

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Emergency Conservation Program
1-ECP (Revision 4)**

Amendment 5

Approved by: Acting Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraph 21 F has been amended to clarify procedure for funds control.

Subparagraph 35 E has been amended to clarify procedure for reporting drought conditions.

Subparagraph 46 B has been amended to clarify C/S eligibility provisions.

Paragraph 77 has been amended to provide procedure for TA reimbursement.

Subparagraph 135 A has been amended to clarify qualifying restoration cost policy.

Paragraph 171 has been amended to clarify damage documentation provisions.

Subparagraph 173 B has been amended to add procedure for prioritization factors.

Paragraph 176 has been amended to clarify limited resource producer C/S provisions.

Subparagraph 179 C has been amended to update the information needed as part of documentation.

Exhibit 2 has been amended to clarify livestock definition.

Exhibit 4 has been amended to clarify producer qualification policy.

Exhibit 12 has been amended to update C/S policy.

Amendment Transmittal (Continued)

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Part 1 Basic Information

Section 1 General Provisions

1 ECP Authorization

A ECP 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 ECP 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 because 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 TA needed for designated practices--*
- eligibility of persons, legal entities, land, and practices
- administrative responsibilities of STC’s and COC’s
- ECP practices and guidelines.

21 SED Responsibilities (Continued)

B Contacting ECP-PM Before Implementation

For all natural disasters except droughts, SED or designee shall consult ECP-PM by telephone or e-mail 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 Required 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 or e-mail to ECP-PM:

- the date and type of disaster
- names of the counties or parts of counties involved
- map of affected area, including county names and boundaries
- a request for an allocation of funds, if needed

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

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

- 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

Note: See subparagraph 111 B.

- *--a statement affirming CED and PT responsible for ECP have completed the online ECP training.--*

21 SED Responsibilities (Continued)

D SED and STC Exception

SED or 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

*--To help improve ECP funds control, County Offices shall assess funds needs after the ECP enrollment period.

After the County Office's enrollment period has ended, all needs determinations have been entered onto FSA-848A's, and all requests have been prioritized, CED shall summarize request amounts COC is willing to approve and submit an updated funds request to the State Office Program Specialist.

State Office Program Specialists shall submit funds request update to the ECP-PM by e-mail.--*

ECP-PM shall allocate disaster ID funds to State Offices through CFLS. State Offices shall allocate funds to County Offices through CFLS and eFunds.

22-29 (Reserved)

35 COC Action When Disaster Occurs (Continued)

C Primary Consideration

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

D Definition of Severe Drought

A severe drought condition exists when available livestock water and irrigation water for orchards and vineyards have been reduced below normal and survival is unlikely without additional water.

E COC Report of Drought Conditions

* * *

STC shall determine whether conditions are severe enough to warrant a recommendation for program implementation to ECP-PM.

*--To qualify for an ECP drought designation, COC shall provide STC a report of current conditions and evidence to support the implementation request.

County eligibility 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, in addition to recurring precipitation, for surface water supplies can provide applicable snowpack data.

To document the county's precipitation data, County Offices shall 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>.--*

35 COC Action When Disaster Occurs (Continued)

E COC Report of Drought Conditions (Continued)

The report forwarded to ECP-PM for each county shall include the following:

* * *

- copy of Loss Assessment Report

Note: See 1-DP.

- any other pertinent information available supporting the request for program designation.

F Other Available Funds

Before requesting ECP funds, COC shall use, to the extent possible, other available program funds instead of ECP.

For example, EQIP funds are used instead of ECP funds, these funds must be used only to make repairs or install practices that are eligible under EQIP.

G Exceptions

Except for a severe drought, COC may implement ECP after receiving STC's concurrence.

H Severe Drought Designation

For severe drought, ECP-PM will determine the emergency ECP designation in each county.

I Coordinating ECP With Other Agencies

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

J COC Review of C/S Data

COC shall review C/S data established annually according to 1-ACP to ensure that practice establishment costs are up-to-date. A review of supporting C/S data and documentation for average costs for implementing the applicable ECP practices shall be documented in the COC minutes. The C/S data shall be verified by the STC representative.

36-40 (Reserved)

45 C/S Levels With Limitations

A Documenting C/S Levels With Limitations

C/S levels may be established for practices or components with a maximum limitation. The limitation is based on the average cost of performing the unit of measure. C/S levels and maximum limitations shall 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 follows.

“_____ percent of the actual cost, not to exceed \$_____ per unit (acre, pounds, feet, etc.)”

Example: 75 percent of the actual cost, not to exceed \$60 per acre.

B Supporting Data for C/S Levels With Limitations

The maximum limitation shall be based on documented average costs.

COC shall base maximum limitation on current cost data, such as, data from:

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

Data used to determine maximum limitation shall be maintained with the county eligibility status list.

46 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 to perform the practice, such as:

- new or used materials
- services
- labor
- sales tax.

Note: If used materials are approved by COC, it must be documented in COC minutes.

B Items Ineligible for C/S

The costs of the following items are ineligible for C/S:

- mowing pastures
- measures to control insects or rodents
- measures to treat plant diseases or nematodes
- engineering charges or permit fees
- *--project manager or consultant's fees--*
- chopping or shredding residues from crops for insect control
- providing land
- right to use land or water
- *--power sources or fuel--*

Note: Solar- and wind-based power sources may be eligible if they are determined to be the least costly alternative in providing electric fence or water for livestock.

Section 5 Program Funds Management**64 State and County Allocations****A State Control of Funds**

ECP funds are held in reserve at the national level. Funds are allocated after a determination has been made authorizing ECP designation.

Funds are allocated to States based on the estimate of funds needed to begin implementing ECP.

B Allocation for County

SED shall make county allocations.

65 Reserves***--A TA Reserve**

It is not necessary to establish a reserve from the State allocation to reimburse NRCS for TA. State Offices shall request TA funds from the National Office.

Note: See paragraph 77.

B C/S Reserve

State Offices may maintain a reserve sufficient to cover needed adjustments.--*

ECP funds may be transferred from the program's State reserve for a disaster to a nondesignated ECP county to pay C/S for eligible restoration work where the producer's farm is administratively headquartered.

Unused ECP funds shall be returned to CEPD according to paragraph 67.

Note: ECP allocations shall continue to be based on State Office requests for counties authorized to implement ECP as a result of a natural disaster. No additional funds will be made available from the national reserve for this purpose.

66 Expenditure Limitations

A Authority

States do **not** have overobligation authority.

States may transfer funds among County Offices for the same disaster designations.

67 Requesting and Releasing Funds

A State Request for Additional Funds

With proper justification, SED may request additional funds from ECP-PM.

B Releasing Unused Funds

SED shall return ECP funds to CEPD as soon as it is determined that the funds will not be needed for the disaster for which they were originally allocated. STC reserves are not authorized except as provided for in paragraph 65.

- *--CED shall notify the State ECP specialist by e-mail of the amount to be released.
- The State Office shall notify CEPD, Attention: Planning and Analysis Branch, by e-mail of the amount to be released.

Notes: State Offices shall **not** adjust State ECP ledgers without a signed FSA-357.

SED must:

- require timely loading of all FSA-848's in CSS
- track producer requests throughout the signup period and during performance to release any unobligated funds as soon as possible.--*

68-75 (Reserved)

--Section 6 Transfer for TA--**76 MOA****A Development**

SED and NRCS State Conservationists shall develop MOA that includes the terms and *--conditions for the reimbursement to NRCS for TA under ECP. MOA shall include the--* terms and conditions shown in subparagraph C.

Notes: Review and update MOA as needed if modifications comply with national policy and procedure.

Any other MOA requires the prior approval of ECP-PM, FSA National Environmental Compliance Manager and FSA Federal Preservation Officer.

B Additional Terms and Conditions

Additional terms and conditions may be included that are mutually agreed upon if these terms and conditions comply with national policy and procedure. Modifications that include the following terms and conditions may be implemented without National Office approval:

- *--ECP practices for which NRCS will provide TA
- in addition to NRCS Financial Management FNM-15, the format of any other billing information for which NRCS will provide statement of actual costs incurred in providing TA--*
- IV(A)(1) may be modified to read, “as requested by...” rather than “as provided by...”.

Any other terms or conditions must be approved by ECP-PM, FSA National Environmental Compliance Manager, and FSA Federal Preservation Officer.

C MOA Between SED and NRCS State Conservationists

The following is an example of an MOA between SED and NRCS State Conservationists.

<p>Memorandum of Agreement (MOA)</p> <p>Between</p> <p>Natural Resources Conservation Service (NRCS), _____ State Office</p> <p>And</p> <p>Farm Service Agency (FSA), _____ State Office</p> <p>For Provision of the Technical Assistance for the Emergency Conservation Program (ECP)</p> <p>Through September 30, XXXX</p> <p>I. Purpose</p> <p>The purpose of this MOA is to provide for the implementation, cooperation, expectations, and responsibilities between NRCS and FSA in carrying out technical assistance for the ECP.</p> <p>II. General Provisions</p> <p>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.</p> <p>III. Authority</p> <p>The authorities for FSA and NRCS to enter into this agreement and NRCS to provide technical assistance for ECP are the Economy Act (31 U.S.C. § 1535), sections 401-405 of the Agricultural Credit Act of 1978 (16 U.S.C. § 2201-2205), the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a-590g), and the regulations at 7 CFR parts 610 and 701. Other authorities may also apply.</p>

C MOA Between SED and NRCS State Conservationists (Continued)

C. NRCS and FSA agree:							
1.	To fully comply with the information gathering provisions of section 1619 of the Food, Conservation, and Energy Act of 2008, 7 U.S.C. 8791(b), section 1244(b) of the Food Security Act of 1985, 16 U.S.C. 3844(b), the Privacy Act, the Freedom of Information Act, and related acts concerning privacy and the dissemination of records.						
2.	To enter into a state-level reimbursable agreement (Form AD-672) at the beginning of each fiscal year based on the life of this MOA and any amendments hereto, for ECP technical assistance.						
3.	To amend Form AD-672, as deemed necessary by FSA, based upon current funds held in reserve for technical assistance by the FSA State Office.						
4.	To cooperate at all levels to ensure consistent implementation of ECP policies and procedures. When differences occur, the parties will provide information and recommendations to the next level (i.e. county offices would forward information and recommendations to the State offices, State offices would forward information and recommendations to NHQ). The Chief, NRCS, and Administrator, FSA, have final authority for ensuring consistent implementation of ECP policies and procedures.						
5.	That this MOA may be terminated at any time by one party providing 30 days written notice. Should this MOA be terminated, billing will be submitted for services rendered.						
6.	This MOA will run for a period of 5 years from date of execution.						
7.	This MOA may only be modified by amendment duly executed by the _____ State Executive Director of FSA and the _____ State Conservationist of NRCS.						
8.	All funding commitments in this MOA are subject to the availability of funds. In the event that adequate funding is not made available, FSA and NRCS may terminate their responsibilities under this agreement as agreed to under the termination clause of this agreement.						
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">NATURAL RESOURCES CONSERVATION SERVICE</td> <td style="width: 50%; text-align: center;">FARM SERVICE AGENCY</td> </tr> <tr> <td style="text-align: center;">_____ [Name of State Conservationist] Date</td> <td style="text-align: center;">_____ [Name of State Executive Director] Date</td> </tr> <tr> <td style="text-align: center;">_____ State Conservationist, NRCS</td> <td style="text-align: center;">_____ State Executive Director, FSA</td> </tr> </table>		NATURAL RESOURCES CONSERVATION SERVICE	FARM SERVICE AGENCY	_____ [Name of State Conservationist] Date	_____ [Name of State Executive Director] Date	_____ State Conservationist, NRCS	_____ State Executive Director, FSA
NATURAL RESOURCES CONSERVATION SERVICE	FARM SERVICE AGENCY						
_____ [Name of State Conservationist] Date	_____ [Name of State Executive Director] Date						
_____ State Conservationist, NRCS	_____ State Executive Director, FSA						

--77 Reimbursement for TA*A Actual Costs**

The NRCS State Office shall bill the FSA State Office for the actual cost of ECP services performed, consistent with terms and conditions described in AD-672 but not to exceed 10 percent of the amount of funds allocated to counties.

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

B Payment for TA

At a minimum, the quarterly statement of costs incurred providing ECP TA received at the State Office from the NRCS State Office shall include the following:

- FY and quarter
- disaster ID
- County Office name where service was provided
- itemization of charges, such as number of personnel hours by employee, dates of service provided
- dollar amount of reimbursement, rounded to whole dollars.

After receiving statement of costs incurred providing TA and before payments will be processed, the FSA State Office shall forward a copy of the statement to the applicable County Office for CED and DD review. CED shall verify charges for ECP TA reimbursement are reasonable. If necessary, CED shall coordinate review of charges with applicable NRCS field office.

After completing the ECP TA billing review and resolving any issues, CED shall notify SED through DD with the verification results. Before forwarding to SED, DD shall review CED's results and make any necessary comments or revisions.

FSA State Offices shall issue payment for TA in whole dollars only. Standard rounding--* rules apply. See subparagraph 294 B.

--77 Reimbursement for TA (Continued)--

C AD-672's Between SED and NRCS State Conservationist

SED's and NRCS State Conservationists for each State shall develop and sign AD-672 at the beginning of each FY, if ECP funds are currently allocated to the State and ECP TA are needed from NRCS. If AD-672 is not developed and signed at the beginning of FY, AD-672 shall be developed immediately upon receiving ECP allocations needing NRCS TA. AD-672 shall include the following:

- entries required in subparagraph D
- "Attachment A", summary of funds available and billing instructions
- "Attachment B", copy of MOA. See paragraph 76.

See subparagraph E for an example of AD-672.

D AD-672 Required Entries

--The following provides entries for AD-672 between FSA and NRCS for ECP TA.--

Item	Entry
1	Enter the "Agreement Number", users can enter up to 25 alpha/numeric characters; the first 13 positions must be: <ul style="list-style-type: none"> • 1, 2: Agency Code "FA" • 3, 4: Fund Code "30" • 5, 6: 2-digit FY • 7 through 13: ECP appropriations symbol "12x3316".
2	Enter the 4-digit FY.
3	Estimated amount for reimbursement, not to exceed 10 percent of the State's ECP allocation.
4	Enter "1" for the "Agency Billing Indicator".
5	*--Enter "2" for the "Transaction Code".*--
6	Enter "1" for the "Action Code".
7	Enter FSA State Office name and address.
8	Enter NRCS State Office name and address.
9	Enter "See attachment A for summary of funds available and billing instructions and attachment B for MOA on technical assistance."
10	Enter "See attachment B for state MOA and authorities."
11	The effective date (from) should be the first day of the current FY or the current date and the agreement should continue through the last day of the current FY or before.
12	Enter "2" for the Reimbursement Billing Frequency. Leave "Advance of Funds Type of Account" blank.
13	Enter "12x3316 Emergency Conservation Program" as the Appropriation Symbol and Title. Leave "Project", "Allotment", and "Workplan" numbers blank.
14	Entries in item 14 are not required.
15	Enter the amount from item 3 as the amount in item 15.
16-18	Leave blank.
19	Enter signature, signature date, and title of FSA SED and contact name and number.
20	Enter signature, signature date and title of NRCS State Conservationist and contact name and number.

*--77 Reimbursement for TA (Continued)

E Example of AD-672's

The following is an example of AD-672 between SED and State Conservationist for ECP TA.--*

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

***--78 Reimbursable TA**

A Phases of Reimbursable TA

TA 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.

***--79 Providing TA**

A TA

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

B Assigned Responsibility for TA--*

Each assigned technical agency is responsible for carrying out its assigned responsibilities.

The assigned agencies shall 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.--*

80 Outside Assistance**A Agencies Using Outside Assistance**

Assigned technical agencies may use assistance from private, State, or Federal sources when the assistance accomplishes 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 shall 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 cost-sharing if the assigned technical agency:

- determines that the practice was needed
- certifies that the practice was performed according to the specifications.

Note: A producer that uses outside assistance shall be urged to keep sufficient records to permit the technician to make the necessary determinations.

***--81 TA Not Chargeable to Producers**

A No Cost to Producers

A producer who uses TA provided by NRCS and FSA is **not** required to pay for these--* services.

82 Assigned Technical Agency Responsibilities and COC Action

A Reporting on AD-862 or FSA-848, Page 2

The assigned technical agency shall report on AD-862 or FSA-848, page 2, as applicable, if the practice is needed and feasible.

AD-862 or FSA-848, page 2, as applicable, shall 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 shall consult State Offices 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 shall take the following action.

Step	Assigned Technical Agency Action
1	Indicate the extent needed.
2	Complete the needs statements on AD-862 or FSA-848, page 2, as applicable.
3	Enter estimated cost of the practice.
4	Sign and date AD-862 or FSA-848, page 2, as applicable.
5	Return AD-862 or FSA-848, page 2, as applicable, to COC for review.

92 Determining Eligible and Ineligible Persons and Legal Entities

A Determining Eligibility

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

IF an applicant is a...	AND...	THEN...
farmer or rancher who has an interest in the farm and is either: <ul style="list-style-type: none"> • an individual • a partnership member • an association • a corporation • an estate • a trust • a business enterprise • a legal entity Note: Foreign nationals are eligible.	is an agricultural producer who contributes part of the practice cost	the applicant is eligible for ECP benefits.
<ul style="list-style-type: none"> • Federal agency • State • a political subdivision of a State • State agency • district with taxing authority 		it is ineligible for ECP benefits.
minor		the applicant is only eligible if he or she is legally responsible and independently participating in the operation of a farm as an eligible person or legal entity. See 1-CM and 4-PL.

92 Determining Eligible and Ineligible Persons and Legal Entities (Continued)

B Agricultural Producer

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

IF the producer is...	AND...	THEN the producer is...
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"> • grains • row crops • seed crops • vegetables • hay • pasture • orchards • vineyards • flowers • bulbs • trees • field-grown ornaments • livestock • naval stores • other agricultural commodities 	an agricultural producer.
	animals only for recreational purposes	not an agricultural producer.

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

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 12 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 ECP Plan**

A State’s ECP plan or any EC7 write-up shall **not** include silt removal, except as allowed in subparagraph B. --*

132 Practice Lifespans and Maintenance

A Natural Disaster

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

B Damage Occurring During Lifespan

Follow instructions in this table for practices that are damaged during their lifespan.

IF the ECP C/S practice is...	THEN...
later damaged by a subsequent natural disaster during the practice lifespan	the practice may be considered eligible under ECP 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 shall follow practice maintenance procedure in Exhibit 12.

132 Practice Lifespans and Maintenance (Continued)

C Requirements

Producers shall 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 shall advise producers that they are required to maintain the practice for its useful lifespan.

133 Size of Structures

A Determining Eligible Size of Structures

COC shall limit cost-sharing on any practice to the size:

- existing before the disaster
- needed to solve the conservation or environmental problem if different than prior existing size.

Note: The costs of installing the part of a structure that is larger than what originally existed is the participant's responsibility.

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. See Exhibit 4 for small payments policy.

The minimum qualifying cost of restoration is set at \$1,000 per participant or \$250 for producers certifying as limited resource. See paragraph 176.

The minimum qualifying cost of \$1,000, or \$250 for limited resource producers, 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 C/S Requests

171 Onsite Inspection

A Documenting Damage

After obtaining concurrence to implement ECP, COC shall document each request, including requests 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

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. See subparagraph 179 A. DD and SED shall be notified of a County Office employee request and DD or State Office employee shall perform the inspection.

- determined whether:
 - type and extent of damage qualified according to paragraph 35
 - 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 110
- document damage with at least:
 - 1 dated photograph
 - GPS coordinates
 - *--description of magnitude of damaged or destroyed fencing, waterway, etc.

To help reduce County Office travel and administrative expenses related to onsite inspections, initial onsite inspections are required for ECP applications where the estimated payment is higher than \$5,000. County Offices shall perform limited initial onsite inspections of 5 percent for those applications where the payment is estimated to be less than \$5,000.

Though this allowance is intended to help reduce County Office travel and administrative expenses, the provision does not apply to environmental compliance reviews.

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

171 Onsite Inspection (Continued)**B Environmental Compliance**

For each request, FSA will complete an evaluation of the proposed practice or practices using FSA-850 or NRCS-CPA-052 (or NRCS State equivalent) 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 or reviewing an environmental evaluation.

***--Note:** The allowance to reduce County Office travel and administrative expenses related to onsite inspections reducing does not apply to environmental compliance reviews.--*

C Submitting Requests for Waivers of Onsite Inspections

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

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

Note: Waiver requests for County Office employees shall not be submitted.

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

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

D Required Information for Requests for Waivers

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

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

171 Onsite Inspection (Continued)**D Required Information for Requests for Waivers (Continued)**

- photographs of the area or adjacent areas to the site where the waiver is requested
- 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.

E Evaluating Requests for Waivers

The requirement for onsite inspections will only be waived in dire circumstances where ECP-PM evaluates that 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 subsampling 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.

F Implementing Waivers of Onsite Inspections

State and County Offices shall evaluate the amount of financial payment and the relative potential for inaccurate payment when determining whether or not to use an approved waiver for a particular application.

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
- a new conservation problem is present, including presence of debris
- the land to be benefitted is and will continue to be used for agricultural production.

B Ineligible Practices

The practice is ineligible if any of the following apply:

- the practice has been started before request for ECP assistance was filed on the ECP application
- the work is considered normal upkeep or maintenance
- the primary purpose of the practice is to 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
- a water impoundment or improvement facility is primarily for household or recreational use

172 Determining Eligibility (Continued)

B Ineligible Practices (Continued)

- 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 C for exceptions to this provision.

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

173 Using Priorities

A Prioritizing All Requests

All ECP applications shall be prioritized by COC before approval.

B Prioritization Factors

Prioritization factors that may be taken into account in setting priorities and approval amounts include, but are **not** limited to, the following:

- safety, such as a dam that poses a threat to life or property
- type and degree of damage
- type of practices needed to address the problem
- availability of funds
- *--availability of TA--*
- environmental concerns
- welfare of eligible livestock
- status as limited resource producer
- *--practice lifespan.

Note: Practices with lifespans should be given higher priority when considering application approvals.--*

174 (Reserved)

175 Approvals and Disapprovals

A Reviewing Requests

An STC representative shall review a sample of ECP applications **before** COC approval to ensure that ECP applications reviewed meet ECP requirements.

At a minimum, the STC representative shall review the first five ECP applications accepted by the County Office within 2 weeks of acceptance and **before** COC approval.

B COC Action

COC shall:

- advise applicants in writing of action taken or to be taken on ECP applications
- issue a practice approval only if **all** of the following are met:

- ECP application is eligible for cost-sharing
- the damage was the result of a disaster not occurring frequently in the area
- the estimated start date has been documented

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

- the producer filed the ECP application 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 NIFA, with approval from ECP-PM
 - ***--the practice was started after the agency responsible for TA has made any--*** necessary technical determinations
 - complete CCC-770 ECP-1 (Exhibit 5) before approving the ECP application only if deemed necessary by COC, SED, or STC representative
- Note:** County Offices that have **not** implemented ECP within the last 5 years shall complete CCC-770 ECP-1 on its first applications.
- complete FSA-23 (Exhibit 17) before approving the ECP application
 - complete FSA-850 (Exhibit 18) or NRCS-CPA-052 (or NRCS State equivalent) before approving the ECP application.

175 Approvals and Disapprovals (Continued)

B COC Action (Continued)

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

C Waiver When Producer Starts Practice Before Approval

In certain instances, producers after filing the ECP application, 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 D.

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.

D Granting Relief for Starting a Practice Before Filing ECP Application

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

- the ECP-designated 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.
- ECP applications filed between the date of the disaster and the end of the signup period, if the work has begun before submitting the ECP application
- a practice was started no more than 60 calendar days before the ECP disaster designation was approved for the applicable County Office.

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.

176 Limited Resource Provisions**A Limited Resource Producer C/S Rate**

*--The maximum C/S rate for limited resource producers is 90 percent. COC may authorize C/S up to 90 percent for limited resource producers.

B Limited Resource Determinations

Limited resource C/S rates shall be approved only when the producer certifies on FSA-217. See 1-CM.--*

Make this determination before issuing the related ECP application.

C Limited Resource C/S

If some eligible persons or legal entities contributing to a practice will qualify for limited resource rates and others will qualify for regular rates, * * * C/S will be automatically calculated with a limited resource C/S percentage for producers designated as limited resource.

D Qualification for Limited Resource Producer

County Offices shall review USDA's web site to be prepared to assist producers who want to qualify as a limited resource producer. The web site is:

- used as an online tool to determine producer eligibility
- at www.lrftool.sc.egov.usda.gov/.

E 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:
 - the CSS User Guide
 - 1-CONSV, paragraph 216 for applications processed in CRES
- 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 or practices
- reason for disapproval.

C Deferred Action

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

179 Requests Requiring Special Approval (Continued)

C Submitting Requests to CEPD

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

- exact amount of C/S requested
- ECP practices that are involved
- for applications processed in CRES, computations showing the total eligible cost multiplied by the C/S percentage, as provided in subparagraph 41 B

Notes: The total eligible cost is the total sum of all eligible practice costs upon which to base C/S.

The total C/S requested must equal the C/S calculated for each practice minus any C/S paid previously.

- copies of FSA-848's or AD-245's
- copies of AD-862's, if applicable
- 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.--*

180 Determining Approval Amount

A Factors to Consider

In determining approval amount, consider the following factors:

- extent of damage and estimated eligible repair costs
- amount of cost-sharing requested
- size of farm, including a breakdown by acres of cropland, irrigated land, pasture, and total acreage
- type of operation, including principal crops, and types and numbers of livestock
- time sensitive nature of request.

B Additional Factors to Consider

COC's recommendation, if applicable, for amount of cost-sharing and justification for the recommended amount shall be considered if STC or ECP-PM approval is required.

334 When to Prepare Payment

A Preparing Payment in CRES

Record performance and issue payment when all of the following have been satisfied:

- performance was appropriately certified on AD-862 according to DM 9500-1
- producer certifies practice completion on AD-245 according to paragraph 211
- supporting documentation is submitted according to paragraph 215
- current AD-1026 is on file according to paragraph 4
- other pertinent information is received, if applicable.

Note: Payments are issued by the CRES/accounting interface when performance is recorded according to 1-CONSV.

B Preparing Payment in Web-Based CSS

Record performance and issue payment, according to the CSS User Guide, when all of 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 211
- supporting documentation is submitted according to paragraph 215
- current AD-1026 is on file according to paragraph 4
- other pertinent information is received, if applicable.

C Reviews Before Payment

FSA-848B's and AD-245's shall be reviewed by an employee other than the employee who entered performance data. The reviewer:

- may be CED, designated employee, or COC member
- shall sign and date FSA-848B, page 3 or AD-245, page 2, as applicable
- shall **not** have an interest in the farm involved
- shall approve ACP-153A (Exhibit 26) for P-A's.

D Payments Due Deceased, Missing, or Incompetent Persons

Prepare payments due persons who are deceased, missing, or incompetent according to 1-CM.

***--335 Preparing and Issuing Payment for TA**

A State Office Action

State Offices shall prepare and issue payment to NRCS for TA for ECP according to 1-FI, 1-CONSV, or the CFLS User Guide, as applicable.

B Correcting Payments

Correct TA payments according to 1-FI.--*

336 Refunds, Priority of Offsets, Withholdings, and Assignments

A Handling Refunds

Handle refunds according to 3-FI and 1-CONSV.

B Offset Applicability

Offsets apply to ECP.

C Determining Priority

The priority of offsets, withholdings, and assignments should be determined according to 1-FI, 58-FI, and 63-FI.

337-350 (Reserved)

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. 26
ACP-153A	Pooling Agreement Worksheet	Ex. 26	Text, Ex. 33
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	Ex. 33	432
AD-245	Request for Cost Shares		Text, Ex. 25, 26, 29
AD-672	Reimbursement or Advance of Funds Agreement	77	
AD-862	Conservation Reporting and Evaluation System		Text
AD-1026	Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification		2, 4, 334
CCC-36	Assignment of Payment		419
CCC-170	Agreement for ECP Assistance for Levees Not Yet Repaired to Corps of Engineers' Specifications	111	
CCC-770 ECP-1	ECP Checklist Before Approval Is Made	Ex. 5	10, 175
CCC-770 ECP-2	ECP Checklist Before Payment Is Made	Ex. 6	10, 292
CRP-42	County Precipitation and Feed and Forage Loss Report		35
FSA-18	Applicant's Agreement to Complete an Uncompleted Practice	Ex. 25	321
FSA-23	Determining Agricultural Market Value and Cost Share Per Acre Worksheet	Ex. 17	175, 179
FSA-217	Socially Disadvantaged, Limited Resource, and Beginning Farmer or Rancher Certification		154, 176
FSA-276	On-Farm Spot Check Record	Ex. 29	393, 394
FSA-357	State Program Allocation		67

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

Forms (Continued)

Number	Title	Display Reference	Reference
FSA-848	Cost-Share Request	Ex. 8	Text
FSA-848-1	Continuation Sheet for Cost-Share Request		9, Ex. 8
FSA-848A	Cost-Share Agreement	Ex. 9	Text
FSA-848A-1	Continuation Sheet for Cost-Share Agreement		9, Ex. 9
FSA-848B	Cost-Share Performance Certification and Payment	Ex. 20	Text, Ex. 29
FSA-848B-1	Continuation Sheet for Cost-Share Performance Certification and Payment		9, Ex. 20
FSA-850	Environmental Evaluation Checklist	Ex. 18	171, 172, 175, Ex. 12
NRCS-CPA-052	Environmental Evaluation Checklist		171, 172, 175
NRCS Financial Management FNM-15	USDA Natural Resources Conservation Service Bill		76

Abbreviations Not Listed in 1-CM

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

Approved Abbreviation	Term	Reference
CFLS	Conservation Funds Ledger System	21, 331, 332, 335
CSS	Cost Share Software	Text
eFMS	electronic Funds Management System	331
ECP-PM	Emergency Conservation Program - Program Manager	Text, Ex. 12
MOA	Memorandum of Agreement	76, 77
P-A	pooling agreement	Text, Ex. 26, 33
TA	technical assistance	Text

Redelegations of Authority

The following table lists all redelegations of authority for this handbook.

Redelegation	Reference
STC may redelegate authority to approve pooling agreements.	67

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
- explosion
- other natural phenomena.

Pooling Agreement (P-A)

P-A is a substantial pooling of resources, efforts, finances, or other contributions by 2 or more eligible persons on 2 or more farms to solve a mutual disaster-related conservation problem.

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 livestock water and irrigation water for orchards and vineyard 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.

Policy for Small Payments

By statute, the 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”.

The producer must have sustained an estimated minimum of * * * \$1,000 in damages to qualify for ECP.

--A limited resource producer must have sustained an estimated minimum of \$250 in damages to-- qualify for ECP.

It will depend on the good judgment of STC and its representatives to see that the intent of Congress is followed. STC’s shall ensure that DD’s review this policy with COC’s. Regardless of the size of C/S that could be earned, COC is responsible for determining that the damage will be so costly to rehabilitate that **taxpayer assistance** is justified to restore the land to productive agricultural use.

National Practices (Continued)

EC6 Drought Emergency Measures (Continued)

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.

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.

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

National Practices (Continued)

EC7 Other Emergency Conservation Measures

A Authority

Other emergency conservation practices may be approved by ECP-PM. Submit a copy of *--practices for approval to ECP-PM. Each year, 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.

IF component is...	THEN C/S is...
replacing or restoring a conservation or pollution abatement practice damaged by the natural disaster	authorized.
*--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	not authorized.
for the solution of conservation or environmental problems existing before the disaster	
--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 shall be based on the average cost of performing the unit of measure.