

NB 300-16-4 LTP – EQIP Conservation Activity Plans

National Bulletin: 300-16-4

Date: November 2,
2015

Subject: LTP – EQIP Conservation Activity Plans

Action Required By: November 30, 2015

Purpose. To provide State Conservationists (STCs) with guidance to manage the Environmental Quality Incentives Program (EQIP) to support implementation of conservation activity plans (CAPs) during fiscal year (FY) 2016.

Expiration Date. September 30, 2016

Background. The Food Security Act of 1985, as amended, and subsequent congressional actions authorize NRCS to provide financial assistance through EQIP to support development of CAPs. This bulletin provides program and technical guidance for support and management of approved CAPs during FY 2016.

Explanation. The Science and Technology deputy area provides updated planning criteria and requirements for specific CAPs during FY 2016. Through the agency process of evaluation and feedback, some changes have been made to CAP technical criteria. Key changes to 14 approved CAPs for FY 2016 include the following:

- CAP 102 has been completely revised to match the revised CNMP policy in Title 190, General Manual, Part 405. This also reflects the streamlined format for the CNMP. The CAP 102 criteria provides the details on the new format and a detailed list of deliverables to NRCS and the client.

- CAP 104 had one minor edit to clarify when a narrative description of rate may be used. It can only be used for precision rate applications.

Additional technical considerations and reminders for FY 2016 include—

- As required by the appendix to the contract agreement, producers must not start any financially assisted activity or engage the services of a certified TSP prior to the contract being approved by NRCS. A producer who hires or obtains services of a TSP before the contract is approved is ineligible for EQIP financial support to develop the requested CAP.

- As noted in Title 440, Conservation Programs Manual (CPM), Part 512, Subpart B, Section 512.10, and Subpart E, Section 512.42, all practices financially supported through the EQIP Program, including CAPs, must be established after development of a conservation plan approved by the agency. All conservation plans must associate the proposed CAP with an identified natural resource concern and result in environmental benefit. The general purpose of the CAP would be to identify additional conservation practices that the participant may implement to address the identified resource concern.

· As noted in previous years, TSPs are prohibited from completing Form CPA-52, "NRCS Environmental Evaluation Worksheet," and the program payment does not include time to complete this document. To ensure that the requested CAP will appropriately address identified resource concerns, qualified NRCS staff must develop a conservation plan identifying the need for the CAP and complete the required CPA-52 for any CAP prior to approval of the contract. NRCS has responsibility for completion of the CPA-52.

· With the exception of CAP 102, Comprehensive Nutrient Management Plan; CAP 106, Forest Management Plan; and CAP 128, AgEMP, States may not establish a requirement for completion of a CAP as a condition for application to EQIP. For example, States may not establish a requirement for producers to complete CAP 138, Conservation Plan Supporting Organic Transition, as a requirement to apply for EQIP benefits through the organic initiative.

· CAPs may only be supported by NRCS and developed by a certified TSP through EQIP contracts with an eligible producer. NRCS employees and partners are prohibited from developing CAPs, only technical service providers listed as certified in TechReg for the particular CAP may develop the plan.

Plan CAP Templates: In addition to technical planning criteria, some CAPs are also supported by a "plan template," which provides a direct outline of the essential information that must be addressed in the plan. These templates also help field office staff document review and approval of completed plans. The following CAPs are supported with plan templates:

· 106 – Forest Management Plan

· 114 – Integrated Pest Management Plan

· 138 – Conservation Plan Supporting Organic Transition

· 154 – IPM Herbicide Resistance Weed Conservation Plan

· 102 – CAP 102 CNMP Comprehensive Nutrient Management Plan.—The document provides a format outline for the specific items and sections that must be addressed in a CNMP based on the updated CNMP policy.

The following requirements must be met in order to support implementation of conservation activity plans during FY 2016:

plans during FY 2010.

- All CAP planning criteria is provided in Microsoft Word format to allow States to place the names in the footer before posting to their State Field Office Technical Guides (FOTGs), Section III. CAPs must meet the minimum technical requirements of the CAP planning criteria issued by the Science and Technology deputy area. To maintain national consistency, other than adding a State name, no other modifications to CAP planning criteria or deliverables are allowed. CAP plan criteria already includes reference to requirements that all plans must comply with applicable Federal, State, Tribal, and local laws, regulations, and permit requirements. Do not add any State or locally required certifications, licensing, or planning criteria to the CAP plan criteria.

- To assist agency efforts in developing capacity for TSP services, States should market all offered CAPs to producers and provide assistance and training to potential TSPs in becoming certified.

- For each offered CAP, program payments will only be made to producers through EQIP contracts for technically approved plans prepared by certified TSPs after all applicable policy and environmental requirements have been met. NRCS staff should refer producers to the national TSP Web site "Find a TSP," which provides lists of currently certified TSPs and includes requirements for individuals or entities wanting to become certified to develop CAPs. CAPs may not be prepared by NRCS staff. CAPs may only be prepared by a certified TSP approved through the national TSP certification process. Potential participants are encouraged to contact a TSP as soon as possible; however, be sure to remind potential program participants not to engage the services of a TSP prior to approval of the EQIP contract by NRCS.

- CAP criteria and program payments are designed to allow TSPs to develop a plan that addresses the identified natural resource concerns on the entire operating unit offered by the producer. CAPs are not intended to be limited to a single field when there are other areas within the operation that follow the same management and are affected by similar resource concerns. Developing multiple CAPs for different

fields within the same operation undermines the ability of the TSP to develop a holistic plan and prevents the producer from effectively managing their operation and addressing the identified resource concerns. Note that guidance is provided that requires each CAP include all the eligible fields that the producer controls and is included in their conservation plan.

STCs must complete the following by November 30, 2015:

- Conservation Activity Plans (CAP).—States must offer CAPs through EQIP in the State programs listed per the requirements of the table in attachment A of this bulletin.

- Posting Technical and Program Information.—States must post technical and program information as follows:

- o Upload and post all the CAP planning criteria and templates offered for FY 2016 in their respective State in the FOTG, Section III.

o Upload and post offered CAP payment schedules to their respective State FOTG, Section I, per 440-CPM, Part 512, Subpart D, Section 512.34B(1).

o Upload and post appropriate CAP program announcements, offered CAPs, and payment rates to their State programs Web site per 440-CPM, Part 515, Subpart D, Section 515.32B.

· Conservation Practice Standards (CPS) Database.—The national data steward has made these CAPS available in the CPS database. CPS State data stewards must also make the practice code "active" in the State CPS database for each of the conservation plan activities approved for use and ensure that Toolkit users update their domain data to add these codes. The practice lifespan for each of the 14 CAPs is 1 year.

· EQIP Financial Assistance Support.—Each approved CAP is supported by a single, stand-alone program contract with plan development scheduled during the first 12 calendar months after obligation. The expectation is that these agreements will be completed within the first year. Modification of CAP program contracts to reschedule and allow completion of the conservation plan beyond the first year is strongly discouraged.

· ProTracts.—The ProTracts application type of "planning" or "plan-organic" must be associated with each EQIP CAP application and ranking of these applications is required. ProTracts will not allow the application to be approved or obligated without a ranking score for applications for CAPS. Refer to attachment A, which provides guidance for which program subaccounts are appropriate to rank and approve CAPs.

· Conservation Plan Requirement.—All EQIP program contracts must be supported by an NRCS-developed conservation plan to support the need and appropriate fields for the CAP per requirements in 440-CPM, Part 512, Subpart B, prior to approval of the CAP contract. To ensure that CAPs appropriately address all relevant resource concerns, an NRCS-developed conservation plan, supported with an agency-prepared NRCS-CPA-52, must be provided to the participant prior to approval of the CAP contract.

· One CAP Per Land Unit Restriction.—Eligible producers may submit applications for development of multiple CAPs; however, only one CAP contract may be concurrently approved and developed on an eligible land unit (e.g., field) at the same time except for CNMP and AgEMP CAPs, where multiple CAP plans may be approved and implemented on the same land unit. Once a CAP contract is completed, then another CAP application may be considered on the same land if a resource concern has been identified on the land unit.

Note: STCs must ensure that approved EQIP contracts will not allow duplication of payments for the same planning services in program contracts (i.e., contracts with both 100-series practice payments financial assistance (FA) and 900-series TA payments for the same planning services on the same land). STCs must also ensure that that EQIP CAP contracts will not be approved if planning services are provided to a producer by any other source, which would duplicate the services provided and financial payment. For example, if NRCS has an agreement with a State agency partner to provide forest management plans (FMPs), if such a service has already been provided, the producer would not be eligible for a CAP to develop another FMP on the same land unit.

· CAP Payment Schedules.—The NHQ-approved EQIP FY 2016 CAP payment rates are located within the Payment Schedule Application Tool (PSA). For national consistency, all CAP payment schedules include a standard program percentage rate, and historically underserved participants will be eligible for an appropriate higher payment rate. The program payment percentage rates may not be changed by States and practice payment cost caps per 440-CPM, Part 512, Subpart G, Section 512.60F, are not allowed for CAPs. If a CAP is required or will be offered in a State, STCs must include and offer all scenarios and associated payment rates for that CAP in the payment schedules. For reference, complete CAP payment schedules will be posted to the national EQIP CAP Web site.

· Application Consolidation.—Applications for CAPs must be supported with a conservation plan that address all the identified and applicable resource concerns and include all the eligible fields that—

o The CAP is designed to address (i.e., all farmstead, crop or pasture operations).

o Are within the operating unit.

o The producer has control of the land.

o Are included in the NRCS-certified conservation plan.

CAPs that do not cover the entire area described above may be determined ineligible, as they are not effective in assisting the producer to meet the purpose of the program.

Contact. If you have any program questions, contact the EQIP Team Leader, Financial Assistance Programs Division, at (202) 690-2621. If you have any technical questions, contact the national agronomist at (202) 720-3783.

/s/

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/s/

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Attachment A

Attachment B