

For: State and County Offices

**Authority to Issue ECP Cost-Share Payments and
AD-245B, Addendum to AD-245 to Certify to Reconciliation of Payment**

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

Following rollover for FY09, eligibility information was not available to use for ECP approvals or cost-share payments. The ECP Program Manager sent an email in October to all State Conservation Specialists, suspending ECP AD-245 approvals and payments. Software was broadcast on November 17, 2008, to configure the CRES software to read FY08 eligibility flags for ECP cost-share payments. A reconciliation process will be completed after AGI, payment limitation, and direct attribution requirements are provided to determine any adjustments to payments as a result of using the FY08 eligibility determinations. Notice ECP-52 provides policy on approving contracts in FY09.

B Purpose

This notice provides:

- authority to issue cost-share payments for ECP AD-245's approved before October 1, 2008 for producers who sign and agree to the provisions of AD-245B
- authority to provide cost-share payments for ECP AD-245's approved on or after October 1, 2008, for producers who sign and agree to the provisions of AD-245A and AD-245B
- policy about ECP producer certification for reconciliation of ECP AD-245 cost share payments
- AD-245B (Exhibit 1).

Note: AD-245B will be made available on the FSA Internet and eGov web sites as soon as possible.

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

Notice ECP-53

1 Overview (Continued)

C Contact

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

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

2 Policy

A Approving Payment

For producers with signed AD-245's that were approved before October 1, 2008, COC shall approve AD-245B and issue payment of AD-245 provided that all:

- signatories on AD-245 sign AD-245B
- other payment and eligibility requirements are met.

For producers with signed AD-245's that were approved on or after October 1, 2008, COC shall approve AD-245A and AD-245B and issue payment of AD-245 provided that all:

- signatories on AD-245 sign AD-245A and AD-245B
- other payment and eligibility requirements are met.

B Notification to Producers

All producers with approved ECP AD-245's must be notified that AD-245B **must** be signed by each signatory on ECP AD-245 before the cost-share payment(s) may be processed for that ECP AD-245.

3 Action

A State Office Action

State Offices shall ensure that County Offices understand the provisions of this notice.

B County Office Action

County Offices shall:

- notify affected producers of the provisions of this notice
- issue ECP cost share payments according to provisions of this notice.

Example of AD-245B, Addendum to AD-245 to Certify to Reconciliation of Payment

This form is available electronically. Form Approved - OMB No. 0560-0082

AD-245B (11-19-08)	U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		1A. State Code	1B. County Code
ADDENDUM TO AD-245 TO CERTIFY TO RECONCILIATION OF PAYMENT		2. AD-245 Control Number		
		3. Farm Number		

4. CERTIFICATION STATEMENT

This AD-245-B Addendum is entered into by the Farm Service Agency (FSA) and the undersigned producer(s) who have enrolled into the Emergency Conservation Program (ECP) under the AD-245, listed in Item 2, above.

By signing this AD-245 Addendum, the producer(s) and FSA understand and agree that:

- the current ECP cost share automated system temporarily reads producer eligibility information for fiscal year 2008 (October 1, 2007 to September 30, 2008)
- FSA intends to update the automated system, which stores eligibility information, to include information for the current fiscal year, and all ECP payments will be reconciled to ensure that eligibility requirements were met at the time of payment. After reconciliation is complete, the producer(s) may receive additional payment(s), owe funds to FSA, or no adjustment may be necessary.
- For ECP AD-245s approved prior to October 1, 2008, the same eligibility requirements that applied in fiscal year 2008, will be applied for the current fiscal year.
- For ECP AD-245s approved on or after October 1, 2008, the eligibility requirements and provisions for payment eligibility/actively engaged, direct attribution and adjusted gross income of the Food Security Act of 1985, as amended by the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246), will be applied.
- Producer(s) may be required to return all or part of the payment amount if the eligibility information demonstrates that the producer was ineligible to receive such payment at the time of payment
- Producer(s) may receive additional payment if the producer(s) did not meet eligibility requirements in fiscal year 2008 but thereafter meet eligibility requirements for the current fiscal year

It is so agreed and understood.

5A. Producer's Signature (By)	5B. Title/Relationship (Individual Signing in the representative capacity)	6. Date (MM-DD-YYYY)
5A. Producer's Signature (By)	5B. Title/Relationship (Individual Signing in the representative capacity)	6. Date (MM-DD-YYYY)
5A. Producer's Signature (By)	5B. Title/Relationship (Individual Signing in the representative capacity)	6. Date (MM-DD-YYYY)
5A. Producer's Signature (By)	5B. Title/Relationship (Individual Signing in the representative capacity)	6. Date (MM-DD-YYYY)
7A. Signature of CCC Representative	7B. Date (MM-DD-YYYY)	7C. County FSA Office Name and Address (Including ZIP Code) Telephone No. (Including Area Code):

NOTE: The primary authority for requesting and safeguarding the information described on this form is the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). Additionally, the authority for requesting this information is 7 CFR Part 1400 and 7 CFR Part 701. The information requested is necessary for AD-245 payment. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in a determination of ineligibility for certain program benefits and other financial assistance administered by USDA. The information collected as a result of this form may be released to USDA employees, USDA contractors, or authorized USDA cooperators who are bound to safeguard the information under Section 1619 of the Food, Conservation and Energy Act, the Privacy Act of 1974, the E-Government Act of 2002, and related authorities. This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title I, Subtitle F - Administration). The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714; and 31 USC 3729, may be applicable to the information provided. **RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.**

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.