

DEPARTMENT OF AGRICULTURE

Cooperative Conservation Partnership Initiative (CCPI)

Natural Resources Conservation Service (NRCS), Department of Agriculture (USDA).

SUMMARY: Section 2707 of the Food, Conservation, and Energy Act of 2008 (2008 Act) establishes the Cooperative Conservation Partnership Initiative (CCPI) by amending Section 1243 of the Food Security Act of 1985 [16 U.S.C. 3843]. The Secretary of Agriculture has delegated the authority to administer CCPI to the Chief of the Natural Resources Conservation Service (NRCS), who is a Vice President of the Commodity Credit Corporation (CCC). NRCS is an agency of the United States Department of Agriculture (USDA). The Cooperative Conservation Partnership Initiative (CCPI) is a voluntary conservation initiative that enables the use of certain conservation programs along with resources of eligible partners to provide financial and technical assistance to owners and operators of agricultural and nonindustrial private forest lands. In fiscal year (FY) 2010, NRCS will make Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), and Wildlife Habitat Incentive Program (WHIP) funds available to owners and operators of agricultural and nonindustrial private forest lands who participate in approved CCPI project areas.

The following definitions are associated with the Request for Proposals (RFP) published to the Federal Register for CCPI.

FOR FURTHER INFORMATION CONTACT: Gregory Johnson, Director, Financial Assistance Programs Division (FAPD), NRCS; phone: (202) 720-1845; fax: (202) 720-4265.

Definitions

Agricultural operation in reference to CSP, means all agricultural land and other land, as determined by NRCS, whether contiguous or noncontiguous:

(1) Which is under the effective control of the producer for the term of the proposed contract; and

(2) Which is operated by the producer with equipment, labor, management, and production or cultivation practices that are substantially separate from other operations.

Animal waste storage or treatment facility means a structural conservation practice used for storing or treating animal waste.

Agricultural land means cropland, grassland, rangeland, pasture, and other agricultural land on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Other agricultural lands may include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for production of livestock.

Beginning Farmer or Rancher means a person or legal entity who:

(a) Has not operated a farm or ranch, or who has operated a farm or ranch for not more than 10 consecutive years. This requirement applies to all members of an entity who will materially and substantially participate in the operation of the farm or ranch.

(b) In the case of a contract with an individual, individually or with the immediate family, material and substantial participation requires that the individual provide substantial day-to-day labor and management of the farm or ranch consistent with the practices in the county or State where the farm is located.

(c) In the case of a contract with an entity or joint operation, all members must materially and substantially participate in the operation of the farm or ranch. Material and substantial participation requires that each of the members provide some amount of the management or labor necessary for day-to-day activities, such that if each of the members did not provide these inputs, operation of the farm or ranch would be seriously impaired.

Chief means the Chief of the Natural Resources Conservation Service, or designee.

Conservation Activity Plan (CAP) means a resource specific conservation plan prepared by a certified Technical Service Provider (TSP) as authorized by the Food, Conservation and Energy Act of 2008 (FCEA) for financial assistance payment through the Environmental Quality Incentives Program (EQIP) for eligible land of the producer.

Conservation activities related to CSP means conservation systems, practices, or management measures needed to address a resource concern or improve environmental quality through the treatment of natural resources, and includes structural, vegetative, and management activities, as determined by NRCS. In general and for other programs, the term conservation activities include any kind of measure, treatment, practices, or activity associated with an agricultural operation which may or may not be associated with an NRCS conservation practice or program support.

Conservation Measurement Tool means procedures developed by NRCS to estimate the level of environmental benefit to be achieved by a producer using the proxy of conservation performance improvement.

Conservation planning means using the NRCS planning process outlined in the National Planning Procedures Handbook (NPPH) of the Natural Resources Conservation Service. The NPPH is available at <http://directives.sc.egov.usda.gov/>.

Conservation practice means one or more conservation improvements and planning activities including structural practices, land management practices, vegetative practices, forest management practices, and other improvements that achieve the program purposes that are planned and installed in accordance with standards and specifications contained in the NRCS Field Office Technical Guide (FOTG). Only EQIP may provide financial assistance for support of the activity of conservation planning. Conservation practices funded through CCPI are subject to requirements of each of the authorized programs:

- EQIP regulation 7 C.F.R. 1466. - <http://www.nrcs.usda.gov/programs/eqip/>;
- CSP regulation 7 C.F.R.1470 - http://www.nrcs.usda.gov/programs/new_csp/csp.html/,
and
- WHIP regulation 7 C.F.R.636 - <http://www.nrcs.usda.gov/programs/whip/>.

Conservation stewardship plan means a record of the participant's decisions that describes the schedule of operations and conservation activities to be implemented, managed, maintained, or improved. Associated supporting information that identifies and inventories resource concerns and existing conservation activities, establishes benchmark data, and documents the participant's conservation objectives will be maintained with the plan.

Conservation system means a combination of conservation practices, management measures, and enhancements used to address natural resource and environmental concerns in a comprehensive, holistic, and integrated manner.

Contract as defined in the EQIP and CSP regulation means a legal document that specifies the rights and obligations of any participant accepted to participate in EQIP or CSP. A program contract is a binding agreement for the transfer of assistance from USDA to the participant to share in the costs of applying conservation practices.

Cost-share agreement as defined in the WHIP regulation means a legal document that specifies the rights and obligations of any participant accepted into WHIP. A WHIP cost-share agreement is a binding agreement for the transfer of assistance from USDA to the participant to share in the costs of applying conservation.

Conservation Stewardship Program (CSP) means a program administered by NRCS in accordance with 7 CFR part 1470, which provides for technical and financial assistance to encourage producers to address resource concerns in a comprehensive manner by undertaking additional conservation activities and improving, maintaining, and managing existing conservation activities.

Cropland means land used primarily for the production of adapted crops for harvest, including but not limited to land in row crops or close-grown crops, forage crops that are in a rotation with row or close-grown crops, permanent hayland, horticultural crops, orchards, vineyards, cropped woodland, marshes, cranberry bogs and other lands used for crop production.

Cropped Woodland and Marshes means woodland and marshes in which at least 50 percent of the area is actively managed to produce an agricultural product. The crop may be grown symbiotically within the system, such as ginseng and wild rice, or harvested directly from the trees, such as maple syrup. Once established, the agricultural product is harvested annually.

Designated Conservationist means an NRCS employee whom the State Conservationist has designated as responsible for administration of NRCS programs at the local level.

Enhancement means a type of conservation activity associated with CSP used to treat natural resources and improve conservation performance. Enhancements are installed at a level of management intensity that exceeds the sustainable level for a given resource concern, and those directly related to a practice standard are applied in a manner that exceeds the minimum treatment requirements of the standard.

Environmental Quality Incentives Program (EQIP) means a program administered by NRCS in accordance with 7 CFR §1466 (<http://www.nrcs.usda.gov/programs/eqip>), which provides technical and financial assistance to eligible producers for the installation and implementation of conservation practices and activities on private agricultural and nonindustrial forest land.

Field Office Technical Guide (FOTG) means the official local NRCS source of resource information, conservation practice standards, specifications, and interpretation of guidelines, criteria, and requirements for planning and applying conservation practices and conservation management systems. It contains natural resource quality criteria to be achieved to provide for the conservation and sustainability of soil, water, air, plant, and animal resources applicable to the geographic area where resource concerns are addressed. The FOTG may be accessed online at: <http://www.nrcs.usda.gov/technical/efotg/>.

Financial Assistance (FA) means a payment made to the program participant.

Forest management plan means a site-specific plan that is prepared by a professional resource manager, in consultation with the participant, and is approved by the State Conservationist. Forest management plans may include a forest stewardship plan, as specified in Section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a); another practice plan approved by the State Forester; or another plan determined appropriate by the State Conservationist. The plan must comply with Federal, State, tribal, and local laws, regulations, and permit requirements.

Hayland means a subcategory of cropland managed for the production of forage crops that are machine harvested. The crop may be grasses, legumes, or a combination of both.

Indian land is an inclusive term describing all lands held in trust by the United States for individual Indians or Tribes, or all lands, titles to which are held by individual Indians or Tribes, subject to Federal restrictions against alienation or encumbrance, or all lands that are subject to the rights of use, occupancy and/or benefit of certain Tribes. For purposes of this notice, the term Indian land also includes land for which the title is held in fee status by Indian Tribes, and the U.S. Government owned land under Bureau of Indian Affairs jurisdiction.

Indian tribe means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Joint Operation means a general partnership, joint venture, or other similar business arrangement in which the members are jointly and severally liable for the obligations of the organization.

Joint Agreement means a business arrangement where two or more participants cooperate to carry out conservation practices that can best be accomplished by combining resources. Such agreements must be formally documented and signed by all applicable parties.

Limited Resource Farmer or Rancher means:

(a) A person with direct or indirect gross farm sales of not more than \$155,200 in each of the previous 2 years (adjusted for inflation using Prices Paid by Farmer Index as compiled by the National Agricultural Statistical Service), and

(b) Has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous 2 years (to be determined annually using Commerce Department Data).

Local working group (LWG) means the advisory body pursuant to 16 U.S.C. 3861 and described in 7 CFR part 610. Information regarding these groups can be found at:

<http://www.nrcs.usda.gov/programs/StateTech/>.

Management measure means one or more specific actions that is not a conservation practice, but has the effect of alleviating problems or improving the treatment of the natural resources.

National Organic Program means the program, administered by the Agricultural Marketing Service, USDA, which regulates the standards for any farm, wild crop harvesting, or handling operation that wants to market an agricultural product as organically produced.

Natural Resources Conservation Service (NRCS) means an agency of the USDA, which has responsibility for administering programs such as EQIP, WHIP, and CSP using the funds, facilities, and authorities of the Commodity Credit Corporation.

Nongovernmental organization is any legal entity that is organized for, and at all times since the formation of the organization has been operated principally for one or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986; is an organization described in section 501(c)(3) or that is described in section 509(a)(2) of that Code; or is described in section 509(a)(3) of that Code and is controlled by an organization described in section 509(a)(2) of that Code.

Nonindustrial private forest land means rural land, as determined by the Secretary, that has existing tree cover or is suitable for growing trees; and is owned by any nonindustrial private individual, group, association, corporation, Indian Tribe, or other private legal entity that has definitive decision making authority over the land.

Participant means a person or legal entity, joint operation, or tribe that is receiving payment or is responsible for implementing the terms and conditions of a contract or cost-share agreement under a program covered by CCPI.

Partner means an entity that enters into a partnership agreement with NRCS or designee to carry out the approved CCPI project. Eligible partners include federally recognized Indian Tribes, State and local units of government, producer associations, farmer cooperatives, and institutions of higher education or nongovernmental organizations with a history of working cooperatively with producers.

Partnership agreement means a multi-year agreement between NRCS Chief or designee and the eligible partner. The CCPI partnership agreement describes the activities and resources, such as technical or financial assistance, that may be provided by NRCS and the partner to help producers to meet the objectives of CCPI in an approved project area. The CCPI partnership agreement does not transfer financial or technical assistance funding to a partner nor provide for the administrative expenses of the partner. Individual producers may not enter into partnership agreements under CCPI authority.

Pastureland means grazing lands comprised of introduced or domesticated native forage species that are used primarily for the production of livestock. They receive periodic renovation and/or cultural treatments such as tillage, fertilization, mowing, weed control, and may be irrigated. They are not grown in rotation with crops.

Payment means financial assistance (FA) provided to a program participant under the terms of the contract or cost-share agreement. Payments and payment rates are established by program rule. Payments are only provided to assist with implementation of approved conservation practices and activities listed in the NRCS Field Office Technical Guide and must meet all other program requirements.

Priority resource concern means a resource concern that is identified by the State Conservationist, with advice from the State Technical Committee and local work groups, as a priority for a State, or the specific geographic areas within a State.

Producer means a person, legal entity, or joint operation who has an interest in the agricultural operation, according to 7 CFR part 1400, or who is engaged in agricultural production or forestry management.

Program Applicant means a person, legal entity, joint operation, or Indian Tribe, that has an interest in an agricultural operation, as defined in 7 CFR part 1400, who has requested program assistance. Note: See definition for “*producer*”.

Projects of Special Environmental Significance means projects, as defined in 7 CFR §1466(d) and approved the Chief, which meet the following criteria:

- Site-specific evaluations have been completed, documenting that the project will have substantial positive impacts on critical resources in or near the project area (*e.g.*, impaired water bodies or at-risk species);
- The project clearly addresses a national priority and State, Tribal, or local priorities, as applicable; and
- The project assists the participant in complying with Federal, State, and local regulatory requirements.

Rangeland means land on which the historic climax plant community is predominantly grasses, grass-like plants, forbs, or shrubs, and, includes lands revegetated naturally or artificially when routine management of that vegetation is accomplished mainly through manipulation of grazing. Rangelands include natural grasslands, savannas, shrublands, most deserts, tundra, alpine communities, coastal marshes, and wet meadows.

Resource concern means a specific natural resource problem that represents a significant concern in a State or region, and is identified in the proposal to be addressed through the implementation of conservation practices by producers. Resource concerns used by NRCS are found in Section III of each State or local FOTG which can be viewed at:

<http://www.nrcs.usda.gov/technical/efotg/>. Examples of natural resource concerns include Soil Quality, Water Conservation, Water Quality, Plant Condition, Air Quality, Domestic Animals, Fish and Wildlife Habitat, and other sub categories of resource concerns.

Resource-conserving crop means a crop that is one of the following:

- (1) A perennial grass, legume, or grass/legume grown for use as forage, seed for planting, or green manure;
- (2) A high residue producing crop; or
- (3) A cover crop following an annual crop.

Resource-conserving crop rotation means a crop rotation that:

- (1) Includes at least one resource conserving crop as determined by the State Conservationist;
- (2) Reduces erosion;
- (3) Improves soil fertility and tilth;
- (4) Interrupts pest cycles; and
- (5) Reduces depletion of soil moisture or otherwise reduces the need for irrigation in applicable areas.

Socially disadvantaged farmer or rancher means a farmer or rancher who has been subjected to racial or ethnic prejudices because of their identity as a member of a group without regard to their individual qualities. Those groups include Blacks or African Americans, American Indians or Alaskan natives, Hispanics, Asians, native Hawaiians or other Pacific Islanders.

State Conservationist means the NRCS employee who is authorized to implement conservation programs administered by NRCS and who directs and supervises NRCS activities in a State, the Caribbean Area, or the Pacific Islands Area.

State Technical Committee means a committee established by the USDA Secretary in a State pursuant to 16 U.S.C. 3861 and described in 7 CFR part 610. Information regarding these committees can be found at: <http://www.nrcs.usda.gov/programs/StateTech/>.

Technical assistance (TA) means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses. The term includes the following: 1) technical services provided directly to farmers, ranchers, and other eligible entities such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices; and 2) technical infrastructure including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses. Information regarding TA can be found at: <http://www.nrcs.usda.gov/programs/cta/>.

Technical Service Provider means an individual, private-sector entity, or public agency certified by NRCS, in accordance with 7 CFR part 652, to provide technical services to program participants in lieu of or on behalf of NRCS. Additional information regarding TSP services available through AWEP is found in EQIP regulation (7 CFR part 1466.11) (<http://www.nrcs.usda.gov/programs/eqip>).

Wildlife Habitat Incentive Program (WHIP) means a program administered by NRCS in accordance with 7 CFR part 636, which provides for technical and financial assistance to protect, restore, develop, and enhance wildlife habitat.