

NB 300-19-10 LTP – Environmental Quality Incentives Program Conservation Activity Plans

National Bulletin:	300-19-10	Date:	January 14, 2019
Subject:	LTP – Environmental Quality Incentives Program Conservation Activity Plans		

Purpose. To provide State Conservationists (STC) with guidance to manage the Environmental Quality Incentives Program (EQIP) to support implementation of conservation activity plans (CAP) during fiscal year (FY) 2019.

Expiration Date. September 30, 2019

Background. The Food Security Act of 1985, as amended, and subsequent congressional actions, authorize the Natural Resources Conservation Service (NRCS) to provide financial assistance through EQIP to support development of CAPs. This bulletin provides program and technical guidance for support and management of approved CAPs during FY 2019.

Explanation. The Science and Technology deputy area did not update planning criteria and requirements for specific CAPs for FY 2019.

Conservation Plan Requirement for CAPs— As noted in Title 440, Conservation Programs Manual (CPM), Part 512, Subpart B, Section 512.10, and Subpart E, Section 512.42, all practices financially supported through EQIP, including CAPs, must be established after development of a conservation plan approved by the agency. As noted in previous years, Technical Service Providers (TSP) are prohibited from completing Form NRCS-CPA-52, "Environmental Evaluation Worksheet" (CPA-52), and the program payment does not include time to complete this document. All conservation plans must associate the proposed CAP with an identified natural resource concern and result in environmental benefits. There are two basic categories that CAPs fall into, which determines the level of detail needed in the NRCS conservation plan:

- Planning CAP – These CAPs are conservation plans developed by the TSP that require an assessment of resource concerns and the development of alternatives, including at a minimum a 'no action' alternative, and an alternative consisting of conservation systems that reflect the decisions of the producer and the effects of those decisions. CAPs that fall into this category include the CAP 102 CNMP and CAP 106 Forest Management Plan (FMP). The NRCS pre-CAP conservation plan and CPA-52 must reflect the need for the given CAP by including the CAP in the practice schedule as a decision on the part of the producer. Assuming there are no other practices being proposed in the conservation plan identifying the need for a CAP, NRCS must complete the CPA-52, including:
 - Section F to identify benchmark conditions for any resource concern the TSP will not address as part of the CAP.
 - Section G to indicate if there is the potential presence of special environmental concerns in the area of potential effect. This information, particularly the potential presence of special environmental concerns, must be provided to the TSP either directly if the program participant grants permission, or to the program participant to provide to the TSP, so the TSP is able to avoid adversely affecting these special resources when developing the CAP. Geographic Information Systems (GIS) data and maps of protected resources may be helpful to provide when available and appropriate.
 - Section Q, where finding #2 should be selected with a reference added to Department of Agriculture (USDA) categorical exclusion #6, "Activities that are advisory and consultative to other agencies and public and private entities...."
 - As instructed in ii, provide the TSP with any conservation measures that apply as a result of completed Endangered Species Act (ESA) consultations and are relevant to the planning area and type of CAP needed.

When the TSP's plan is provided to NRCS for review, NRCS must —

- Complete the CPA-52 based on the information included in the plan and other available sources and the effects NRCS predicts the plan will have on the SWAPAE+H resources and special environmental concerns that are present in the area of potential effect.

In CPA-52 Section Q, select finding #2 and reference USDA categorical exclusion #6, "Activities

- In CPA-52 Section Q, select finding #2 and reference USDA categorical exclusion #0, "Activities that are advisory and consultative to other agencies and public and private entities...."
- Follow its technical assistance policies to determine requirements for compliance with ESA, National Historic Preservation Act (NHPA), and any other applicable laws or Executive Orders.
- Ensure the TSP's plans are consistent with conservation measures or other conditions established through consultation processes.

If the program participant will receive EQIP funding to implement activities identified in the CAP, NRCS must update the CPA-52:

- When completing Section Q, select finding #2 or #3 and reference the appropriate NRCS categorical exclusion or EQIP programmatic environmental assessment.
- Follow its financial assistance policies to determine requirements for compliance with other laws or Executive Orders.
- Practice CAP – For these CAPs, NRCS develops the basic conservation plan with an assessment of the resource concerns and a record of the producer's decisions reflecting the conservation system to be applied prior to contracting. NRCS would complete the CPA-52 as with normal conservation planning policy. The potential presence of special environmental concerns is particularly important to provide to the TSP either directly, if the program participant grants permission, or to the program participant to provide to the TSP, so the TSP can avoid adversely affecting these special resources when developing the CAP practice design and specifications. GIS data and maps of protected resources may be helpful to provide when available and appropriate.
- Provide the TSP with any conservation measures that apply as a result of a completed ESA consultation and are relevant to the planning area and type of CAP needed.
- Upon receipt of the TSP's designs and specifications, check to ensure they properly incorporate any conservation measures or other conditions established through NRCS consultation processes.

Plan CAP Templates: In addition to technical planning criteria, some CAPs are also supported by a "plan template," which provides a direct outline of the essential information that must be addressed in the plan. These templates also help field office staff document, review, and approve completed plans. The following CAPs are supported with plan templates:

- 106 – FMP
- 114 – Integrated Pest Management Plan
- 138 – Conservation Plan Supporting Organic Transition
- 154 – IPM Herbicide Resistance Weed Conservation Plan
- 102 – CAP 102 CNMP - The document provides a format outline for the specific items and sections that must be addressed in a CNMP based on the updated CNMP policy.

The following requirements must be met to support implementation of conservation activity plans during FY 2019:

- As required by the appendix to the contract agreement, producers must not start any financially assisted activity or engage the services of a certified TSP prior to the contract being approved by NRCS. A producer who hires or obtains services of a TSP before the contract is approved is ineligible for EQIP financial support to develop the requested CAP.
- With the exception of CAP 102, CNMP; CAP 106, FMP; and CAP 128, AgEMP, States may not establish a requirement for completion of a CAP as a condition for application to EQIP. For example, States may not establish a requirement for producers to complete CAP 138, Conservation Plan Supporting Organic Transition, as a requirement to apply for EQIP benefits through the organic initiative.
- CAPs may only be supported by NRCS and developed by a certified TSP through EQIP contracts with an eligible producer. NRCS employees and partners are prohibited from developing CAPs, only technical service providers listed as certified in TechReg for the particular CAP may develop the plan.

- All CAP planning criteria is provided in Microsoft Word format to allow States to place the names in the footer before posting to their State Field Office Technical Guides (FOTG), Section III. CAPs must meet the minimum technical requirements of the CAP planning criteria issued by the Science and Technology deputy area. To maintain national consistency, other than adding a State name, no other modifications to CAP planning criteria or deliverables are allowed. CAP plan criteria already include reference to requirements that all plans must comply with applicable Federal, State, Tribal, and local laws, regulations, and permit requirements. Do not add any State or locally required certifications, licensing, or planning criteria to the CAP plan criteria.
- To assist agency efforts in developing capacity for TSP services, States should market all offered CAPs to producers and provide assistance and training to potential TSPs in becoming certified.
- For each offered CAP, program payments will only be made to producers through EQIP contracts for technically approved plans prepared by certified TSPs after all applicable policy and environmental requirements have been met. NRCS staff should refer producers to the national TSP Web site "Find a TSP," which provides lists of currently certified TSPs and includes requirements for individuals or entities wanting to become certified to develop CAPs. CAPs may not be prepared by NRCS staff. CAPs may only be prepared by a certified TSP approved through the national TSP certification process. Potential participants are encouraged to contact a TSP as soon as possible; however, be sure to remind potential program participants not to engage the services of a TSP prior to approval of the EQIP contract by NRCS.
- CAP criteria and program payments are designed to allow TSPs to develop a plan that addresses the identified natural resource concerns on the entire operating unit offered by the producer.

STCs must complete the following:

- **CAP.**—States must offer CAPs through EQIP in the State programs listed per the requirements of the table in attachment A of this bulletin.
- **Posting Technical and Program Information** - States must post technical and program information as follows:
 - Upload and post all the CAP planning criteria and templates offered for FY 2019 in their respective State in the FOTG, section III.
 - Upload and post offered CAP payment schedules to their respective State FOTG, section I, per 440-CPM, Part 512, Subpart D, Section 512.34B (1).
 - Upload and post appropriate CAP program announcements, offered CAPs, and payment rates to their State programs Web site per 440-CPM, Part 515, Subpart D, Section 515.32B.
- **Conservation Practice Standards (CPS) Database** - The national data steward has made these CAPs available in the CPS database. CPS State data stewards must also make the practice code "active" in the State CPS database for each of the conservation plan activities approved for use and ensure that toolkit users update their domain data to add these codes. The practice lifespan for each of the 14 CAPs is 1 year.
- **EQIP Financial Assistance Support** - Each approved CAP is supported by a single, stand-alone program contract with plan development scheduled during the first 12 calendar months after obligation. The expectation is that these agreements will be completed within the first year. We strongly discourage modification of CAP program contracts to reschedule and allow completion of the conservation plan beyond the first year.
- **ProTracts** - The ProTracts application type of "planning" or "plan-organic" must be associated with each EQIP CAP application and ranking of these applications is required. ProTracts will not allow the application to be approved or obligated without a ranking score for applications for CAPs. Refer to attachment A that provides guidance for which program subaccounts are appropriate to rank and approve CAPs.
- **One CAP Per Land Unit Restriction** - Generally no more than one CAP is permitted on one land unit at the same time. However, more than one "practice type" CAP may be planned on a given unit at one time as long as there are no duplication of payments for services for each practice CAP. For "planning CAPs" after a CAP contract is completed, then another CAP application may be considered on the same land if a resource concern has been identified on the land unit.

Note: STCs must ensure that approved EQIP contracts will not allow duplication of payments for the same planning services in program contracts (i.e., contracts with both 100-series practice payments

financial assistance (FA) and 900-series TA payments for the same planning services on the same land). STCs must also ensure that that EQIP CAP contracts will not be approved if planning services are provided to a producer by any other source, which would duplicate the services provided and financial payment. For example, if NRCS has an agreement with a State agency partner to provide FMPs, if such a service has already been provided, the producer would not be eligible for a CAP to develop another FMP on the same land unit.

- **CAP Payment Schedules** - The NHQ-approved EQIP FY 2019 CAP payment rates are located within the payment schedule application (PSA) tool. For national consistency, all CAP payment schedules include a standard program percentage rate, and historically underserved participants will be eligible for an appropriate higher payment rate. The program payment percentage rates may not be changed by States and practice payment cost caps per 440-CPM, Part 512, Subpart G, Section 512.60F, are not allowed for CAPs. If a CAP is required or will be offered in a State, STCs must include and offer all scenarios and associated payment rates for that CAP in the payment schedules. For reference, complete CAP payment schedules will be posted to the national EQIP CAP Web site.
- **Application Consolidation** -To avoid duplication, only a single CAP should be developed in cases where applicants enroll multiple fields that are managed the same. While applicants are not required to enroll their entire operation, NRCS should work with producers to identify areas where the CAP will be beneficial and assist producers address identified resource concerns. NRCS cannot require applicants to enroll areas of their operation that they are not ready to address. However, if more land is required to meet the technical requirements of the CAP than the participant is willing or able to enroll, then the CAP would be ineligible.

NRCS may contract more than one of the same CAP for an applicant within the same operation with good technical justification. For example, the applicant may utilize significantly different management strategies for different areas within their operation that would require distinctly different CAPs. For instance, a participant may need one nutrient management CAP to address the areas in their operation producing traditional grain crops and another nutrient management CAP to address a different field in which they produce high-value truck crops.

Contact. If you have program questions, contact the Jeff White, Program Implementation Branch Chief, Financial Assistance Programs Division, at (202) 690-2621. If you have technical questions, contact the national agronomist at (202) 720-3783, or contact the Regional Environmental Specialists if you have questions about completing the CPA-52.

/s/

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[Attachment A – Conservation Activity Plans](#)

[Attachment B – Link to Approved FY 2019 CAP Planning Criteria Templates](#)