Title 440 – Conservation Programs Manual

Part 530 – Working Lands Conservation Programs Manual

Subpart D – Application Processing

Amended May 2024

530.30 General

A. This subpart provides policy related to planning, screening, assessing, and ranking a producer's assistance request or conservation program application.

B. Unless otherwise stated in the program-specific subparts of this manual, NRCS will use the applicable business tools to complete evaluations for all applications and assistance requests. See subpart O, section 530.143K, "Business Tools Quick Reference," for a list of applicable business tools.

530.31 Planning

A. Planning occurs throughout the application and contract management process. However, planning typically begins once the producer requests assistance from NRCS or applies for a program to address an identified natural resource concern on their operation. NRCS works with the producer to select appropriate conservation treatment and develop the conservation plan.

Note: The conservation plan in this context is not the same as the highly erodible land conservation compliance plan defined by Title XII of the Food Security Act of 1985, but instead identifies conservation practices and activities the producer will use for conservation treatment to address resource concerns on their operation in order to meet program requirements.

B. Planning Conservation Treatment

(1) Conservation treatments included in a conservation plan must improve the identified resource concerns.

(2) Conservation treatments include any conservation practice or activity that meets program criteria and the minimum planning criteria in the Field Office Technical Guide (FOTG) or other criteria as specified by program regulation or policy.

(i) Conservation practices must be listed in Title 450 National Handbook of Conservation Practices, Part 620, and be included in the Conservation Practice Data Entry System (CPDES) with an approved standard in the state FOTG.

(ii) Conservation activities must be included in the CPDES and have an associated guide sheet or other applicable guidance document that outlines the required

technical criteria. National headquarters provides guidance to the states on where to find these documents.

C. Planning Conservation Practices or Activities

(1) Consistent with Title 180 General Manual, Part 409 "Conservation Planning Policy," conservation practices and activities must be planned, applied, and maintained according to the approved practice standards, specifications, and guide sheets.

(2) When planning conservation practices and activities that will be included in a program contract, NRCS may only include the extent necessary to address the resource concern according to the conservation standards, specifications, job sheets, guide sheets, or other applicable criteria.

Note: This does not preclude NRCS from working with the applicant or participant to plan a conservation practice or activity that exceeds the minimum requirements. Refer to subpart B, section 530.13A, for more guidance on using payment schedules in contracting.

(3) Refer to the following manuals and handbooks for additional planning resources:
(i) Title 180, National Planning Procedures Handbook, Part 600
(ii) Title 190 General Manual, Part 410 "Compliance with NEPA"
(iii) Title 190 National Cultural Resources Procedures Handbook, Part 601
(iv) Title 190 National Environmental Compliance Handbook, Part 610
(v) Field Office Technical Guide
(vi) Title 440 Conservation Programs Manual, Part 500 "Locally Led Conservation" (440 CPM Part 500)
(vii) Title 440 Conservation Programs Manual, Part 504 "Technical Service Provider Assistance" (440 CPM Part 504)
(viii) Title 450 General Manual, Part 401 "Technical Guides" (450 GM Part 401)
(ix) Title 450 National Handbook of Conservation Practices, Part 620

D. Conservation Practice and Activity Lifespans

(1) The NRCS Science and Technology deputy area establishes conservation practice and activity lifespans which NRCS records in the CPDES (see 450 GM Part 401). The lifespan is the minimum number of years NRCS expects the implemented conservation practice or activity to function for its intended purpose.

(2) Except when a conservation practice or activity fails due to circumstances beyond the control of the participant, NRCS may not use financial assistance to reapply a conservation practice or activity that is still within its lifespan (see subpart G, section 530.64, "Reapplication of Failed Conservation Treatment").

(3) Participants agree to operate and maintain all conservation practices or activities established through a contract for the established lifespan. The lifespan of a conservation practice or activity may extend beyond the conservation program contract period.

Note: Once a contract expires, neither NRCS nor the participant has any responsibilities under the contract; however, if a participant fails to operate and maintain a contracted practice or activity for its lifespan, the participant may be

considered a low priority in subsequent application periods. See section 530.32, "Screening."

(4) See subpart E, section 530.43, "Contract Requirements," for guidance on establishing the contract length when contracts contain conservation practices with long lifespans.

E. Conservation Treatment Already on the Land

Participants and NRCS must use previously established conservation practices and activities in combination with planned conservation practices and activities to address resource concerns. NRCS must include operation and maintenance requirements as part of the conservation plan for any existing conservation practice or activity used to meet the objectives of the conservation program contract and the planned management system.

F. Technical Service Providers (TSP)

Program participants may elect to use a TSP in lieu of NRCS for technical assistance to help with developing plans, completing designs, and other actions. See subpart E, section 530.40C, "Technical Assistance for Contracts," and 440 CPM Part 504 for more guidance.

530.32 Screening

A. General

(1) States may use screening criteria for workload management or for specific projects or initiatives.

(2) Screening quickly identifies applications that would receive a high-ranking score based on the criteria for a given ranking pool. This allows NRCS to streamline the evaluation process and identify assessments that will efficiently maximize conservation benefits.

(3) It is not appropriate to use screening criteria that undermine the ranking process. Any screening criteria must be consistent with statutory or regulatory requirements.

(4) States may consider the following when developing a screening tool.

(i) Applicants who failed to properly operate and maintain conservation practices or activities within their lifespan and installed with NRCS program financial assistance.

(ii) Applicants with a contract violation for reasons within their control. NRCS may not screen a producer as lower priority for a contract violation if NRCS has not taken appropriate contract administrative action to enforce the contract.

(iii) Applicants who have had a previous contract terminated for reasons within their control.

(5) Examples of inappropriate screening criteria include, but are not limited to:

(i) Actions outside of the producer's control, such as hardship, disaster events, or the ability for NRCS to develop a conservation plan or provide completed conservation practice or activity designs.

(ii) Whether or not the participant has previously held a program contract.

(iii) Type of livestock or crop operation, including minimum livestock numbers.

(iv) Size of operation or minimum acre threshold.

(v) Applicants who have had a previous contract canceled.

B. Projects and Initiatives

States may establish screening criteria according to section 530.32A above to support:

(i) National landscape or programmatic initiatives.
(ii) State-led group projects or initiatives.
(iii) Locally led group projects or initiatives.

C. States that choose to screen applications to establish priority must use the screening tool in the applicable business tools and maintain documentation in the case file. NRCS should first assess and rank high-priority requests followed by medium, then low, as funding permits. See National Instruction Title 300 Part 311, "Guidance for the Workload Prioritization Tool."

530.33 Assessment

A. Refer to the Conservation Assessment and Ranking Tool user guide for information on completing assessments.

B. Planners must assess resource concerns associated with conservation practices or activities planned for a program contract.

C. Additionally, planners must assess any nationally required resource concern categories and associated resource concerns identified for a specific program.

530.34 Ranking

A. See National Instruction Title 440 Part 310, "NRCS Program Ranking through Conservation Assessment Ranking Tool (CART)," for guidance on ranking assessments.

B. Find program-specific ranking guidance in the applicable subpart of this manual.

C. NRCS must not consider any assessment for funding under a specific program unless the applicant submitted Form NRCS-CPA-1200, "Conservation Program Application," before the application signup cutoff date.

530.35 Selecting Assessments for Funding

A. States must use a selection tool to select the highest-ranked assessments for funding and change their status to preapproved based on funding availability. See subpart B, section 530.11, "Fund Spending Limits and Management," for more information on establishing spending plans.

B. NRCS staff making funding selections must not skip assessments within a ranking pool to allow funding of a lower-ranked assessment unless authorized by the specific program as described in the program-specific subparts of this manual. This does not apply to lower ranked assessments within a separate spending plan category as described in subpart B, section 530.11B.

C. If two or more assessments have a tied ranking score, NRCS will fund the assessment with the highest efficiency score first. If tied assessments also have the same efficiency score,

states must fund either all tied assessments or none. Refer to program-specific subparts for more guidance.

D. Preapproval of an assessment does not guarantee NRCS will approve and obligate a contract.

E. For the next steps in the contract development process, refer to subpart E, section 530.41, "Approval Process."

F. At the end of each selection period, NRCS must save the program-specific ranking list for that ranking pool and retain according to National Instruction Title 120 Part 357, "Disposition of Land Treatment Program Contract Documents."

530.36 Disaster Assistance

A. When establishing a disaster-specific program opportunity, state conservationists may waive the requirements under subpart B, section 530.12, "Funding Preparation Activities," regarding the 30-day public notice of the application period and posting all required information to the state website.

B. Refer to guidance provided by national headquarters for nationally approved disaster events, including National Instruction Title 440 Part 312, "Addressing Natural Disasters Using NRCS Financial Assistance Program Funds."

C. State conservationists may use subpart O, exhibit 530.143N, "Delegation of Authority," to document their delegations of authority. For a specific disaster event, the state conservationist may further delegate authority to the designated conservationist to approve early start waivers for identified practices for the applicant to use to address resource concerns caused by the disaster event.

530.37 ACT NOW

A. General

(1) ACT NOW allows NRCS to approve and obligate a ranked application in a designated ranking pool when an application meets or exceeds a state-determined minimum ranking score without waiting until the NRCS field office ranks all applications in the ranking pool.
(2) Follow guidance in subpart B, section 530.11, "Fund Spending Limits and Management," to establish ACT NOW allocations.
(3) Conduct outreach on ACT NOW opportunities according to subpart A, section 530.5, "Information, Outreach, and Training."
(4) States must process applications within ACT NOW ranking pools in a timely manner to ensure fair and equitable treatment of all program applicants.
(5) States should assess and rank any application received for ACT NOW in all applicable ranking pools.

B. Establishing ranking pools and threshold ranking score

(1) States may designate or develop specific ranking pools for ACT NOW.

(2) States using ACT NOW ranking pools must establish a threshold ranking score based on the applicable program ranking criteria in the program-specific subparts of this manual. States must post the threshold ranking score for any ACT NOW ranking pool on their websites before making funding decisions.

C. States must establish a timeframe for the field office to complete assessment and ranking. States must process ACT NOW applications in the order received when possible, accounting for participant availability for conservation planning decisions.

D. Based on available funds, states must preapprove an application with a ranking score equal to or greater than the established threshold ranking score and move forward with contract obligation according to subpart E.

E. Once states use their established ACT NOW allocation, they may:

(1) Increase the ACT NOW allocation;
(2) Stop preapproving ACT NOW applications; or
(3) Consider unfunded ACT NOW applications in other applicable ranking pools.

F. If states have preapproved all applications at or above the threshold ranking score and there are still remaining ACT NOW funds, states may continue to preapprove applications in ranking order as funding allows.

G. Refer to subpart C, section 530.23H, "Servicing Unfunded Applications," for guidance on handling applications NRCS is unable to select for funding.