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March 12, 2012

## **KANSAS BULLETIN NO. KS300-12-42**

### **SUBJECT: LTP–Waiver to Apply or Commence a Financially Assisted Practice within the First 12 Months of a Conservation Program Contract**

**Purpose.** To issue guidance to request a waiver to the requirement to start a financially assisted practice within the first 12 months of a Conservation Program Contract (CPC)

**Expiration Date.** September 30, 2013

Per Title 440-Conservation Programs Manual (CPM), Part 512, Section 512.45(C), failure to start an Environmental Quality Incentives Program (EQIP) or Wildlife Habitat Incentives Program (WHIP) practice within the first 12 months of the contract constitutes noncompliance with the provisions of the contract. The state conservationist (STC) may waive this requirement if requested in writing by the participant. (See attached template.)

The STC may waive this requirement in instances where the participant is prohibited from installing a planned practice for meritorious reasons beyond their control such as:

- (i) Alleviation of imminent and significant environmental problems
- (ii) Prevention of endangerment of life or property
- (iii) Seasonal weather constraints
- (iv) Other significant reasons hindering the installation of a planned practice that is beyond the control of the contract holder

The participant must agree to the revised practice application schedule on Form NRCS-CPA-153, Agreement Covering Non-Compliance with Provisions of Contract, which must include notification of consequences of failure to implement as rescheduled. This waiver will expire on a date determined by the STC, but no later than one year after the date of waiver approval or 24 months from the data of original obligation. If a practice has not been started prior to the waiver expiration, the contract will be terminated in accordance with Title 440-CPM, Part 512, Section 512.57, Cancelling and Terminating Contracts.

(more)

DIST: A, F, S, Franklin, C. Nelson

Contract items may be accomplished at any time prior to the year scheduled or no later than one year after the planned year. When this provision is used, it must be noted on the next contract review because the practice application is not on schedule. All required treatment must be installed at least 12 months before the end of the contract period.

All Forms NRCS-CPA-153 and Forms NRCS-CPA-13, Contract Review, are to be completed in the Program Contracts System (ProTracts) with a hard copy on file in the contract folder for the record.

Supervisory district conservationists (SDCs) and district conservationists (DCs) shall ensure that both Form NRCS-CPA-13 and Form NRCS-CPA-153 state the consequences of not adhering to the new agreed to schedule and include a specified date to comply, not to exceed 24 months of the original contract obligation date.

Submit waiver requests (attached) to the assistant state conservationist for field operations (ASTC-FO) using the electronic contracts system (eContracts). SDCs and DCs shall send an email notification to the ASTC-FO regarding pending waiver requests. Both SDCs/DCs and the ASTC-FO shall select "concur" or "not concur" on all requests.

The "notification" button will not be used by the field office for these waiver requests. The ASTC-FO will review and concur or disagree then submit the waiver using the eContracts for approval or disapproval of the STC. The ASTC-FO will notify the appropriate program manager of the submission using the notification button in eContracts.

**Contact:** Please forward questions, through established channels, to Gaye L. Benfer, Assistant State Conservationist for Programs, at [gaye.benfer@ks.usda.gov](mailto:gaye.benfer@ks.usda.gov) or 785-823-4569.

*(Signed)*

ERIC B. BANKS  
State Conservationist

Attachment