

## **Part 512 – Conservation Program Contracting**

### **Subpart B – Conservation Plan Schedule of Operation**

#### **512.10 General**

##### **A. Basis for a Conservation Program Contract (CPC)**

- (1) The basis for a CPC is an up-to-date conservation plan documented in the Customer Service Toolkit (CST). The conservation plan describes the conservation practices or activities to be implemented, timing of implementation, location, natural resource concerns to be addressed, conservation benefits to be achieved, and operation and maintenance required for the life of the practice or activity.
- (2) All CPCs will be initiated in ProTracts with an upload from CST unless an individual program manual instructs otherwise.
- (3) Form NRCS-CPA-1155, “Conservation Plan or Schedule of Operations,” and Form NRCS-CPA-1156, “Revision of Plan/Schedule of Operations or Modification of a Contract,” populated in CST, will not be utilized for conservation program contracts administered through ProTracts. Only the versions of these forms completed in ProTracts are acceptable.

##### **B. Conservation Planning References**

- (1) [Title 180, National Planning Procedures Handbook, Part 600](#)
- (2) [Title 180, General Manual](#)
- (3) [Title 190, General Manual, Part 410](#)
- (4) [Field Office Technical Guide \(FOTG\)](#)
- (5) [Title 180, National Food Security Act Manual, Parts 510 to 520](#)
- (6) [Title 440, Conservation Programs Manual, Part 500, “Locally Led Conservation”](#)
- (7) [Title 190, National Cultural Resources Procedures Handbook, Part 601](#)
- (8) [Title 190, National Environmental Compliance Handbook, Part 610](#)
- (9) [Title 440, Conservation Programs Manual, Part 504, “Technical Service Provider Assistance”](#)

##### **C. Communication of Participant Responsibilities**

The State Conservationist will identify and clearly communicate to participants their responsibilities for complying with all applicable program or regulatory requirements. NRCS’s development or acceptance of a conservation plan will not constitute compliance with program or regulatory requirements administered or enforced by another agency.

##### **D. Permits and Regulatory Compliance**

The participants are responsible for obtaining all necessary Federal, State, and local permits to perform the planned practices and activities and for furnishing required land rights and water rights. NRCS may provide technical assistance to the participants in accordance with specific NRCS conservation program policy to facilitate regulatory compliance by other agencies. The participants will certify that they accept the responsibility for acquiring all required permits, land, and water rights by signing the CPC appendix.

##### **E. Compliance with the CPC Appendix**

The participants must comply with all provisions of the CPC appendix.

**F. Program Requirements**

- (1) The application must meet all requirements for the specific NRCS conservation program before it may be approved and accepted for obligation.
- (2) The participants must comply with all Federal laws and regulations regardless of any nonconforming State or Tribal law.
  - (i) NRCS will not provide technical assistance or financial assistance on any field that is producing marijuana or other controlled substances in violation of Federal law, even if the cultivation of such controlled substances are lawful under State or Tribal law. This applies even if the producer requesting assistance is not responsible for the production of the controlled substance. Additionally, NRCS will not provide financial assistance to any producer who is producing marijuana or engaged in controlled substance activities on any part of their agricultural operation in violation of Federal law. This applies even if the requested assistance does not relate to the field or other part of the agricultural operation that is under the unlawful production of controlled substances.
  - (ii) Current conservation program participants who produce marijuana or engage in controlled substance activities on any part of their agricultural operation are in violation of the terms of their conservation program contract, and such violations must be handled in accordance with conservation program contract guidance at 440-CPM, Part 512, Subpart H, “Violations.”

**512.11 Applicable Conservation Treatment**

**A. Compatibility with a Planned Resource Management System**

The conservation treatment included in a conservation plan must be compatible with the planned resource management systems and address the identified resource concerns.

**B. Technical Requirements for Conservation Treatment**

Conservation treatment includes any practice or activity that meets program criteria and meets the minimum quality criteria established in the FOTG or other criteria as specified by program rule or policy. Practices must be listed in the National Handbook of Conservation Practices and in the Conservation Practice Standards (CPS) database with an approved standard in the applicable FOTG. All eligible practices are listed on the applicable cost lists for program years through fiscal year FY 2007 and payment schedules for program years beginning with FY 2008, as described in Subpart D, “Program Payment Schedules,” of this part. CSP enhancements and practices are listed on the applicable year’s conservation activity list.

**C. Planning Conservation Practices**

Conservation practices and activities must be planned, applied, and maintained in accordance with the approved practice standards, specifications, or enhancement activity sheet and supplements on file in the FOTG or, in the case of an approved waiver, meet the requirements approved by the authorized NRCS official.

**D. Practice Lifespan**

- (1) Conservation practice lifespans are established by the NRCS Science and Technology deputy area (see 450-GM, Part 401, Subpart B, Section 401.15) and maintained in the CPS Web application database. Practice lifespan is the minimum time the implemented practice is expected to be fully functional for its intended purposes. The established practice lifespans are based on following an operation and

maintenance plan developed for the practice. In conservation program contracts, lifespan is the period of time during which the conservation practice or activity is to be maintained and used for the intended purpose.

- (2) Operation and maintenance (O&M) meeting the minimum requirements in the Conservation Practice Standards must be included for each practice with O&M requirements. This may be incorporated as part of the practice narrative or through a separate O&M plan, as necessary.
- (3) With the exception of a practice failing due to no fault of the participants (see Section 512.53, “Reapplication of Failed Conservation Treatment”), NRCS CPC financial assistance may not be used to reapply a conservation practice that is still within its lifespan.
- (4) Participants agree to operate and maintain all conservation practices established through a CPC for the established lifespan. The lifespan of a practice may extend beyond the length of the conservation program contract period.

### **512.12 Conservation Treatment Already on the Land**

Conservation practices established before entering into a contract will be used to the extent practical in combination with planned conservation treatment. Requirements for continued O&M of the existing practices necessary to meet the objectives of the conservation program contract and the planned resource management system will be included as part of the conservation plan.