

Fact Sheet: Land Control Requirements for Participation in NRCS Programs

August 2013

Overview

To be an eligible applicant for conservation programs with the Natural Resources Conservation Service (NRCS), a producer must self-certify written control of the land at the time of application. Corresponding land control questions are on the Form 1200 application. Control means possession of the land by ownership, written lease, or other legal agreement. Control provides the producer authority to act as decision maker for the day-to-day management of the operation – from the time of application through the performance period of the contract.

Eligibility

NRCS determines ownership using the Producer Farm Data Report form provided by USDA's Farm Service Agency (FSA).

If the producer is the sole owner or owner/operator NRCS will certify compliance utilizing the FSA Producer Farm Data report.

Tenants must establish land control for the required period of the contracts, which generally require:

- A description of the land such as FSA Farm and Tract number or tax parcel number and a map with identifying information such as the labeled FSA Farm and Tract map or labeled tax parcel map.
- A statement of control from the landowner
- Specific years under for which control is granted
- The owner's signature and date.

If ownership is by divided interest, each owner must concur. If ownership is by undivided interest, at least 51% of the landowners must grant the participant control.

For purposes of verification, NRCS will randomly select at least 5% of all contract participants in the year of obligation who have self-certified land control. In addition, NRCS will conduct verification of all other participants when it receives a complaint or otherwise has information that the participant's self-certification is incorrect.

Participants Responsibility

It is the participant's responsibility to provide documentation of control if requested by the NRCS. NRCS will verify that farms and tracts are under the participant's control, confirm that signatures are valid, and note the signature dates – it must be dated before the application was filed to show valid self-certification at the time of application. NRCS will use the FSA Producer Farm Data Report form for the year of obligation to verify ownership.

Without valid control, a producer faces contract violation, which may result in contract termination. Penalties could range from removal of the land from the contract with repayment to termination of the contract for cause with repayment and possible recovery costs of up to 10% of the contract obligation (as per the 1202 appendix).

If changes in control occur, such as changes in ownership or an owner removes you as operator during the contract period, contact your local NRCS office immediately.

Note: Any land that you gain during the contract period cannot be included in an existing contract.

More Information

For more information and updates, visit www.usda.gov/farmbill, or the NRCS Web site at www.nrcs.usda.gov/farmbill

Or, contact your local NRCS field office.

