

Understanding the 2008 Farm Bill Conservation Programs



Everything you need to know about applying for and participating in these conservation programs:

- ▶ **Agricultural Management Assistance (AMA)**
- ▶ **Environmental Quality Incentives Program (EQIP)**
- ▶ **Wildlife Habitat Incentive Program (WHIP)**



Helping People Help the Land

www.ma.nrcs.usda.gov

USDA is an equal opportunity provider and employer.

Table of Contents

Introduction	2
The Conservation Planning Process	2
The Application Process.....	2
The Program Application Package.....	3
The Ranking Process	4
What Happens Next?	4
Your Contract with NRCS.....	5
The Contract and Appendix.....	5
The Schedule of Operations	5
NRCS Standards and Specifications	6
Program Participant and NRCS Responsibilities.....	6
Your Information: What's Public and What's Private?.....	7
Glossary	8
Conservation Compliance - Don't Lose Your Benefits!	8
Contact Us	8

Introduction

If you own or manage farmland or forest land, run a greenhouse, or grow shellfish or other specialty crops in Massachusetts, then the Food, Conservation, and Energy Act of 2008 – also known as the 2008 Farm Bill – conservation programs can help you address natural resource concerns on your land.

Applying for and participating in federal conservation programs can be a complex process. This handbook is designed to help you understand the application and ranking process, as well as your responsibilities as a Farm Bill program participant. We hope that you find this handbook helpful. The conservation professionals in your local NRCS office are always ready to help explain program details and answer questions.

The Conservation Planning Process

The first step in conservation program assistance is a friendly phone call to your local Natural Resources Conservation Service (NRCS) office to set up an appointment with a conservation planner. This may require you to visit the NRCS office and an NRCS representative may visit with you to walk your land and discuss your concerns.

Developing a conservation plan is the first step in working with NRCS and applying for most USDA conservation programs. A conservation plan provides a roadmap to sustaining or improving production while managing the natural resource base that supports your operation. Conservation planning identifies objectives, resource limitations and opportunities, and evaluates alternatives to help you make decisions in managing your operation.

If a conservation program can help you address the resource needs identified in your conservation plan, your NRCS representative will be happy to explain how to apply.

The Application Process

1. Establish a customer record with the USDA Farm Service Agency (FSA). This may require an appointment with the local FSA office, typically located with NRCS at your local USDA Service Center.
2. Request from FSA a computer generated map of your farm.
3. NRCS determines your land's eligibility.
4. Work with NRCS to identify practices and all land units for program consideration.
5. An NRCS planner will conduct a resource inventory and evaluation site visit, often combined with a planning site visit.
6. NRCS will do environmental and habitat evaluations.
7. Work with an NRCS planner to develop a conservation plan identifying which practices are to be included in the program application.
8. Work with your NRCS representative to determine the program and funding pool for which you wish to apply.
9. Fill out a Conservation Program Application.

IMPORTANT

 Sometimes there is a waiting list to have NRCS staff help you develop a conservation plan. If you are interested in pursuing a conservation plan, please contact your local NRCS office as soon as possible to begin the process.

TIP

 Bring your last tax return with you to your appointment with the USDA Farm Service Agency (FSA) and NRCS.

IMPORTANT

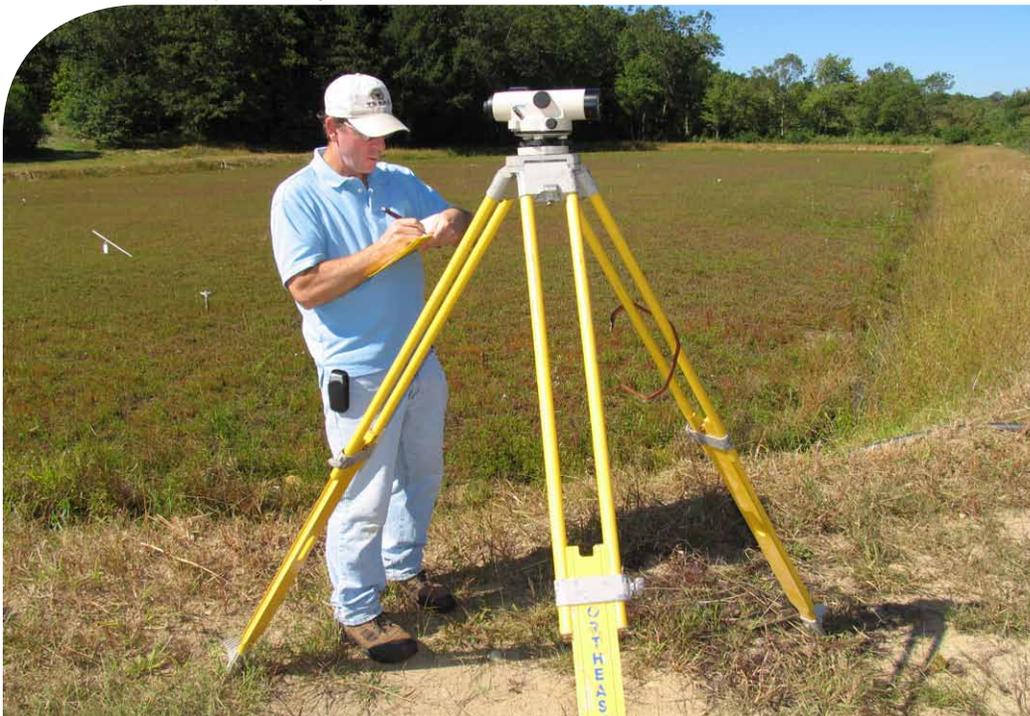
 It's your responsibility to work with FSA to establish program eligibility and to resolve any conflicts before an application for an NRCS program can be considered for funding.

The Program Application Package

The official application form is just part of the application package that you'll prepare and submit with the help of USDA staff. Components of an application package include:

Document	Form Number or Explanation
Conservation Program Application and Appendix	Form NRCS-CPA-1200
Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information	Form CCC-931 (FSA)
Highly Erodible Land/Wetland Conservation Certification (HEL/WC)	Form AD-1026 (FSA)
Members' Information	Form CCC-901- all members of an entity must meet eligibility requirements (FSA)
DUNS number and registration	Required for all entities
Documentation of control of the land for the contract period	Deed, lease or other written authorization from the landowner such as NRCS Farm Bill Conservation Programs Land Eligibility Certification Form
Authorization for NRCS Release of Conservation Plan File Information	Form available from NRCS
Direct Deposit Form	Electronic Fund Transfer for payments
Power of Attorney form	Form NRCS-CPA-09 or Form FSA-211. Required for an entity
Request for Taxpayer Identification Number and Certification	W-9 Form or a copy of last year's IRS-1040 Tax Form to verify tax identification number and associated name.

Note. Items not specifically identified as an FSA form should be submitted to NRCS.



IMPORTANT

 Be sure that the name you register with FSA is the exact name you have registered with the IRS and is the same name on your NRCS program application. If your application is selected for funding but NRCS is unable to match your name in the IRS database, you will not be able to get a contract for NRCS assistance.

TIP

 Applications for Farm Bill conservation programs may be submitted at any time, however applications received by the cut-off dates that are announced periodically will be considered for the next round of ranking and funding. Applicants should have an updated conservation plan. Contact your local NRCS office as soon as possible if you need to start or update your conservation plan.

What is a funding pool?

FAQ A funding pool refers to an amount of money that NRCS has set aside for a special category of applications. Examples of funding pools include the EQIP Organic Initiative, conservation activity plans for forest management and energy, socially disadvantaged farmers, and beginning farmers, as well as general funding pools for each program.

Each funding pool will have its own ranking criteria and applicants will compete only with other applicants in that specific pool.

Work with NRCS staff to determine in which pool you would like your application to be considered. In certain pools, you will be competing among fewer applicants, and therefore have a greater chance to be funded.

There may be limitations or restrictions associated with a certain funding pool, so it's important to discuss your options with your NRCS representative.

IMPORTANT

★ Read the Appendix to your contract carefully and understand the terms of a conservation program contract prior to signing an application.

Is there help for new, limited-resource and socially disadvantaged farmers?

FAQ The 2008 Farm Bill continues to address the unique circumstances and concerns of farmers who are beginning (farming 10 years or less), have limited resources, or who are socially disadvantaged because they belong to racial or ethnic groups that have historically been subjected to prejudice. It provides for voluntary participation, offers incentives, and focuses on equity in accessing USDA programs and services.

- ▷ Five percent of available Environmental Quality Incentives Program (EQIP) funds and Conservation Stewardship Program (CSP) acres will be set aside to assist beginning farmers and another five percent for socially disadvantaged farmers.
- ▷ Increased payment rates for will be available for socially disadvantaged and beginning farmers.
- ▷ Up to 30 percent of payments may be provided in advance for purchasing materials or contracting at the time of implementation.

The Ranking Process

After the application package is reviewed by NRCS' program manager for completeness, it is ranked along with other applications from across the state within the funding pool category for which it was submitted. Ranking categories are unique to each program and include:

- ▶ **Land use designations** such as forestry, farmstead, pasture and hayland, cropland, air quality and energy, grasslands, shrub lands, and young forest, freshwater wetlands, upland oak forest, pitch pine/scrub oak habitat, coastal habitats, and rivers and streams.
- ▶ **Cultural designations** such as beginning farmer, limited resource farmer, and socially disadvantaged farmer.

Ranking criteria are based on national, state and local environmental priorities and assess how the application will address resource concerns including, but not limited to:

- ▶ Soil erosion and soil quality
- ▶ Water quality and water conservation
- ▶ Plant and animal productivity, health and vigor
- ▶ Wildlife habitat conservation
- ▶ Invasive species control
- ▶ Air quality and Energy conservation
- ▶ Conservation program contract implementation history

Ranking criteria, which may change from year to year, are posted for public reference on the NRCS Massachusetts website at www.ma.nrcs.usda.gov. Ranking results will be reviewed with applicants in detail upon request.

What Happens Next?

You will be notified by mail or by phone about whether your application was selected for funding. Since sign-up is continuous, the time from when an application is submitted to when the applicant is notified varies.

If your application doesn't rank high enough for the current funding selection, you'll be encouraged to maintain your application package in a deferred status with NRCS, which will make it available for automatic consideration during the next selection period. You may also make changes to the plan and resubmit a new application when you are ready to move forward with another request for funding.



Your Contract with NRCS

If your application is selected for funding, you must sign a contract, which will obligate federal monies to fund your project. By doing so, you are entering into an agreement where both parties – you and NRCS – have responsibility.

The contract specifies conservation practices – that you will complete, detailing where, when and how many, as well as associated contract payments. There will also be a references that will detail how the work will be done along with the conservation plan and specific job sheets specific to your project.

The contract consists of three documents, each requiring a signature of the program participant:

- ▶ **The Contract Document [CPA-1202]**, identifying the amount of money the participant will receive over the life of the contract and the period of performance, or expiration date of the contract.
- ▶ **The Appendix to the CPA-1202**, which provides a detailed description of the responsibilities of all parties to the contract – **READ THIS CAREFULLY**.
- ▶ **The Schedule of Operations [CPA-1155]**, which lists each practice to be implemented through the contract, including dates of implementation, extent of each practice planned, and amount of money approved for each practice.

Other documents that you'll be asked to sign and date:

- ▶ **The conservation plan**, which details your goals for your operation.
- ▶ **Conservation District Agreement** form
- ▶ Your official **application ranking form**, which details how your application was evaluated. This will be kept on file at the NRCS office for future reference. (Modifications to a contract may affect the ranking score and will be considered when reviewing proposed changes.)

The Contract and Appendix

It's important that NRCS staff review with you your contract and the appendix to your contract. These documents establish the terms of the contract with NRCS. It is critical to understand your responsibilities regarding the contract.

NRCS will honor the terms of the contract in order to help you successfully complete your project. NRCS must also honor terms that include terminating the contract and recovering costs from you, if you don't comply with all the terms detailed in the contract appendix.

The Schedule of Operations

The Schedule of Operations [NRCS-CPA 1155] is part of your contract and your conservation plan. This document details each conservation practice, the payment rate, and when the practice is scheduled to be completed. Both you and NRCS must fulfill certain responsibilities in order to complete conservation practices on time.

You are responsible for securing all permits needed, hiring and paying any contractors needed, and promptly communicating with NRCS about any barriers arising that may change the contract's completion schedule.

NRCS is responsible for scheduling and completing technical assistance to complete designs or other technical plans not slated for technical service providers (TSP) assistance.

What should I know about the Contract Appendix?

FAQ The following are some of the most significant highlights of the contract appendix, but all items in the appendix are essential for a successful contract:

- ▷ Practices included in the contract cannot be started until the contract is signed by NRCS (after you have signed it, unless you have received a waiver from the State Conservationist).
- ▷ A minimum of one practice in the contract must be started during the first 12 months of the contract (you may request, in writing, a waiver from this requirement from the State Conservationist).
- ▷ You must have control of the land for the life of the contract.
- ▷ If any permits are required from state or federal agencies for specific practices, obtaining the permits is the responsibility of the landowner/operator.
- ▷ You must complete practices at least one year before the expiration date of the contract.
- ▷ You will not be compensated for any installed practice that does not meet NRCS standards and specifications.

IMPORTANT

 You are required to maintain all installed practices for the life span of the practice, identified in the Schedule of Operations, CPA-1155 or 1156.

All payments received as part of a contract are reported to the United States Internal revenue Service (IRS). You will receive a 1099 form for payments you received for the applicable tax year.

NRCS can initiate cost recovery if contract requirements are not met.

What are liquidated damages?

FAQ Liquidated damages are the expenses incurred that the parties to a contract agree to pay in the event of a breach. This is specified in the appendix to your contract with NRCS under Recovery of Costs.

TIP

▶ Here's the bottom line on who's responsible for what when you participate in a Farm Bill conservation program.

- ▶ **You** are ultimately responsible for the proper construction and maintenance of a conservation system.
- ▶ **The contractor** is responsible for constructing the system according to design and specifications, for quality control and safety.
- ▶ **NRCS** is responsible for inspecting and certifying that the project plan and specifications are met.

What is a TSP?

FAQ Technical Service Providers are conservation professionals from the private sector, non-profit organizations and public agencies that can provide direct technical assistance on behalf of USDA. Technical assistance includes conservation planning and design, layout, installation and checkout of approved conservation practices.

NRCS and conservation districts have traditionally provided these technical services and will continue to do so. Since the 2002 Farm Bill, however, USDA offers producers the option of reimbursement for technical assistance provided by certified Technical Service Providers.

If you are applying for funding for a forest management plan or an agricultural energy management plan, you will have to hire a TSP to develop the plan.

NRCS Standards and Specifications

As an NRCS program applicant, it's important to understand why this assistance is available and why the agency requires that each practice be completed to meet NRCS' standards and specifications.

For the public dollar invested in the contract, there must be a public benefit in terms of solving natural resource concerns. Success is measured by completing conservation practices, so NRCS must certify that the practice was done to the agency's requirements. Planners will identify any practice needing NRCS inspection before installation; you'll be required to notify NRCS at least one week prior to the installation date.

Program Participant and NRCS Responsibilities

It's important that you understand your responsibilities in all phases of your contract, from planning and design, through implementation and maintenance. By understanding your role, you can avoid inconvenient and costly delays, as well as possible breach and termination of your contract. If technical assistance is provided by a Technical Service Provider (TSP), the design must meet NRCS standards and specifications and be certified by the TSP.

As the program participant, you are likely the person responsible for making decisions for the property. You may be the landowner, or you may be an operator or farm manager. The landowner is the final authority and as such should be included in all phases of the project. With structural measures that require engineering, a pre-implementation meeting with the contractor and landowner present is a requirement.

Summary of Responsibilities

The Program Participant:

- ▶ Makes planning decisions
- ▶ Contacts NRCS at least one week prior to the start of work
- ▶ Hires competent contractor(s), as needed
- ▶ Makes payments for work and materials, as incurred
- ▶ Acquires permits
- ▶ Follows federal, state and local laws
- ▶ Satisfies archeological and wetland regulations

The Contractor:

- ▶ Contacts Dig Safe prior to starting construction
- ▶ Supervises construction
- ▶ Purchases and/or processes specified materials
- ▶ Follows plan drawings and specifications
- ▶ Is responsible for quality control and safety
- ▶ Verifies compliance with standards and specifications
- ▶ Trains employees on job safety and health
- ▶ Insures safe, healthy conditions prevail on the construction site

NRCS:

- ▶ Explains conservation practices and alternatives
- ▶ Follows an inspection plan
- ▶ May provide design assistance
- ▶ Certifies completion of practices to NRCS standards and specifications
- ▶ Approves contract payment to participant(s)

Your Information: What's Public and What's Private?

As a federal government agency, NRCS is bound by several federal laws that govern what information about your program participation is releasable and what is not.

The Freedom of Information Act

The Freedom of Information Act (FOIA) is a federal law that allows any person the right to obtain federal agency records. All United States government agencies are required to disclose records upon receiving a written request for them, except for those records that are protected from disclosure. This right of access is enforceable in court.

Any person can request access to NRCS records. Requests must be in writing and indicate that the request is made under the Freedom of Information Act. The agency's Freedom of Information Act officer will determine whether the requested information is exempt from mandatory disclosure. For example, information that is classified to protect national security, proprietary business information and private personal information is protected.

The Privacy Act of 1974

The Privacy Act of 1974 was enacted to protect U.S. citizens against unwarranted invasions of their privacy stemming from the collection, maintenance, use and disclosure of personal information by federal agencies. It also grants people the right to access their own records maintained by government agencies, unless those records are covered by an exemption. It also provides procedures for correcting errors in records.

The Privacy Act requires that federal agencies take steps to protect private information. NRCS employees whose duties require handling records must, at all times, protect the integrity, security and confidentiality of the records. All private information is kept in secure areas when not in use during office hours.

2008 Farm Bill, Section 1619

Section 1619 of the 2008 Farm Bill prohibits USDA from disclosing certain information that has been provided by agricultural landowners and producers in order to participate in USDA programs, except as necessary for delivering technical assistance. Some information developed by the agency concerning your property is also protected.

Section 1619 of the Farm Bill prohibits the release of information that falls into these categories:

- ▶ Information concerning the operation, practices or the land itself.
- ▶ Geospatial information, such as maps, surveys, and charts. Aerial photographs may be protected only if they contain data identifying characteristics of the agricultural land.

Section 1619 does not prohibit the disclosure of payment information, including the names and addresses of USDA payment recipients. Section 1619 does not apply to statistical or aggregated information that protects the name of individual agricultural producers, owners or sites.

You may give consent to information disclosure, however. Consent must be provided in writing and include your name, which information is to be released, to whom the data is to be released, and the length of time the data is to be available for release. You are not required to give your consent in order to participate in or receive any benefit under a USDA program.

Sometimes it's necessary for NRCS to share your information with partner agencies in order to implement conservation programs. This is permitted under Section 1619, if the partner agency has signed a Memorandum of Understanding with NRCS.

What information does Section 1619 protect?

FAQ Examples of documents that may be withheld under Section 1619 of the 2008 Farm Bill include, but are not limited to:

- ▷ conservation plans
- ▷ wetland determinations
- ▷ Highly Erodible Land determinations
- ▷ acreage amounts
- ▷ assistance notes
- ▷ National Resources Inventory data
- ▷ flood damage surveys
- ▷ program contract information



TIP

Share Your Conservation Story! One of the best ways to educate others about natural resource conservation is by sharing your own conservation story. A personal account of your work with NRCS will help other farmers and landowners to understand how NRCS can help them, too.

Here are ways that you can help:

- ▷ Be featured in a conservation success story produced by NRCS.
- ▷ Be available to be interviewed by local news media.
- ▷ Host a site tour for visiting dignitaries, reporters or the public.

Please let your NRCS District Conservationist know if you're willing to do any of the above. He or she will connect you with our public affairs staff.

Glossary

Agricultural land: Cropland, grassland, pasture and other agricultural land on which agricultural and forest products or livestock are produced and where resource concerns can be addressed.

Beginning farmer: A farmer who has been farming fewer than 10 years.

Conservation practice: A structural, vegetative or management measure taken to maintain or improve the condition, productivity, sustainability or usability of targeted resources. Examples of conservation practices include cover crops, nutrient management, manure storage facilities and wildlife habitat improvement.

Contract: A binding agreement for the transfer of financial and technical assistance from NRCS for the installation and maintenance of specific conservation practices as scheduled and agreed to by NRCS and the participant.

Limited-resource farmer: A farmer with limited financial resources. Determine eligibility at: www.lrftool.sc.egov.usda.gov/tool.asp

Non-industrial forest land: Rural land that has existing tree cover or is suitable for growing trees and is owned by any non-industrial private individual, group, association, corporation, Indian tribe or other private legal entity that has definitive decision-making authority over the land.

Rental contract: A legal document that specifies the obligations and rights of the participant, including annual rental payments to be provided to the participant.

Socially disadvantaged: People who belong to racial or ethnic groups that have historically been subjected to prejudice.

Conservation Compliance - Don't lose your benefits!

Eligibility for most USDA program benefits is contingent upon compliance with the Highly Erodible Land and Wetland Conservation provisions of the Food Security Act of 1985, as amended. These requirements are detailed in form AD-1026, which all USDA program applicants must complete and sign.

Have you, will you or are you thinking about doing any of the following activities that have not been evaluated by NRCS on your farm?

- ▶ Land clearing
- ▶ Working new land
- ▶ Excavation
- ▶ Stump removal
- ▶ Create a new drainage system
- ▶ Constructing a building or structure
- ▶ Improving, modifying or maintaining an existing drainage system
- ▶ Land leveling
- ▶ Dredging an area
- ▶ Filling an area
- ▶ Planting an agricultural commodity on land where an NRCS determination of Highly Erodible Land (HEL) or wetland has not been made

If you answered yes to any of the above and want to remain eligible for USDA program payments, you MUST file an updated form AD-1026 with the USDA Farm Service Agency.

Contact us

www.ma.nrcs.usda.gov

- **Barnstable Field Office**
Serving Barnstable, Dukes and Nantucket counties
270 Communications Way,
Hyannis, MA 02601
508-771-6476
- **Greenfield Field Office**
Serving Franklin County
55 Federal St.,
Greenfield, MA 01301
413-772-0384 ext. 3
- **Hadley Field Office**
Serving Hampden and Hampshire counties
195 Russell St.,
Hadley, MA 01035
413-585-1000 ext. 3
- **Holden Field Office**
Serving Worcester County
52 Boyden Rd.,
Holden, MA 01520
508-829-4477 ext. 3
- **Pittsfield Field Office**
Serving Berkshire County
78 Center St., Suite 206,
Pittsfield, MA 01201
413-443-1776 ext. 3
- **Westford Field Office**
Serving Essex, Middlesex and Suffolk counties
319 Littleton Rd.,
Westford, MA 01886
978-692-1904 ext. 3
- **West Wareham Field Office**
Serving Bristol, Norfolk and Plymouth counties
15 Cranberry Hwy.,
West Wareham, MA 02576
508-295-5151 ext. 2