



Natural Resources Conservation Service
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September 11, 2012

NEW MEXICO BULLETIN NO. 440-12-05

SUBJECT: PGM – CONSERVATION STEWARDSHIP PROGRAM (CSP) – GUIDANCE FOR REMAINDER FY 2012

TO: All Field Offices

Purpose: To provide guidance on CSP for remainder of FY 2012.

Expiration Date: September, 30 2012.

The attached National Bulletin provides guidance for assisting producers that have been affected by drought. We understand that many producers in New Mexico have been affected by the drought and by carrying out the following steps the Field Offices (FO) will be better able to assist Producers in keeping contracts in compliance. ***The most important step the producer must take is to submit a variance request to the local Natural Resources Conservation Service (NRCS) office prior to the end of FY 2012.*** This will allow for variance requests to be submitted to National Headquarters (NHQ) prior to the end of the fiscal year. If a producer notifies NRCS, in writing, the FO will submit a variance request to the Area Office (AO) for review/concurrence. The review process could/should include a site visit by area or state specialist depending on the enhancement/practice. The AO will then forward the request to the State Office (SO) for review and the SO will submit to NHQ for approval. Producers should be reminded that a variance does not mean that the work will be waived. In fact it will most likely not be waived but instead be temporarily adjusted depending on the circumstance. Also, please keep in mind, if a producer did not complete the work and did not request a variance waiver the contract is in non-compliance and subject to a CPA-153. Once again, the variance, if approved, does not mean waiver of the enhancement/practice.

We are anticipating instructions from NHQ in the near future regarding FY 2012 payments. When we get guidance we will forward to the FO and AO. Please keep in mind that in order for a producer to receive a FY 2012 payment they must provide evidence they have completed all scheduled enhancements by September 30, 2012. An exception to the rule, are contracts that were signed after June 1, 2012 and have an approved waiver (see paragraph 3) as noted on the memo dated June 4, 2012 (attached). The FO should review the documents to verify the work was completed according to the job sheet and clearly document in the technical notes. Please refer to the enhancement job sheets for documentation requirements. If a producer did not

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complete a scheduled enhancement by September 30, 2012 and does not have an approved waiver or variance the contract is considered in non-compliance and a CPA-13 along with a CPA-153 must be completed with an agreed to date to become compliant (508.103A). It is important that these steps be completed in order to document the non-compliance state.

Contracts that were obligated after June 1, 2012 had the option of requesting a waiver to:

1. commence all scheduled activities prior to the end of FY 2012, receive an FY 2012 payment and complete the activity in FY 2013 in addition to FY 2013 scheduled activities; or
2. commence and complete all FY 2012 scheduled activities by the end of the calendar year (December 31, 2012) (see attached).

In order for a producer, who chose option 1, to receive a payment the producer must provide evidence that the activities were commenced prior to September 30, 2012. With selection of option 2, a payment cannot be made until the producer provides evidence that all scheduled FY 2012 activities were completed. If the producer does not provide evidence by December 31, 2012 the contract is considered in non-compliance and both a CPA-13 and a CPA-153 must be completed.

For prior year contracts, where waivers were granted, the FO needs to keep in mind that documentation must be submitted showing proof the work was completed within the given time frame. Example: a producer was awarded a contract in FY 2011 and a waiver was approved for the FY 2011 activities to be commenced in FY 2011, received a 2011 payment and completed the work in FY 2012. The FO must verify that the enhancements/practices that were scheduled in 2011 were completed in 2012 (according to the waiver) in addition to the work that was scheduled in FY 2012. If the producer did not complete the work for 2011 and 2012 the contract would be considered in non-compliance and the proper steps need to be completed to document the non-compliance issue. An FY 2012 payment should not be made until the contract is in compliance.

If you have questions on any of the guidance or the attached information, please contact, Norman Vigil, Assistant State Conservation for Programs (ASTC/P), at (505) 761-4445 or Kenneth Branch, Resource Conservationist, at (505) 761-4407.



NORMAN VIGIL
Assistant State Conservationist for Programs

Attachments (2):

1. Waiver Contracts Obligated After June 1st (2 pgs.)
2. Policy Reference – Drought (3 pgs.)