

Control of Land

Eligibility Requirements for USDA Conservation Programs



Control of Land Requirements

To be an eligible applicant for conservation programs, a producer must have written effective control of the land at the time of application. Effective control means possession of the land by ownership, written lease, or other legal agreement and authority to act as decision maker for the day-to-day management of the land – both at the time of entering into a contract and expiration of the contract.

To establish effective control for the required period of the contract, NRCS requires the applicant have written control if they are not listed as owner in Farm Service Agency (FSA) Records. Refer to the applicant's Producer Farm Data Report to see who is listed as owner. If the applicant is listed as "owner/operator," a lease is not required.

Once properly completed and signed, the leases (and permission to install structural or vegetative practices) must be provided to NRCS to establish eligibility, and kept by the applicant for the period of the contract.

All contracts will be audited. Auditors will request the control of land statements from you. They will verify that Farms and Tracts are under your effective control, confirm that signatures are valid, and note the date the statement was signed--it must be dated before the contract was obligated to show valid effective control.



Leases should contain:

- NRCS Applicant name as lessee, not another party
- Tract/Farm Number or legal description of the property
- Start/end dates of control that are through contract expiration

Note: CSP Contracts expire on 12/31 of the 5th year of the contract. For EQIP, your District Conservationist can advise you on your contract expiration date

- A statement about what is controlled if not all land in the tract (i.e. pasture only, etc.)
- Approximate acreage
- Owner (from FSA Records) signature and date
- Multiple Farms/Tracts with the same owner can be included on one lease
- For land that has multiple owners, only 1 owner is required to sign the lease
- If you will be installing structural or vegetative practices on leased land you must have written permission from your landlord to do so. This can be included in the lease or a separate document
- You may already have a lease that meets these requirements

Producer & Land Eligibility

USDA conservation programs and associated program benefits are available to producers who meet basic eligibility requirements.

Demonstrating control of land to be enrolled in a conservation program is one eligibility requirement. Control can be shown through documented ownership or by a formal lease agreement that covers the length of the contract. This fact sheet is intended to clarify how control of land must be documented.

Changes During Contract Period

If changes in effective control occur, such as changes in ownership or an owner removes you as operator during the contract period, contact your local NRCS office immediately. Updated leases or a contract modification may be required.

Note: Any land that you gain during the contract period cannot be added to an existing contract but may be eligible for an additional contract.

Without valid effective control, a producer faces penalties that could range from removal of the land from the contract with repayment to termination of the contract for cause with repayment and possible recovery of costs of up to 10 percent of the contract obligation. [Possible penalties are covered in your Appendix under Subpart 8 - Misrepresentation and Scheme or Devise and Subpart 12-Recovery of Costs (B).]

Sample Lease

Example Lease Agreement

Landowner Name: John Smith

NRCS Participant Name: Smith Farms, LLC

Land Units Leased:

Tract:	12345	13456					
Acres:	32.5	80.0					

For the above described land unit that I own, I hereby certify that the above NRCS Participant will have control of this land for the purpose of satisfying the terms and conditions of an NRCS Program Contract. The NRCS Participant has my permission to install structural or vegetative conservation activities and practices on my land.

Start Date of Lease: March 1, 2015

End Date of Lease: December 31, 2022

By John Smith
Landowner's Signature

2/1/2015
Date



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