

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Emergency Conservation Program
1-ECP (Revision 3)**

Amendment 2

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Paragraph 3 has been amended to change the reference from 4-CP to 7-CP for waiver provisions.

Paragraph 10 has been added to include information about CCC-770 ECP-1, ECP Checklist Before Payment Is Made, and CCC-770 ECP-2, ECP Checklist After Payment Is Made.

Subparagraph 21 C has been amended to remove the requirement for SED to FAX information to CEPD about the frequency of occurrence for the disaster on the land.

Subparagraph 42 C has been amended to clarify establishment of C/S levels.

Subparagraph 51 G has been amended to correct examples.

Subparagraph 77 B has been added to include payment rounding provisions.

Subparagraph 110 A has been amended to add Christmas tree plantations to land eligibility.

Paragraph 116 has been amended to clarify land under EWP eligibility.

Subparagraphs 131 B and C have been added to update ECP Practice EC7, Other Emergency Conservation Measures – Silt Removal.

Paragraph 135 has been amended to clarify the minimum cost of restoration provisions.

Paragraph 172 has been amended to clarify COC determining eligibility.

Paragraph 174 has been withdrawn to remove the provision for farm credit coordination.

Subparagraph 175 B has been amended to add a requirement to complete CCC-770 ECP-1 and FSA-850.

Subparagraph 175 D has been amended to define when a practice is started.

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraph 176 E has been amended to correct the URL.

Subparagraph 292 E has been added to include a requirement to complete CCC-770 ECP-2.

Subparagraphs 406 C and E have been amended to change the reference from 4-CP to 7-CP.

Subparagraph 418 A has been amended to clarify the minimum cost of restoration for P-A's.

Exhibit 5 has been added to include CCC-770 ECP-2, ECP Checklist Before Payment Is Made.

Exhibit 8 has been amended to clarify language.

Exhibit 11 has been added to include CCC-770 ECP-1, ECP Checklist Before Approval Is Made.

Exhibit 11.5 has been added to include FSA-850, Environmental Checklist for Categorical Exclusions.

Page Control Chart		
TC	Text	Exhibit
1-4 7, 8	1-1 through 1-4 1-9 through 1-32 1-35 through 1-50 1-81, 1-82 1-93, 1-94 1-135, 1-136 1-191, 1-192 1-203, 1-204 2-1, 2-2 2-5, 2-6 3-53 through 3-60 3-123, 3-124 4-1, 4-2 5-29, 5-30 6-3, 6-4	1, pages 1, 2 5, page 1 (add) 8, pages 21, 22 11, page 1 (add) 11.5, pages 1, 2 (add) page 3 (add)

Table of Contents

Page No.

Part 1 Basic Information

Section 1 General Provisions

1	Program Authorization	1-1
2	Related Handbooks	1-3
3	Relief Actions	1-4
4	AD-1026 Requirements	1-5
5	Payments	1-6
6	Special Concerns	1-7
7	Record of Natural Disasters	1-9
8	Program Year	1-9
9	Forms and Supplementation	1-10
10	CCC-770 ECP-1 and ECP-2, ECP Checklists	1-11
11-19	(Reserved)	

Section 2 STC and State Office Responsibilities

20	STC Responsibilities	1-33
21	SED Responsibilities	1-34
22-29	(Reserved)	

Section 3 COC and County Office Responsibilities

30	COC Policies and Actions	1-51
31	Documenting COC Determinations	1-52
32	County Office Employee Action	1-53
33	Functions To Be Performed by CED	1-54
34	Delegations of Authority	1-55
35	COC Action When Disaster Occurs	1-57
36-41	(Reserved)	

Table of Contents (Continued)

Page No.

Part 1 Basic Information (Continued)

Section 4 C/S Policies

42	Maximum C/S Limitation	1-81
43	National Policy on C/S Levels	1-82
44	County C/S Levels	1-83
45	C/S Levels With Limitations	1-84
46	Items Eligible for C/S Assistance	1-85
47	Eligible Costs	1-86
48	Items Ineligible for C/S	1-88
49	Reviewing and Revising Flat Rates and Limitations	1-89
50	Arbitrary Holddowns	1-90
51	Fencing Policy	1-91
52	Easements, Permits, Rights-of-Way, and Water Rights	1-94
53	Bartering	1-95
54-63	(Reserved)	

Section 5 Program Funds Management

64	State and County Allocations	1-115
65	Reserves	1-116
66	Expenditure Limitations	1-116
67	Requesting and Releasing Funds	1-117
68-75	(Reserved)	

Section 6 Transfer for Technical Services

76	MOU	1-133
77	Payment for Technical Services	1-135
78	Reimbursable Technical Services	1-136
79	Providing Technical Services	1-137
80	Outside Assistance	1-138
81	Technical Services Not Chargeable to Producers	1-139
82	Assigned Technical Agency Responsibilities and COC Action	1-139
83-90	(Reserved)	

Table of Contents (Continued)

Page No.

Part 1 Basic Information (Continued)

Section 7 Eligibility of Person and Land

91	Eligible and Ineligible Persons	1-157
92	Determining Eligible and Ineligible “Persons”	1-159
93	Eligibility of Native Americans	1-161
94	Cooperative Grazing Associations and Districts	1-162
95	Clubs and Organizations	1-163
96	Minors	1-163
97	Government Entities	1-165
98	Organized Districts	1-166
99-109	(Reserved)	

Section 8 Land Eligibility

110	Eligible Land	1-191
111	Ineligible Land	1-195
112	Land Located in Nondesignated ECP Counties	1-199
113	Native American Land	1-199
114	Government-Owned Land	1-201
115	Wetlands	1-203
116	Land Under Other C/S Programs	1-203
117-129	(Reserved)	

Part 2 Practice Provisions

130	COC-Approved Practices	2-1
131	Practices Requiring ECP-PM Approval	2-1
132	Practice Lifespans and Maintenance	2-3
133	Size of Structures	2-4
134	Cost Sharing for Minerals and Seeds	2-5
135	Qualifying Minimum Cost of Restoration	2-6
136-150	(Reserved)	

Table of Contents (Continued)

Page No.

Part 3 ECP Requests

Section 1 Accepting Requests

151	Program Availability	3-1
152	Signup	3-2
153	Accepting Requests	3-3
154	Filing Requests	3-5
155	Obtaining Needed Information	3-6
156-170	(Reserved)	

Section 2 Reviewing Requests

171	Onsite Inspection	3-53
172	Determining Eligibility	3-54
173	Using Priorities	3-55
174	(Withdrawn--Amend. 2)	
175	Approvals and Disapprovals	3-57
176	Limited Resource Provisions	3-59
177	Disapprovals and Deferred Action	3-60
178	Pending Requests	3-61
179	Requests Requiring Special Approval	3-62
180	Determining Approval Amount	3-64
181	Documenting COC Decisions	3-65
182	Setting Expirations Dates	3-67
183	Expiration Notice	3-68
184	Canceling Approvals	3-69
185	Reinstating Canceled Approvals	3-70
186-210	(Reserved)	

Section 3 Performance Report Requirements

211	Filing Performance Reports	3-119
212	Reporting Dates	3-120
213	Reporting Practice Extent	3-121
214	Reporting Practice Location	3-122
215	Supporting Data	3-123
216	Maintenance and C/S Refund Responsibility	3-126
217-224	(Reserved)	

Table of Contents (Continued)

Page No.

Part 4 Payments (Continued)

Section 5 Offsets, Assignments, and Alien Withholding Tax

371	Priority of Offsets, Withholdings, and Assignments	4-151
372	Debts Due the United States	4-152
373	Debt Identification on Forms	4-154
374	Nonresident Alien Income Tax	4-155
375	Net Deductions From Net Payments for Multiple Farms	4-157
376-390	(Reserved)	

Part 5 Compliance

Section 1 Spot Checks

391	Lifespan and Maintenance Policy	5-1
392	Spot-Check Policy	5-2
393	Extent of Spot Checks	5-3
394	Scope of Spot Checks	5-4
395	Followup Action on Discrepancies	5-5
396-400	(Reserved)	

Section 2 Violations

401	COC and STC Responsibility	5-21
402	COC and Employee Cases	5-22
403	Withholdings	5-23
404	Handling Program Infractions	5-24
405	Failure to Maintain and Use Practices	5-25
406	Actions That Defeat the ECP Purpose	5-28
407	Late Payment and Refund Interest	5-30
408-416	(Reserved)	

Table of Contents (Continued)

Page No.

Part 6 P-A's

Section 1 P-A Provisions

417	Developing P-A's	6-1
418	Practice Provisions	6-3
419	Designating P-A Agents	6-5
420	P-A's Across State and County Lines	6-6
421	Location of P-A	6-7
422-430	(Reserved)	

Section 2 P-A Approvals

431	Factors to Consider When Approving P-A's	6-29
432	Preparing ACP-153 and ACP-153A	6-30
433	Revisions to P-A's	6-31
434	Preparing ACP-245 for Approval	6-32
435-445	(Reserved)	

Section 3 P-A Payments

446	Computing C/S for P-A's	6-51
447	Issuing Payments for P-A's	6-52

Exhibits

1	Reports, Forms, Abbreviations, and Redelegations of Authority
2	Definitions of Terms Used in This Handbook
3	(Reserved)
4	Policy for Small Payments
5	CCC-770 ECP-2, ECP Checklist Before Payment Is Made
6, 7	(Reserved)
8	National Practices
9	Sample Formats for Providing Disaster Information to News Media
10	(Reserved)
11	CCC-770 ECP-1, ECP Checklist Before Approval Is Made
11.1-11.4	(Reserved)
11.5	FSA-850, Environmental Checklist for Categorical Exclusions
12	Example of FSA-23
13	(Reserved)
14	Completing FSA-18
15	Completing FSA-276
16	Completing ACP-153A
17	Completing ACP-308 for P-A's

Part 1 Basic Information

Section 1 General Provisions

1 Program Authorization

A Program Purpose

ECP is established to:

- rehabilitate farmlands and conservation facilities damaged by:
 - wind and water erosion
 - floods
 - hurricanes
 - other natural disasters
- provide C/S assistance to eligible agricultural producers during periods of severe drought to:
 - supply emergency water for existing irrigation systems serving orchards and vineyards
 - *--supply emergency water for livestock, including confined livestock and poultry.--*

Irrigations systems are:

- buried mainlines
- ditches
- other permanently installed systems.

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

B Sources of Authority

The Agricultural Credit Act of 1978 (92 Stat. 420-434), as amended by the Disaster Assistance Act of 1989, Section 502, is the statutory authority for ECP.

1 Program Authorization (Continued)

C ECP Objectives

The objective of ECP is to provide C/S assistance to agricultural producers who have suffered severe damage to their farmland as a result of a natural disaster.

- The damage must be of such magnitude that it would be too costly for the producer to rehabilitate without Federal assistance.

Note: ECP is **not:**

- an “entitlement” program
- intended that everyone who suffers a loss is entitled to a payment.
- COC shall ensure that the extent of the damage is severe enough to necessitate Federal assistance. See Exhibit 4.

D Handbook Purpose

This handbook provides policies and 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
- providing technical services needed for designated practices
- eligibility of persons, land, and practices
- administrative responsibilities of STC’s and COC’s
- ECP practices and guidelines.

2 Related Handbooks

A Handbooks and Forms

Follow provisions in 1-CONSV, except as instructed in this handbook.

B Other Related Handbooks

Handbooks that relate to ECP are listed in the following table.

IF the material concerns...	THEN see...
audits and investigations	9-AO.
State and County organization and administration	16-AO.
appeals	1-APP.
directives management	1-AS.
clearing forms	3-AS.
records management	25-AS.
common management provisions	1-CM.
farm reconstitutions	2-CM.
conservation automation	1-CONSV.
quality control	1-COR.
compliance	2-CP.
AD-1026 requirements	6-CP.
failure to fully comply	*--7-CP.--*
environmental compliance	1-EQ.
making payments or assignment of payments	1-FI.
handling receipts and deposits	3-FI.
establishing claims	58-FI.
withholding nonresident alien income tax	62-FI.
assignments and joint payments	63-FI.
determining eligible “persons” and payment limitation	1-PL.
--web-based subsidiary files or CCC-770 Eligibility	3-PL.--
CRES procedures	DM 9500-1.
Flash Situation Reports	EOH.
USDA Potential Natural Disaster Damage Assessment Reports	EOH.

3 Relief Actions

A Waiver Authority

Any procedural provision in this handbook may be waived by ECP-PM:

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

This is in addition to, and is **not** a substitution for, either of the following:

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

7 Record of Natural Disasters

A Maintaining County History

County Offices shall maintain a permanent file on natural disasters that have severely damaged agricultural lands in the county, regardless of whether disasters were approved for ECP. This information may be used as a basis for future program requests and designations.

The file may include news articles but shall include as a minimum:

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

File with other ECP documents according to 25-AS.

8 Program Year

A Fiscal Year

The ECP program year is the fiscal year.

9 Forms and Supplementation

A National Forms

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

Note: Forms are available on the FFAS Employee Forms Online Intranet site at <http://intranet.fsa.usda.gov>.

B State Forms

Forms developed by STC's must:

- meet requirements in 3-AS
- be approved by the following:
 - CEPD
 - MSD.

C State Supplementation

STC's may supplement instructions in this handbook according to 1-AS, subject to CEPD review.

--10 CCC-770 ECP-1 and ECP-2, ECP Checklists*A Background**

County Offices have come under close scrutiny because of audits and reviews performed:

- externally by Price-Waterhouse
- internally by COR checking improper payments.

The National Office was mandated to assemble a checklist to assist County Offices.

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

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

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

Note: It would not be practical for CCC-770 ECP-1 or ECP-2 to address every conceivable situation as it pertains to eligibility.

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

CCC-770 ECP-1 and ECP-2 must be completed for every producer who requests a payment.

County Offices shall:

- obtain CCC-770 ECP-1 and ECP-2 from the FFAS Employee Forms Web Site at <http://165.221.16.90/dam/ffasforms/currentforms.asp>
- complete CCC-770 ECP-1 and ECP-2 for each producer requesting benefits
- file CCC-770 ECP-1 and ECP-2 in each ECP application folder.

Completing CCC-770 ECP-1 and ECP-2 is **mandatory**. CCC-770 ECP-1 and ECP-2 developed by the National Office are the only authorized checklists for ECP. County Offices **shall not** use State- or locally-generated checklists for ECP.--*

***--10 CCC-770 ECP-1 and ECP-2, ECP Checklists (Continued)**

D Spot Check Policy

CCC-770 ECP-1 and CCC-770 ECP-2 shall be:

- randomly selected for spot check
- spotchecked to:
 - verify that the forms were properly completed and filed
 - ensure accurate approvals and payments were made.

E CED Spot Checks

CED or their designated representative:

- shall select to spot check, according to this table, at a minimum, the following every FY quarter:

Total Number of CCC-770 ECP-1's or ECP-2's Completed	Number of CCC-770 ECP-1's or ECP-2's to Spot Check
10 or less	5
11 through 1,000	10
More than 1,000	20

- shall spot check every STC's, COC's, and/or employee's CCC-770 ECP-1 and ECP-2
- shall sign CCC-770 ECP-1, item 22B and ECP-2, item 12B and check the "Concur" or "Do Not Concur" box for the randomly selected determination or certification changes
- shall report to COC and the STC representative any CCC-770 ECP-1 and ECP-2 that is checked "Do Not Concur"
- are not required to spot check every CCC-770 ECP-1 and ECP-2 completed in their county.--*

***--10 CCC-770 ECP-1 and ECP-2, ECP Checklists (Continued)**

F State Office Spot Check Selection

The State Office shall select, according to this table, at a minimum, the following for spot check by STC or their representative every FY.

Total Number of CCC-770 ECP-1's or ECP-2's Completed	Number of CCC-770 ECP-1's or ECP-2's to Spot Check
10 or less	3
11 through 1,000	5
More than 1,000	10

G STC or Designee Spot Checks

STC or their designee shall:

- spot check determinations selected by the State Office
- spot check, at a minimum, 50 percent of the CED's spot checks in subparagraph E, which includes the required STC, COC, and employee CCC-770 ECP-1 or ECP-2
- sign CCC-770 ECP-1, item 23B and ECP-2, item 13B and check the "Concur" or "Do Not Concur" box for the selected determination or certification changes
- submit the results of the spot checks to SED.--*

***--10 CCC-770 ECP-1 and ECP-2, ECP Checklists (Continued)**

H National Report

SED's shall report the following to the National Office at the end of each FY:

- quarter
- county
- the number of:
 - CCC-770 ECP-1's and ECP-2's:
 - filed
 - spot-checked by:
 - CED
 - DD or STC designee
 - "Do Not Concur" signed by:
 - CED
 - DD or STC designee.

SED shall e-mail the report to **clayton.furukawa@wdc.usda.gov**. Reports are due to the National Office by October 31 of each year.--*

11-19 (Reserved)

21 SED Responsibilities (Continued)

B Contacting ECP- PM by Telephone

For all natural disasters except droughts, SED or designee shall consult ECP-PM by telephone before concurring with the County Office’s request to implement or expand ECP.

SED shall:

- not delay a County Office’s request for several days in anticipation of receiving other County Offices’ requests
- notify County Offices of concurrence or nonconcurrence by telephone and follow up in writing.

C Needed Information

An SED’s consultation should include all pertinent information about the disaster including an estimate of the amount of funds needed to begin implementing the program. SED shall FAX to CEPD:

- the date and type of disaster
- names of the counties involved
- a request for an allocation of funds, if needed

Note: The amount shall be based on COC’s assessment of **eligible** damage considering the practices to be used.

- the practices required to solve the problems

* * *

- a statement affirming that the disaster caused severe damage to farmland that is not subject to frequent damage. See subparagraph 111 B.

Note: Do not commingle ECP funds from other ongoing or previous ECP-designated disasters.

21 SED Responsibilities (Continued)

D STC Exception

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

E ECP-PM Approval Required

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

For severe droughts, SED shall provide the following information to ECP-PM in addition to the information required by subparagraph 35 E:

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

F Allocation of Funds

SED shall allocate funds to County Offices.

22-29 (Reserved)

Section 4 C/S Policies

42 Maximum C/S Limitation**A Maximum Payment Limitation**

In no case shall the payment exceed 100 percent of the producer's out-of-pocket cost to perform the practice.

B Limitation Based on Land Value

C/S assistance to rehabilitate damaged farmland shall not be more than 50 percent of the agricultural market value of the affected land as determined by COC unless waived by ECP-PM.

Note: In computing the value of the farmland COC may use the county-wide dryland cropland value submitted annually, or the land value survey questionnaire for the previous 3 years.

C * * * Establishment of C/S Levels

--STC or COC shall establish C/S levels for each practice or for the total eligible restoration-- cost if 2 or more practices are involved. C/S levels shall not exceed 75 percent of the eligible cost of restoring the loss.

Note: See subparagraph 5 A for maximum payment limitation.

D Example of C/S Computation

If total eligible costs of all practices caused by the disaster are \$210,000, then 75 percent times \$210,000 equals \$157,500 in C/S.

43 National Policy on C/S Levels

A C/S Levels

C/S levels up to 75 percent of the cost are authorized for ECP practices.

B Limited Resource C/S Levels

C/S levels up to 90 percent of the cost of ECP practices for limited resource producers are authorized if approved by COC.

Note: See Exhibit 2 for the definition of a limited resource producer.

51 Fencing Policy (Continued)

G Adjusting for Age of Fencing

COC's shall adjust cost sharing for fencing based on the age of the fence.

IF the age of the fence at time of disaster is...	THEN the allowable cost share percentage is...
0 to 5 years	100 percent.
6 to 10 years	75 percent.
11 to 30 years	60 percent.
over 30 years	0 percent if all components are over 30 years old.

If some of a fence's components have been replaced since the fence was erected and the average of the components is less than 30 years, then the allowable cost share percentage determined by COC is not to exceed 60 percent.

Examples: Fence was 6 years old at time of disaster. The total eligible cost of restoration *--is \$50,000. C/S computation is $50,000 \times .75 \times .75 = \$28,125$ cost shares.--*

Fence has been in place over 30 years, but the average age of all of fence components is 25 years. Total eligible cost is \$50,000. C/S computation is $50,000 \times .75 \times .60 = \$22,500$ cost shares.

52 Easements, Permits, Rights-of-Way, and Water Rights**A Persons Responsible for Obtaining Easements and Permits**

Persons 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 Cost Sharing

COC shall:

- not pay cost sharing if necessary easements, permits, or other necessary permission has not been obtained by the participant
- indicate on AD-245, “Remarks” section whether necessary permission has been obtained
- confer with responsible technical agency to ensure that necessary easements, permits, or other necessary permission has 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 cost shares for the practice.

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

D Producer’s Responsibility for Losses

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

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

77 Payment for Technical Services

A Actual Costs

The NRCS State Office shall bill the FSA State Office for the actual cost of ECP services performed. These billings may not exceed 10 percent of the amount of funds allocated to counties.

Note: See 1-FI, Exhibit 5, for payment code to be used for technical service payment.

***--B Rounding Payments**

FSA State Offices shall issue payment for technical services in whole dollars only. Standard rounding principles apply.--*

78 Reimbursable Technical Services**A Phases of Reimbursable Technical Services**

Technical assistance to be provided in servicing assigned practices may involve all of the following phases of implementing a practice:

- determining whether the practice is needed and feasible
- selecting a site

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 practice conforms with specifications
- inspecting practices to determine whether specifications have been met and the extent performed.

Section 8 Land Eligibility

110 Eligible Land

A General Provisions

The provisions in this subparagraph apply to specific land, such as farm or tract, if known, for which an ECP application is filed or has been filed.

Land that is eligible under ECP, includes land:

- physically located in a county that has been approved for ECP
- normally used for farming or ranching operations
- privately owned and on which commercial aquaculture facilities are located
- 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
- used for producing agricultural commodities
- where conservation structures are installed

Example: Examples of conservation structures include waterways, terraces, sediment basins, diversions, windbreaks, and so forth.

- devoted to container-grown nursery stock if the:
 - nursery grows stock commercially for wholesale purposes
 - nursery stock is grown on land in containers for at least 1 year
- *--in Christmas tree plantations--*

110 Eligible Land (Continued)

A General Provisions (Continued)

- 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 irrigation canals or facilities that are located on the inside of the canal's banks as long as 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.

115 Wetlands

A C/S Not Eligible

Cost sharing shall not be approved for practices that would drain or negatively impact the quality of any wetlands as defined in the NRCS Field Office Technical Guide.

116 Land Under Other C/S Programs

A Determining Eligibility

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

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 C/S under another program	another component of the same or comparable practice is C/S under another program to treat the same problem on the same land	not be authorized.
practices are split on the same land	C/S would be split between different Federal programs	
participants have or will receive funding on the same acreage under: <ul style="list-style-type: none"> • CRP • WRP • EWRP * * * 		
--participants have or will receive funding for the same or similar practice under EWP--		

117-129 (Reserved)

Part 2 Practice Provisions

130 COC-Approved Practices

A County Program

COC shall:

- use the nationally approved ECP practices as they are written according to national policy and procedure
- submit any request to STC for review and approval before any revised practice is used.

See Exhibit 8 for nationally approved practices.

131 Practices Requiring ECP-PM Approval

A Practices Requiring Special Approval

Approval authority for ECP Practices EC6 and EC7 is required by ECP-PM before practice implementation.

***--B Change in Silt Removal Policy**

Effective December 31, 2006, ECP Practice EC7, Other Emergency Conservation Measures – Silt Removal, is no longer an eligible ECP practice, except in cases where there is an immediate source of water. COC's shall not approve any requests for ECP Practice EC7, except in cases where there is an immediate source of water after December 31, 2006.

Example 1: Producer A has a pond in a grazing paddock that has silted in and dried up. The pond relies on a seasonal spring during the fall and winter to fill the pond. The county is approved for ECP drought in July. If the pond is cleaned out, water will not be available until fall and winter rains recharge the spring and pond. Beginning January 1, 2007, Producer A is not eligible for ECP Practice EC7 because the spring will not provide water until the fall.

Example 2: Producer B has a pond in a pasture that has silted in and the water it holds is not sufficient for the livestock each day. The pond relies on a continuous spring that fills the pond. The county is approved for ECP drought in July. If the pond is cleaned out, the added depth will hold enough water to provide sufficient water each day for the livestock. Beginning January 1, 2007, Producer B is eligible for ECP Practice EC7 because the pond has an immediate supply of water.--*

131 Practices Requiring ECP-PM Approval (Continued)

***--C State Office Action**

State Offices with an approved ECP Practice EC7 for removing silt from water impoundment reservoirs shall:

- amend their ECP Practice EC7 write-up to reflect this change in policy effective December 31, 2006
- send the amended ECP Practice EC7 write-up for review to CEPD, Attn: ECP Program Manager by FAX at 202-720-4619.--*

134 Cost Sharing for Minerals and Seeds

A Authorized Cost Sharing

Cost sharing for minerals and seeds is authorized only for establishing or re-establishing permanent vegetative cover on eligible structures or installations where needed to prevent critical erosion and siltation.

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 practice under normal conditions.

135 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. The minimum qualifying cost of restoration is set at \$1,000 per participant.

The minimum qualifying cost of \$1,000 shall be based on the total eligible cost of all practices for the same disaster.

Each State may establish a higher minimum qualifying cost of restoration.

Producers may request a waiver of the minimum qualifying cost of restoration to COC. The waiver shall be in writing and will document the following:

- how failure to grant the request will result in environmental damages or hardship to the producer
- how the waiver will accomplish the goals of the program.

Any approved waiver of the minimum qualifying cost of restoration shall be reviewed by a STC representative and recorded in the COC minutes.

136-150 (Reserved)

Section 2 Reviewing Requests

171 Onsite Inspection

A Documenting Damage

After obtaining concurrence to implement ECP, COC shall document each request including those received when funds were not available to show that an FSA employee or designee:

- made an individual onsite inspection as soon as possible to determine whether the damage met ECP requirements

Note: 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."

- determined whether:
 - type and extent of damage qualified according to paragraph 35
 - the damage resulted from a type of disaster that does not occur frequently in the area as defined in paragraph 110.

B Environmental Compliance

For each request for assistance, FSA will complete an evaluation of the proposed practice using FSA-850 to determine whether the proposed practice would have any adverse impacts to the human environment. The environmental evaluation will be completed before COC approval.

The guidance contained in 1-EQ will be followed when completing this environmental evaluation.

172 Determining Eligibility

A COC Determining Eligibility

When determining eligibility, COC shall determine whether:

- the applicant and the land are eligible
- the requested practice justifies the investment of funds
- the practice costs are beyond what the producer would accomplish with his or her own resources
- approval of cost sharing meets the objectives of ECP
- the land to be benefitted is and will continue to be used for agricultural production.

The practice is ineligible if any of the following apply:

- the practice has been started before ECP assistance was requested
- the work is considered normal upkeep or maintenance
- the primary purpose of the practice is to bring new or additional land into agricultural production
- a water impoundment or improvement facility is primarily for household or recreational use
- 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
- *--the practice was started before it was approved by COC.

Notes: See subparagraph 175 D for exceptions to this provision.

FSA-851 must still be completed before COC determination of the practice approval.--*

173 Using Priorities

A Prioritize All Requests

All requests shall be prioritized by COC before approval.

B Prioritization Factors

The factors that may be taken into account in setting priorities may include, but are not limited to, the following:

- type and degree of damage
- type of practices needed to address the problem
- availability of funds
- availability of technical assistance
- environmental concerns
- safety factors
- welfare of eligible livestock
- safety factors, such as a pond dam that poses a threat to life or property.

174 (Withdrawn--Amend. 2)

175 Approvals and Disapprovals

A Reviewing Requests

An STC representative shall review a sample of ECP requests made on AD-245 **before** COC approval to ensure that requests reviewed meet ECP requirements.

B COC Action

COC shall:

- advise applicants in writing of action taken or to be taken on requests
- issue a practice approval only if **all** of the following are met:
 - the request is eligible for cost sharing
 - the damage was the result of a disaster not occurring frequently in the area
 - the producer filed AD-245 before starting the practice
 - funds are available
 - an onsite inspection has been completed by an FSA or other authorized agency employee, such as NRCS or CSREES, with approval from ECP-PM
 - the practice was started after the agency responsible for technical assistance has made any necessary technical determinations
- *--complete CCC-770 ECP-1 (Exhibit 11) before approving request
- complete FSA-850 (Exhibit 11.5) before approving request.--*

COC in the headquarters county shall continue to use the State and its county code to identify all AD-245's and other documentation and statistical reporting requirements related to implementing ECP on the eligible farmland in a designated ECP county.

175 Approvals and Disapprovals (Continued)

C Disapproved Practices

Do **not** approve cost sharing to restore practices that were not serving their conservation purpose, including water conservation directly related to agriculture, before the disaster **except** for cases involving debris removal.

D Waiver When Producer Starts Practice Before Approval

In certain instances, producers after filing AD-245, need to start the ECP practice before it can be approved. COC may, with STC concurrence, waive the prior approval rule on a case-by-case basis, if justified. Justification may include availability of contractor, or steps to prevent further losses. See subparagraph E.

*--For ECP purposes, a practice is considered started when a producer first:

- purchases material for the practice
- signs a contract
- physically starts work on the project.

Example: A producer contracts to drill a well to supply water for livestock in March. In July, before work has begun, the county is approved for ECP drought. The producer knew in March that he or she would be drilling a well. For ECP purposes, the date the producer signed the contract in March is the starting date for the practice. Since the March signing date is more than 60 calendar days before the drought in July, the producer is not eligible for ECP assistance.

E Granting Relief for Starting a Practice Before Filing AD-245--*

COC, with STC or its representative concurrence, may grant relief on a case-by-case basis when a producer does not submit AD-245 before starting restoration measures, if the following apply:

- the disaster created a situation that required the producer to take immediate steps to prevent further losses

Examples: Examples of these situations are emergency repair of:

- fences to contain livestock
- a * * * dam that poses an immediate threat to life and property.
- AD-245 is filed within 15 calendar days of the start of signup period if the work has begun before submitting AD-245
- a practice was started no more than 60 calendar days before the ECP disaster designation was approved for the applicable County Office.

176 Limited Resource Provisions**A Special Considerations**

Requests filed by limited resource producers shall be given special consideration.

B Limited Resource Determinations

Limited resource C/S rates shall be approved only when COC determines that the producer qualifies after reviewing the information on ACP-256.

Make this determination before issuing the related AD-245.

C Weighted Limited Resource C/S

If some eligible “persons” contributing to a practice will qualify for limited resource rates and others will qualify for regular rates, determine the weighted total C/S to be approved on AD-245, page 1.

D Limited Resource Rate

The maximum C/S rate for limited resource producers is 90 percent.

E Qualification for Limited Resource Producer

County Offices shall review the NRCS website to be prepared to assist producers who wish to qualify as a limited resource producer. The website is:

- used as an online tool to determine producer eligibility
- *--at www.nrcs.usda.gov/programs/SLB_Farmer/.*--

F Outreach for Limited Resource Producers

State and County Offices shall make a concerted effort to ensure that information about ECP signup and eligibility requirements are made available to limited resource producers.

177 Disapprovals and Deferred Action

A Disapproving Requests

If COC disapproves the request, promptly notify the applicant of:

- reason for disapproval, according to 1-CONSV, paragraph 216
- the right to appeal COC's decision, according to 1-APP.

B Documenting COC Minutes

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

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

C Deferred Action

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

215 Supporting Data

A Obtaining Evidence

In all cases, obtain evidence to determine whether practice requirements are met and to determine proper payment. This may include:

- necessary invoices
- canceled checks
- paid receipts
- analysis tags
- other similar evidence.

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.

Step	COC Action
1	Applicant must provide satisfactory evidence to determine whether practice requirements were satisfied, which may include: <ul style="list-style-type: none"> • invoices • canceled checks • paid receipts.
2	Manually enter the cost of performing the components of the practice on AD-245, page 2, column G, above the extent reported.
3	If a discount was applied, use the sale price minus the discount to compute C/S.
4	Consider costs reported paid by ineligible persons.

215 Supporting Data (Continued)

B Invoices and Documentation * * * (Continued)

Step	COC Action
5	If used materials are involved, COC shall determine and document the value of these materials based on current commercial rates.
6	<p>If the producer performed the practice with the producer’s own labor, equipment, or materials, the producer shall submit signed, itemized statements.</p> <p>Statements shall include:</p> <ul style="list-style-type: none"> • dates of work performed • cost per hour charged for labor • type of equipment used • charge for equipment • type and cost of materials used • other applicable information. <p>Costs allowed in these cases shall not exceed the prevailing current commercial rates determined by COC.</p>

C Retaining Invoices and Documentation

Keep supporting evidence for percent of cost practice payments on file in the County Office for the same period as for other related program documents. See 25-AS.

For C/S computed using the percent of cost 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.

Part 4 Payments

Section 1 Computing C/S Earned

292 Payments

A Issuing Payments

Issue payments according to 1-CONSV. Payments are automatically issued through the CRES/accounting interface when performance is recorded on AD-245.

B Payment Review

An STC representative shall be responsible for ensuring that payments are justified.

The STC representative shall provide a written report of the findings to SED.

C Ineligible Contributions

Ineligible contributions shall be handled according to paragraph 240.

D Producer Maximum

The producer shall receive no more than 100 percent of out-of-pocket costs. See paragraph 53 for bartering.

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

COC or designee shall complete CCC-770 ECP-2 before an ECP payment is made. See Exhibit 5.--*

293 Eligible and Ineligible Items for Computing 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 who are entitled to make a profit for their efforts.

B Ineligible Costs

Ineligible costs for computing C/S earned include:

- pumps and pumping accessories

Exception: Permanently installed submersible pumps that are required as an integral part of a new well.

- dry wells
- measures to control insects or rodents or to treat plant diseases and nematodes
- engineering charges or permit fees
- consultant's fees, unless specifically permitted in practice writeup
- chopping or shredding residue from crops for insect control
- providing land or the right to use land or water
- meeting supplemental requirements, such as, abstaining from harvesting
- loss or reduction in revenue from the land
- rent or other costs of using land
- fees for the installing power sources, except for installing solar panels if it is the least costly alternative in providing water for livestock.

406 Actions That Defeat the ECP Purpose (Continued)

C Violations Requiring Special Handling

The following types of violations shall be referred to STC:

- a scheme or device depriving other persons of C/S
- knowingly filing false claims
- evading the maximum C/S limitation
- evading 1-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 shall refund all or any part of C/S payments if the person negligently 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.

407 Late Payment and Refund Interest

A Policy

Late payments and refund interest rates apply to C/S recovered from violations or infractions according to 58-FI.

408-416 (Reserved)

418 Practice Provisions

A General Provisions

Participants in P-A's are responsible for obtaining the authorities, rights, permits, easements, or other approvals necessary to perform the practice.

- All participants in P-A's are jointly and severally responsible for practice maintenance.
- By signing ACP-153, each participant in P-A conveys authorities, rights, easements, or other approvals to the other P-A participants to use the land to install, maintain, and repair the practices.
- *--Each participant in P-A's must meet the policy for small payments outlined in subparagraph 135 A and Exhibit 4.--*

B P-A Practice Approvals

To approve P-A's, STC's may establish a maximum total C/S for which COC's can approve P-A's without prior STC approval.

Note: When the total C/S requested exceeds this amount, P-A's must be submitted to STC.

418 Practice Provisions (Continued)

C Conditions That Make Practices Ineligible Under P-A

Practices are ineligible for P-A's when:

- the purpose is to permit 1 producer to install a practice on the land of another, primarily for the first producer's own benefit
- only 1 eligible "person" contributes to the cost of a practice or if only token contributions are made by other eligible "persons", even though the practice may benefit other farms
- an identical problem exists independently on a number of farms and the type of practice would result in primary and direct benefits only to the area treated on each farm.

D Number of AD-245's

Prepare one AD-245 per practice.

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
ACP-153	Pooling Agreement		417-419, 432-434, 446, Ex. 16
ACP-153A	Pooling Agreement Worksheet	Ex. 16	Text, Ex. 17
ACP-256	Request for Consideration Under Low-Income Provision		154, 176
ACP-301	Record of AD-862's (For Automated Processing)		393
ACP-308	Transmittal - Pooling Agreement/Special Project	Ex. 17	432
AD-245	Request for Cost Shares		Text, Ex. 8, 14, 15, 16
AD-862	Conservation Reporting and Evaluation System		Text
AD-1026	Appendix to Form for AD-1026 Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification		2, 4, 334
CCC-36	Assignment of Payment		296, 419
CCC-170	Agreement for ECP Assistance for Levees Not Yet Repaired to Corps of Engineers Specifications	111	
CCC-184	CCC Check		Ex. 16
CCC-770 ECP-1	ECP Checklist Before Approval Is Made	Ex. 11	10, 175
CCC-770 ECP-2	ECP Checklist Before Payment Is Made	Ex. 5	10, 292

Reports, Forms, Abbreviations, and Delegations of Authority (Continued)

Forms (Continued)

Number	Title	Display Reference	Reference
FSA-18	Applicants Agreement to Complete An Uncompleted Practice	Ex. 14	321
FSA-23	Determining Agricultural Market Value and Cost Share Per Acre Worksheet	Ex. 12	179
FSA-276	On-Farm Spot Check Record	Ex. 15	393, 394
FSA-357	State Program Allocation		67
FSA-604	Debt Register		374, 375
FSA-850	Environmental Checklist for Categorical Exclusions	Ex. 11.5	171, 175
FSA-851	Environmental Risk Survey Form		172

Abbreviations Not Listed in 1-CM

The following table lists all abbreviations not listed in 1-CM.

Approved Abbreviation	Term	Reference
CES	County Extension Service	45, 79
C/S	cost share	Text, Ex. 4, 8, 12
EFT	electronic funds transfer	331, 351
EOH	Emergency Operations Handbook	2, 35
EWP	Emergency Watershed Protection Program	116
EWRP	Emergency Wetlands Reserve Program	116
ECP-PM	Emergency Conservation Program - Program Manager	Text, Ex. 8
HELC	Highly Erodible Land Conservation	4
MOU	Memorandum of Understanding	76
P-A	pooling agreement	Text, Ex. 16, 17
WC	Wetland Conservation	4

Delegations of Authority

The following table list all delegations of authority for this handbook.

Delegation	Reference
STC may redelegate authority to approve pooling agreements.	67, 115

CCC-770 ECP-2, ECP Checklist Before Payment Is Made

Following is a copy of CCC-770 ECP-2. This form is available from the FFAS Employee Forms Online Web Site at <http://165.221.16.90/dam/ffasforms/forms.html>.

This form is available electronically.

CCC-770 ECP-2 (01-23-07) ECP CHECKLIST BEFORE PAYMENT IS MADE	U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation	1. Producer's Name
		2. State Office Name
		3. County Office Name
		4. Control Number
		5. FSN
	6. Disaster Type	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 payments is mandatory.

	Handbook or Other Applicable References	YES	NO	N/A	Date Completed
8. Computation:					
A. Supporting documentation (bills, invoices, etc.) has been provided by the producer and is date stamped.	1-ECP, paragraph 215				
B. Minimum qualifying cost of restoration is met.	1-ECP, paragraph 135				
C. Only eligible items are cost shared.	1-ECP, paragraph 293				
D. List of all eligible persons to receive an ECP payment.	1-ECP, Part 3, Section 5				
E. Make sure cost shares are rounded to the nearest dollar.	1-ECP, subparagraph 294B				
F. No payment or combination of payments exceeds \$200,000 per person per disaster.	1-ECP, subparagraph 5A				
9. Payments:					
A. Was the CCC-770 Eligibility checklist complete and verified to ensure the producer(s) are in compliance to receive ELP payments.	3-PL, paragraph 3				
B. Practice expiration date was not exceeded.	1-ECP, paragraph 182				
C. STC representative has reviewed any request from COC, County Office or State Office personnel.	1-ECP, subparagraph 179A				
D. Approvals are within authorized approval authority.	1-ECP, subparagraph 179B				
E. AD-245, page 2 has been signed by the producer.	1-ECP, subparagraph 211C				
F. Verify participant marked items G, X and Y on page 2 of AD-245.	1-CONSV, subparagraph 195A				
G. AD-245 has been timely filed – before practice expiration date.	1-ECP, paragraph 212				
H. Practice completed by eligible person on eligible land.	1-ECP, Part 1, Section 7				
I. AD-862 completed and signed by responsible technical agency.	1-ECP, paragraphs 225 and 226				
J. Practice location is recorded on aerial photography/imaging.	1-ECP, paragraph 214				
K. AD-245 is updated with final performance data.	1-ECP, subparagraph 211B				
L. Payment does not exceed 100 percent of the producer's out-of-pocket costs.	1-ECP, subparagraph 42A				
M. Payment does not exceed 50 percent of the agricultural market value of the land.	1-ECP, subparagraph 42B				
N. For drought, ECP drought designation approved by ECP PM before signup period is approved.	1-ECP, subparagraphs 35D, E, and H				
O. Has county office made second party review?	1-CONSV, paragraph 194				
P. Payments are issued timely. See 61-FI for prompt payment provisions.	1-ECP 61-FI				
10. Remarks					
Certification: <i>I (we) the undersigned certify the above items have been verified or updated accordingly.</i>					
11A. Signature of Preparer					11B. Date (MM-DD-YYYY)
12A. I concur/do not concur the above items have been verified and updated. <input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur					
12B. CED Signature for Spotcheck					12C. Date (MM-DD-YYYY)
13A. I concur/do not concur the above items have been verified and updated. <input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur					
13B. DD Signature for Spotcheck					13C. Date (MM-DD-YYYY)

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

National Practices (Continued)

EC6 Drought Emergency Measures (Continued)

F Lifespan

Permanently installed measures meeting NRCS technical standards and specifications shall 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 1 of the following:

- county program
- ECP-PM.

G C/S Rate

C/S rate is 50 percent of the actual cost for all permanent practices and 75 percent of the actual cost for all temporary practices.

Express the C/S rate as follows:

- “_____ percent of the actual cost not to exceed \$_____ per unit of measure.”
The limitation shall be based on the average cost of performing the unit of measure.
- “_____ percent of the actual cost not to exceed an amount determined by COC.”
In this case, the limitation is the amount approved on AD-245. This method of expressing C/S rates shall be used only where average costs cannot be determined.

H Specifications

The practice shall provide details of any requirements upon which cost sharing is conditioned. Technical specifications may be included or incorporated by reference.

National Practices (Continued)

EC6 Drought Emergency Measures (Continued)

I Permanent and Temporary Measures

--The following shows examples of permanent measures and temporary measures.--

Permanent Measures	Temporary Measures
buried pipelines	temporary pipelines
irrigation tailwater recovery systems for orchards and vineyards	spring developments
construction and deepening of wells	<ul style="list-style-type: none">• earthen tanks where a source of underground water is available• dugouts• water troughs• development of seeps

CCC-770 ECP-1, ECP Checklist Before Approval Is Made

Following is a copy of CCC-770 ECP-1. This form is available from the FFAS Employee Forms Online Web Site at <http://165.221.16.90/dam/ffasforms/forms.html>.

This form is available electronically.		CCC-770 ECP-1 (12-19-06)		U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation		1. Producer's Name	
ECP CHECKLIST BEFORE APPROVAL IS MADE		2. State Office Name		3. County Office Name			
		4. Control Number		5. FSN			
		6. Disaster Type		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 payments is mandatory.							
Verification		Handbook or Other Applicable References		YES	NO	N/A	Date Completed
8. County has recorded ECP allocation on System 36.		1-CONSV, paragraph 400					
9. Onsite inspection has been completed.		1-ECP, subparagraph 171A					
10. Practice was started after the producer requested ECP assistance. If "NO", see paragraph 175.		1-ECP, paragraph 175					
11. Was the CCC-770 Eligibility Checklist completed and verified to ensure the producer(s) are in compliance to receive ECP payments?		3-PL, paragraph 3					
12. STC representative has reviewed sample ECP requests before COC approval.		1-ECP, subparagraph 175A					
13. All easements, permits, rights-of-way, water rights are in order.		1-ECP, paragraph 52					
14. FSA-850 is on file.		1-EQ					
15. Ensure that no approvals are made on land that will have an adverse impact on endangered species or historical sites.		1-ECP, paragraph 6					
16. No ECP approvals on land under WRP or for the same or similar practices under EWP.		1-ECP, paragraph 6					
17. COC has approved the AD-245 and documented it in the COC minutes.		1-ECP, paragraph 181					
18. Applicant notified of approved extent and cost shares with copy of AD-245 and letter.		1-CONSV, subparagraph 181C					
19. ECP application has been entered into System 36.		1-CONSV, paragraph 103					
20. Remarks							
Certification: <i>I (we) the undersigned certify the above items have been verified or updated accordingly.</i>							
21A. Signature of Preparer(s)				21B. Date (MM-DD-YYYY)			
22A. I concur/do not concur the above items have been verified and updated.				<input type="checkbox"/> Concur		<input type="checkbox"/> Do Not Concur	
22B. CED Signature for Spotcheck				22C. Date (MM-DD-YYYY)			
23A. I concur/do not concur the above items have been verified and updated.				<input type="checkbox"/> Concur		<input type="checkbox"/> Do Not Concur	
23A. DD Signature for Spotcheck				23C. Date (MM-DD-YYYY)			
<small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.</small>							

FSA-850, Environmental Checklist for Categorical Exclusions

Following is a copy of FSA-850. This form is available from the FFAS Employee Forms Online Web Site at <http://165.221.16.90/dam/ffasforms/forms.html>.

This form is available electronically.

FSA-850 (06-14-02)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		1. PROJECT INFORMATION							
ENVIRONMENTAL EVALUATION CHECKLIST				1A. PRODUCER or APPLICANT NAME							
				1B. PROJECT NUMBER			1C. STATE & COUNTY CODE				
1D. TYPE OF PROJECT LOAN <input type="checkbox"/> CRP <input type="checkbox"/> ECP <input type="checkbox"/> OTHER <input type="checkbox"/>		1E. PROJECT OR DESCRIPTION		1F. GENERAL LOCATION							
2. BACKGROUND											
a. Describe the purpose and need for the project:											
b. Describe the project site and its present use:											
c. Describe the surrounding land uses; indicate the directions and distances involved. The extent of the surrounding land to be considered depends on the extent of the potential impacts of the project, its related activities, and the primary beneficiaries:											
Attach adequate location maps of the project area, as well as (1) an aerial photo of the site, (2) if available, topographic map which clearly delineates the area and the location of the project elements, (3) if available, site photos, and (4) if completed, a standard soil survey for the project. When necessary for descriptive purposes or environmental analysis, include land use maps or other graphic information. All graphic materials shall be of high quality resolution.											
3. PROTECTED RESOURCES For the below listed land uses or environmental resources, check the appropriate answer in Column A to indicate those that are present on the site(s) of the proposed action. Check the appropriate answer in Column B for those resources that are within the action's area of environmental impact, such as the areas adjacent to the proposed site(s). Check the appropriate answer in Column C for those land uses and environmental resources that will be adversely affected by the proposed action.				A Located on the site of the proposed action		B Located within the proposed action area of environmental impact		C Adversely affected by the proposed action			
Check the appropriate boxes as provided: - If "YES" is checked in Column A or B, then Column C must be completed. - If "YES" is checked in Column C, attach as Exhibit 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, and 3i as applicable, a discussion and description of all potential impacts.				YES	NO	YES	NO	YES	NO		
a. Wetlands An AD-1026 must be completed by all producers who request USDA program or loan benefits covered by the FSA of 1985, as amended by the Federal Agriculture Improvement and Reform Act of 1996. If any of questions 8 through 10 of the AD-1026 are answered "YES," then a NRCS CPA-026e must be completed and attached.											
b. Floodplains - Flood Map Panel # _____ For projects involving construction/development in floodplains, attach applicable floodplain development permits.											
c. Sole Source Aquifer Recharge Area (Designated by Environmental Protection Agency) The proposed action must not contaminate or contribute to the contamination of a sole source aquifer to the extent that a significant hazard to public health is created.											
d. Critical Habitat or Endangered/Threatened Species (listed or proposed) Consult with the U.S. Fish and Wildlife to ensure that the proposed action will not jeopardize a listed species or destroy or modify its "critical habitat" in accordance with the Endangered Species Act.											
e. Wilderness											
f. Coastal Barrier in Coastal Barrier Resources System or Approved Coastal Zone Management Area											
g. Wild or Scenic River											
h. Natural Landmark											
i. Historical, Archeological Sites											

FSA-850, Environmental Checklist for Categorical Exclusions (Continued)

<p>FSA-850 (Page 2) (06-14-02)</p> <p>4. WATER QUALITY</p> <p>a. Will the proposed action adversely affect the quality of surface and/or ground water? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>b. Will the proposed action comply with the requirements of the Clean Water Act and any applicable State water quality laws? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If Item 4a is answered "YES," attach as Exhibit 4, a discussion of any impacts to water quality.</p>
<p>5. AIR QUALITY</p> <p>Will the proposed action produce air emissions or odors that will violate any Federal, State, or local laws or standards? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If "YES," attach as Exhibit 5, a discussion of any impacts to air quality.</p>
<p>6. NOISE</p> <p>Will the proposed action result in permanent increases in noise levels? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If "YES," attach as Exhibit 6, a discussion of any noise impacts.</p>
<p>7. IMPORTANT LAND RESOURCES</p> <p>Will the proposed action result in the conversion of important farmland, prime forest land, or prime rangeland to a nonagricultural use? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If "YES," attach as Exhibit 7, a discussion of which land resources would be affected along with any alternatives to the proposed action.</p>
<p>8. UNIQUE NATURAL FEATURES AND AREAS</p> <p>a. Will the project be located near natural features (i.e. bluffs, caves, or cliffs) or near public or private scenic areas? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>b. Are other natural resources visible on the site or in the vicinity? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>c. Will any such resources be adversely affected or will they adversely affect the project? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If Item 8c is answered "YES," attach as Exhibit 8, a discussion of such natural features or areas and potential adverse impacts.</p>
<p>9. ENVIRONMENTAL JUSTICE</p> <p>Will the proposed action cause any adverse human health or environmental effects to minority or low income communities as defined in the Executive Order 12896, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If "YES," attach as Exhibit 9, a discussion of any adverse effects.</p>
<p>10. SOCIAL AND ECONOMIC IMPACTS</p> <p>Will the proposed action have any negative impacts on the local social and economic conditions? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If "YES," attach as Exhibit 10, a discussion of any negative impacts.</p>
<p>11. STATE ENVIRONMENTAL POLICY ACT</p> <p>Is the proposed project subject to a State NEPA? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If "YES," attach as Exhibit 11, a discussion of the results of compliance with these requirements.</p>
<p>12. PUBLIC REACTION</p> <p>Have there been any negative reactions from the public related to the proposed project? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If "YES," attach as Exhibit 12, a discussion of any associated comments and related correspondence.</p>

FSA-850, Environmental Checklist for Categorical Exclusions (Continued)

FSA-850 (Page 3) (06-14-02)

13. CUMULATIVE IMPACTS
 Are there any cumulative impacts resulting from the proposed project? YES NO
 If "YES," attach as Exhibit 13, a discussion of the cumulative impacts of this project and the related activities. Give particular attention to land use changes and air and water quality impacts.

14. ALTERNATIVES
 Based on the answers provided in this form, will alternatives have to be considered? YES NO
 If "YES," attach as Exhibit 14, a discussion of the feasibility of alternatives to the project and their environmental impacts.

15. MITIGATION MEASURES
 Based on the answers provided in this form, will mitigation measures have to be considered? YES NO
 If "YES," attach as Exhibit 15, a discussion of any measures which will be required to avoid or mitigate the identified adverse impacts.

16. COMMENTS

17. CHECKLIST

Permits			Forms		
	Required	Not Required		Required	Not Required
Army Corps of Engineers 404			Form FSA-851, Environmental Risk Assessment		
NPDES Storm Water			Form NRCS CPA-026e, HEL and WC Determination		
Floodplain Development Permit			Form FEMA 81-93, Standard Flood Hazard Determination		
CAFO Permit					

Letters and Other Requirements

	Required	Not Required		Required	Not Required
Fish and Wildlife Service clearance on Endangered/Threatened Species			Public Notice for Floodplains as required by section 2(a)(4) of EO 11988		
State Historic Preservation Officer consultation			Tribal Historic Preservation Officer consultation		

NOTE: Other permits, forms, and letters may be required and should be attached as applicable. All permits, forms, and letters should be attached as exhibits corresponding to their appropriate section of this form.

18. FINDING
 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:

a. There will be no adverse impacts as a result of this proposed action or any adverse effects, either individually or cumulatively. The project can be considered as categorically excluded per § 799.10 of 7 CFR Part 799. Neither an Environmental Assessment or Environmental Impact Statement will be required. The project is recommended for approval.

b. An Environmental Assessment should be completed to provide further and more complete analysis of any adverse impacts and approval of the project must be delayed pending the outcome of the assessment.

19A. NAME OF PREPARER	19B. TITLE OF PREPARER
19C. SIGNATURE OF PREPARER	19D. DATE (MM-DD-YYYY)
19E. SIGNATURE OF CONCURRING OFFICIAL	19F. TITLE OF CONCURRING OFFICIAL

