

Attachment B: Sample Program Eligibility Certification Letter

VIA CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

DATE

(Name and address of contract participant)

RE: Program Eligibility Certification Required for (<<insert program>>) contract.

Dear (contract participant name):

This notice is to advise you that you must either establish or update your (individual or business) records at the local Department of Agriculture (USDA) Service Center. Your (<< insert Program>>) contract requires compliance with the Highly Erodible Land Conservation (HELC), Wetlands Conservation (WC), and Adjusted Gross Income (AGI) provisions of the Food Security Act of 1985, as amended. Further, NRCS must confirm your interest as an agricultural producer as well as control of the property for the contract period. We must therefore confirm that you have been and are complying with these requirements for all past and future payments included in your (<< insert Program>>) contract.

We have conducted a review of your current certifications and find that one or more of the following conditions exist:

- Your compliance with the Highly Erodible Land and Wetland Conservation Provisions (HELC/WC) could not be verified or you have not filed or updated form AD-1026 (HELC/WC Certification) with the Farm Service Agency (FSA).
- You have not filed form CCC-526 (AGI Certification) with FSA.
- You have not filed form CCC-501A (Member's Information) with the Natural Resources Conservation Service (NRCS) to document information about each member of your business or joint operation. This form also requires you to present evidence of signature authority so that you may perform business functions for the entity or operation you represent.
- You are currently shown as being ineligible to participate in USDA programs based on your previously filed certifications on record at the local USDA Service Center.

Action Required by Program Participant:

You must file or update the requested certifications at the local USDA Service Center **within 30 days of receipt of this letter**. Failure to complete this action within 30 days will result in your contract being terminated, refund of all previously received payments

and may require assessment of liquidated damages as provided by the contract terms and conditions.

The action required in this notification do not meet the definition of an adverse decision as provided by the National Appeals Division (NAD) Rules of Procedure, but rather is a request for you to provide that appropriate certification required by statute. Therefore, NRCS has not provided you with any rights to the USDA Administrative Appeals process. However, if you fail to respond to this notice and contract termination and repayment action is taken, you will be provided with the appropriate appeal rights.

If you have any questions or concerns, please contact this office at (<<insert phone and address>>).

Sincerely,

(Enter DC Name)
District Conservationist

Cc:
CED, FSA