if the damage is so severe that water available for livestock or orchards and vineyards has been reduced below normal to the extent that neither can survive without additional water.

A producer qualifying for ECP assistance may receive cost shares not to exceed 75 percent of the cost of installing eligible temporary measures. Cost sharing for permanent measures is based on 50 percent of the total eligible cost. Cost-share assistance is limited to \$500,000 per person or legal entity per natural disaster. Approved practices and measures may include:

- installing pipelines or other facilities for livestock water or existing irrigation systems for orchards and vineyards
- constructing and deepening wells for livestock water
- developing springs or seeps for livestock water.

Producers who have experienced severe drought conditions requiring outside assistance to provide supplemental emergency livestock water may contact the local FSA County Office. Requests for assistance will be accepted at \_\_\_\_\_ FSA County Office from \_\_\_\_\_ (date) to \_\_\_\_\_ (date) .

To be eligible for cost shares, practices must not be started until a request has first been filed at the FSA County Office and an onsite inspection of the problem area has been made by COC or its representative. COC will review the inspection findings when considering the request for cost shares.

**FSA-23**

The following is an example of a completed FSA-23, which determines the agricultural market value and C/S per acre.

<b>FSA-23</b> (04-07-21)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency			
<b>DETERMINING AGRICULTURAL MARKET VALUE AND COST SHARE PER ACRE WORKSHEET</b>					
<b>INSTRUCTIONS:</b> Complete the following to determine the agricultural market value and C/S (cost share) per acre.					
1. Producer's Name and Address <i>(Include Zip Code)</i>			2. State and County Name		3. Farm Number(s)
A. Bush 9876 Back St. Smalltown, MD 98765			Jackson County MD		E-135
4. Practice(s) Requested	5. Total Eligible Cost (\$)	6. Cost Share(s) Requested (\$)	7. Acres Requested	8. Number of Animals in Confined Operations	9. Type of Animals in Confined Operation
EC1	4,000	3,000	30		
EC2	8,000	6,000	30		
EC3	1,000	750	30		
10. Agricultural Market Value of Affected Land Per Acre				\$ 850.00	
11. Cost Shares per Acre				\$ 325.00	
12. Acres Served				30	
13. Cost Shares per Animal				\$	
14. Remarks					
<b>NOTE:</b> C/S per acres shall not exceed 50 percent of the agricultural market value per acre as determined by COC. For confined operations, C/S shall not exceed 50 percent of the agricultural market value per animal.					
15. Prepared by			16. Title		17. Date Prepared (MM-DD-YYYY)
/s/ C. Furcollar			PT		XX-XX-XXXX
<small>In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.</small>					
<small>Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.</small>					
<small>To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <a href="http://www.ascr.usda.gov/complaint_filing_cust.html">http://www.ascr.usda.gov/complaint_filing_cust.html</a> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider, employer, and lender.</small>					





**FSA-850 (Continued)**

<b>FSA-850</b> (02-07-17)		Page 2 of 5	
<b>3. REQUIRED REVIEW</b>			
3A. Date of Site Visit:			
<p>For the below listed land uses or environmental resources, check the box as appropriate in Column (1) to the right to indicate the resources that are present on the site(s) of the proposed action or within the action's area of environmental impact, such as the areas adjacent to the proposed site(s). Check the box as appropriate in Column (2) to the right to indicate land uses and environmental resources which may potentially be adversely impacted.</p>		(1) Check if the resource is located within the area of potential effect	(2) Is there potential to adversely impact the resource?
<p>3B. Listed Endangered and Threatened Species or critical habitat.</p> <p><b>Attach IPaC map to this form.</b></p> <p>If any box is checked, then consult with the U.S. Fish and Wildlife and/or National Marine Fisheries Service, as applicable, to ensure that the proposed action is not likely to adversely affect a listed species or destroy or modify its "critical habitat" in accordance with the Endangered Species Act.</p>		<input type="checkbox"/>	<input type="checkbox"/>
<p>3C. Cultural Resources (Section 106 Compliance) Is the action one that may impact a Cultural Resource per 1-EQ Subparagraph 43 A?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If "YES", complete the check boxes in Column (1) &amp; (2) to the right and attach the following:</p> <p>(1) Consultation with known cultural resources (check National Register, State archaeological site files, and owner discussions)</p> <p>(2) Consultation with SHPO, THPO and/or Indian Tribes, as appropriate, to determine if further consultation required (needed identification surveys)</p>		<input type="checkbox"/>	<input type="checkbox"/>
3D. Coastal Barrier in Coastal Barrier Resources System		<input type="checkbox"/>	<input type="checkbox"/>
3E. Approved Coastal Zone Management Area		<input type="checkbox"/>	<input type="checkbox"/>
3F. Wilderness		<input type="checkbox"/>	<input type="checkbox"/>
3G. Wild and Scenic River, or listed on the National Rivers Inventory		<input type="checkbox"/>	<input type="checkbox"/>
3H. National Natural Landmark		<input type="checkbox"/>	<input type="checkbox"/>
3I. Sole Source Aquifer Recharge Area (Designated by Environmental Protection Agency)		<input type="checkbox"/>	<input type="checkbox"/>
<p>3J. Floodplains – Flood Map Panel # _____</p> <p>For actions with disturbances or activities to occur within a floodplain, attach applicable floodplain development permit, elevation surveys, and maps, if available.</p>		<input type="checkbox"/>	<input type="checkbox"/>
3K. Wetlands		YES	NO
<p>(1) Does the proposed action involve ground disturbance, livestock or nutrient waste, or have other potential to adversely impact a wetland?</p> <p>If "YES", proceed to Item 3K(2) below. If "NO" proceed to Item 3L.</p>		<input type="checkbox"/>	<input type="checkbox"/>
<p>(2) Is there a NRCS CPA-026e, United States Army Corps of Engineers, and/or State wetland determination on file or available based on the current AD-1026?</p> <p>If "YES", attach determination (including any USACE or State permits).</p> <p>If "NO", and a determination is not available, attach completed FSA-858.</p>		<input type="checkbox"/>	<input type="checkbox"/>



**FSA-850 (Continued)**

<b>FSA-850 (02-07-17)</b>		Page 3 of 5	
<b>3. REQUIRED REVIEW CONT.</b>		<b>YES</b>	<b>NO</b>
3L. SOILS (& HEL)			
(1) Is there Highly Erodible Land present on the farm property?  If "YES", attach Producer Farm Data Report, Producer Subsidiary Screen print and/or NRCS CPA-026e.		<input type="checkbox"/>	<input type="checkbox"/>
(2) Is there potential to adversely impact previously undisturbed soil? [Ground disturbance below the "plow zone" or previously disturbed area(s)]  If "YES", see Items required under Item 4A and 4B.		<input type="checkbox"/>	<input type="checkbox"/>
<b>4. WATER QUALITY</b>			
A. Does the action have the potential to adversely affect surface or ground water quality?  If "YES", attach as Exhibit 4 a discussion of impacts on water quality and include copies of: <ul style="list-style-type: none"> <li>• Storm Water Pollution Prevention Plan and/or permit required for construction projects</li> <li>• National Pollutant Discharge Elimination System permits and/or nutrient or animal waste plans required for livestock operations</li> <li>• Clean Water Act, USACE, or State water quality permits required</li> <li>• State or County well or water use permits</li> </ul>		<input type="checkbox"/>	<input type="checkbox"/>
B. Will the proposed action impact the quality of surface or ground water?  If "YES", attach a discussion of any impacts to surface or ground water and supporting documentation.		<input type="checkbox"/>	<input type="checkbox"/>
<b>5. AIR QUALITY</b>			
Will the proposed action produce air emissions or odors that are regulated by any Federal, State, or local laws or standards?  If "YES", attach a discussion of any impacts to air quality and copies of any permits required.		<input type="checkbox"/>	<input type="checkbox"/>
<b>6. NOISE</b>			
Will the proposed action result in permanent increases in noise?  If "YES", attach a discussion of any noise impacts.		<input type="checkbox"/>	<input type="checkbox"/>
<b>7. IMPORTANT LAND RESOURCES</b>			
A. Will the proposed action result in the conversion of prime and or unique farmland, prime forest land, or prime rangeland to a nonagricultural use?		<input type="checkbox"/>	<input type="checkbox"/>
B. Is the action consistent with local and state zoning requirements?  If "YES", list the zoning:		<input type="checkbox"/>	<input type="checkbox"/>
<b>8. SOCIOECONOMIC IMPACTS AND ENVIRONMENTAL JUSTICE</b>			
A. Will the proposed action cause any adverse human health or environmental effects to minority or low income communities as defined in the Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"?		<input type="checkbox"/>	<input type="checkbox"/>
B. Will the proposed action have any negative impacts on the local social and economic conditions?  If "YES", attach a discussion of any adverse effects.		<input type="checkbox"/>	<input type="checkbox"/>
<b>9. STATE ENVIRONMENTAL POLICY ACT</b>			
Is the proposed action subject to a State SEPA?  If "YES", attach a discussion of the results of compliance with these requirements.		<input type="checkbox"/>	<input type="checkbox"/>

**FSA-850 (Continued)**

**FSA-850** (02-07-17)

Page 4 of 5

	YES	NO
<p><b>10. PUBLIC REACTION</b></p> <p>Have there been any negative reactions from the public related to the proposed action or similarly situated actions?</p> <p>If "YES", attach a discussion of any associated comments and related correspondence.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>11. CUMULATIVE IMPACTS</b></p> <p>Are there any cumulative impacts resulting from the proposed action?</p> <p>If "YES", attach a discussion of the cumulative impacts of this action and the related activities. Give particular attention to land use changes and air and water quality impacts.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>12. ALTERNATIVE AND MITIGATION</b></p> <p>A. Did the plan, as submitted, include alternatives and/or mitigation?</p> <p>B. Will alternative or other mitigation measures have to be considered?</p> <p>If "YES", to either question, attach a discussion of the feasibility of alternatives and or any measures which will be required to avoid or mitigate the action and their environmental impacts.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>13. COMMENTS – Attached additional pages as needed.</b></p>		

**FSA-850 (Continued)**

FSA-850 (02-07-17)

Page 5 of 5

14. CHECKLIST													
A. Permits & Consultations			B. Forms and Notices										
	Required	Not Required		Required	Not Required								
Army Corps of Engineers Sec. 404 and/or 401 Wetland Permit	<input type="checkbox"/>	<input type="checkbox"/>	Form FSA-851, Environmental Risk Survey (only complete for real estate security)	<input type="checkbox"/>	<input type="checkbox"/>								
National Pollutant Discharge Elimination System (NPDES) Permit	<input type="checkbox"/>	<input type="checkbox"/>	Form NRCS CPA-026e, HEL and WC Determination	<input type="checkbox"/>	<input type="checkbox"/>								
Floodplain Development Permit	<input type="checkbox"/>	<input type="checkbox"/>	Form FSA-858, Determining If A Wetland May Be Present	<input type="checkbox"/>	<input type="checkbox"/>								
Concentrated Animal Feeding Operation (CAFO) Permit	<input type="checkbox"/>	<input type="checkbox"/>	Public Notice for Floodplains as required by section 2(a)(4) of EO 11988	<input type="checkbox"/>	<input type="checkbox"/>								
Storm Water Pollution Prevention Plan (SWPPP) Permit	<input type="checkbox"/>	<input type="checkbox"/>	Public Notice for Wetlands as required by EO 11990	<input type="checkbox"/>	<input type="checkbox"/>								
USFWS and/or NMFS consultation for Endangered and Threatened, Species or critical habitats	<input type="checkbox"/>	<input type="checkbox"/>	<b>C. Maps, Photos and Surveys</b>										
			Location and Aerial Maps	<input type="checkbox"/>	<input type="checkbox"/>								
State Historic Preservation Officer consultation	<input type="checkbox"/>	<input type="checkbox"/>	Topo Maps	<input type="checkbox"/>	<input type="checkbox"/>								
			Site Photos	<input type="checkbox"/>	<input type="checkbox"/>								
Tribal Historic Preservation Officer(s) consultation	<input type="checkbox"/>	<input type="checkbox"/>	Soil Survey	<input type="checkbox"/>	<input type="checkbox"/>								
			Applicable Protected Resources Maps	<input type="checkbox"/>	<input type="checkbox"/>								
<p><b>NOTE:</b> Other permits, forms, maps, surveys and letters may be required and should be attached, as applicable. All permits, forms, maps, surveys and letters should be attached as exhibits corresponding to their appropriate section of this form.</p>													
<p><b>15. FINDING</b></p> <p>I have reviewed and considered the types and degrees of adverse environmental impacts identified by this evaluation. I have also analyzed the proposal for its consistency with FSA environmental policies implementing the requirements of the National Environmental Policy Act and have considered the potential benefits of the proposal. Based upon this consideration and balancing of these factors, I recommend one of the following:</p> <p><input type="checkbox"/> A. This proposed action triggers no extraordinary circumstances. There will be no adverse impacts to the human environment as a result of this proposed action or any adverse effects, either individually or cumulatively. The action can be considered as categorically excluded per 7 CFR Part 799.30. Neither an Environmental Assessment or Environmental Impact Statement will be required. The project is recommended for approval.</p> <p><input type="checkbox"/> B. An Environmental Assessment should be completed to provide further and more complete analysis of any adverse impacts and approval of the action must be delayed pending the outcome of the assessment.</p> <p><input type="checkbox"/> C. An Environmental Impact Statement should be completed to provide further and more complete analysis of any adverse impacts and approval of the action must be delayed pending the outcome of the assessment.</p>													
<p><b>16. REQUIRED SIGNATURES:</b></p> <table border="1"> <tr> <td><b>A. NAME OF PREPARER</b></td> <td><b>B. TITLE OF PREPARER</b></td> </tr> <tr> <td><b>C. SIGNATURE OF PREPARER</b></td> <td><b>D. DATE DOCUMENT WAS PREPARED (MM-DD-YYYY)</b></td> </tr> <tr> <td><b>E. NAME OF APPROVAL OFFICIAL</b></td> <td><b>F. TITLE OF APPROVAL OFFICIAL</b></td> </tr> <tr> <td><b>G. SIGNATURE OF APPROVAL OFFICIAL</b></td> <td><b>H. DATE OF APPROVAL SIGNATURE (MM-DD-YYYY)</b></td> </tr> </table>						<b>A. NAME OF PREPARER</b>	<b>B. TITLE OF PREPARER</b>	<b>C. SIGNATURE OF PREPARER</b>	<b>D. DATE DOCUMENT WAS PREPARED (MM-DD-YYYY)</b>	<b>E. NAME OF APPROVAL OFFICIAL</b>	<b>F. TITLE OF APPROVAL OFFICIAL</b>	<b>G. SIGNATURE OF APPROVAL OFFICIAL</b>	<b>H. DATE OF APPROVAL SIGNATURE (MM-DD-YYYY)</b>
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*Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.*

*To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail, U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.*



FSA-276

**A FSA-276 Completion Instructions**

Complete FSA-276 according to the following table.

<b>Item</b>	<b>Instructions</b>
1	Enter the farm number.
2	Enter the producer's name and address.
3 and 4	<b>To be completed by spot checker.</b> Enter the name and telephone number of the person to contact on the farm during the spot check.
5	Enter the State name.
6	Enter the county name.
7	Enter the current FY.
8	Enter the calendar year the practice was completed.
9	Enter the practice number to be spot-checked.
10	Enter the practice description of the practice to be spot-checked.
11	<b>To be completed by spot checker.</b> Enter the location of the practice spot-checked.
12 A	Enter the practice extent performed reported on AD-245 or FSA-848B.
12 B	<b>To be completed by spot checker.</b> Enter the practice extent found. If acreage is involved and measurement is required, delineate on aerial photograph or record measurements on a sketch drawn on the back of FSA-276. For other practices, describe discrepancies found and method of determining extent of performance, if applicable, in the "Remarks" section.
13	<b>To be completed by spot checker.</b> Check "Yes" or "No", as appropriate, to indicate satisfactory or unsatisfactory maintenance.
14	<b>To be completed by spot checker.</b> Check "Yes" or "No", as appropriate, to indicate whether producer supplied proof of payment of practice to support C/S payments.
15	<b>To be completed by spot checker.</b> Document any discrepancies or other notes in the "Remarks" section.
16	<b>To be completed by spot checker.</b> Spot checker must sign when spot check is completed.
17	<b>To be completed by spot checker.</b> Spot checker must date when spot check is completed.

**FSA-276 (Continued)**

**B Example of FSA-276**

The following is an example of a completed FSA-276.

**This form is available electronically.**

<b>FSA-276</b> (01-29-20)		<b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency		1. FARM NO. A-45	2. PRODUCER'S NAME AND ADDRESS James Michaels 100 School House Rd. Lebanon, PA 12345				
<b>ON-FARM SPOT CHECK RECORD</b>									
Completed form contains information that protected from unauthorized use/unauthorized disclosure by Federal statutes to include the Privacy Act (5 U.S.C. 552a - as amended) and the Freedom of Information Act (5 U.S.C. § 552 - as amended). USDA disclosure of the completed form is restricted to only the individual(s) to whom the information on the form pertains and to authorized personnel who have (1) the appropriate access clearances/permissions and (2) a demonstrated business need to know the information in order to perform their assigned official duties.									
3. NAME OF PERSON CONTACTED ON FARM				4. TELEPHONE NO. (Include Area Code) 123-987-8546	5. STATE PA		6. COUNTY Lebanon	7. FISCAL YEAR 2015	
8. YEAR PRACTICE COMPLETED	9. PRACTICE NO.	10. DESCRIPTION	11. LOCATION (Field No. or Other)	12. EXTENT		13. SATISFACTORY MAINTENANCE		14. PROOF OF PAYMENT SUPPORTING COST-SHARE	
				A. REPORTED ON AD-245	B. SPOT CHECK UNITS	YES	NO	YES	NO
2014	300	Fencing	120 D	1,000 ft.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. REMARKS: (Describe any discrepancies - use separate sheet(s) of paper)									
16. SIGNATURE OF SPOT CHECKER /s/ Spot Checker							17. DATE OF SPOT CHECKER (MM-DD-YYYY) 09-10-20XX		

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