

Farm Service Agency, USDA

§ 701.27

(b) A low-income farmer or rancher is one who, as determined by the county committee, is a small producer whose livelihood is largely dependent on the farm or ranch and whose prospective income and financial resources for the current year are such that the farmer or rancher could not reasonably be expected to perform needed conservation practices at levels of cost-sharing applicable to other persons in the county.

(c) In approving requests for cost-sharing the county committee shall give special consideration to requests filed by low-income farmers and ranchers.

[45 FR 49522, July 25, 1980, as amended at 47 FR 939, Jan. 8, 1982]

§ 701.20 Encumbering land.

In order to receive cost-share assistance for a conservation practice in a Salinity Control Project area, a person participating in the program shall agree, as a condition of eligibility to receive such assistance, that a recordable encumbrance may be filed by FSA with respect to the land on which the conservation practice is installed. Such encumbrance shall reflect the amount of the cost-share assistance which is received by the program participant for the practice and shall continue until such time as the established lifespan for the practice has expired. Notwithstanding the foregoing, this requirement may be waived by the county committee if such committee determines, with the concurrence of the State committee and after consultation with appropriate Federal, State and local authorities, that the land will not likely be converted to a non-agricultural use within the next five years.

[48 FR 33847, July 26, 1983]

§§ 701.21–701.22 [Reserved]

§ 701.23 Maximum cost-share limitation.

For each program year the total amount which may be received by any person under this subpart for approved practices shall not exceed \$3,500 except that (a) the total amount received for approved practices, including those

carried out under pooling agreements, shall not exceed \$10,000 and (b) the total amount received under an ACP long-term agreement (LTA) shall not exceed the annual payment limitation (\$3,500) multiplied by the number of years of the LTA.

[52 FR 19716, May 27, 1987]

§ 701.24 Completion of practices.

Cost-sharing for the practices contained in this part is conditioned upon the performance of the practice in accordance with all applicable specifications and program provisions.

§ 701.25 Time of filing payment application.

Payment of cost-shares will be made only upon application submitted on the prescribed form to the county office by a date established by the county committee. Any application for payment may be rejected if any form or information required of the applicant is not submitted to county office within the applicable time limit.

§ 701.26 Other program provisions.

Other provisions as contained in §§ 701.1 and 701.2 and in the subpart, General Provisions, apply to the Agricultural Conservation Program.

Subpart—Forestry Incentives Program

§ 701.27 Program objective.

The objective of the Forestry Incentives Program (hereinafter referred to in this subpart as the “program”) is to help assure a future supply of timber. This will be accomplished by encouraging landowners to apply forestry practices for the following:

- (a) Production of softwood and hardwood timber and other forest-resources associated therewith to increase afforestation of suitable open lands.
- (b) Reforestation of cutover and understocked forest lands.
- (c) Timber stand improvement.
- (d) Intensive multipurpose management.
- (e) Protection of forest resources.

§ 701.29

§ 701.28 [Reserved]

§ 701.29 Designated counties.

The State committee in consultation with the State Forester, will designate the counties or parts of counties in which the program will be operated. The following will be considered in making the selections:

- (a) The total acreage in the county devoted to desirable types of softwood and hardwood timber.
- (b) The estimated area in the county that is under eligible ownership.
- (c) The estimated acreage suitable for the production of forest products.
- (d) The availability of funds.
- (e) The enhancement of other forest resources.

§ 701.30 Eligible person, land, and ownerships.

(a) An eligible person is a private individual, group, Indian Tribe or other native group, association, corporation excluding corporations whose stocks are publicly traded, or other legal entity which owns eligible land. Firms principally engaged in the manufacture of wood products are not eligible. However, forest landowners who manufacture forest products on a part-time or irregular basis, are eligible.

(b) Eligible land is "nonindustrial" private forest land capable of producing at least 50 cubic feet of wood per acre per year.

(c) Eligible farms are those not exceeding a total of 1,000 acres of eligible private nonindustrial forest land in the United States or any commonwealth, territory or possession of the United States. The State Committee with the concurrence of the State Forester may approve cost-sharing with landowners owning more than 1,000 but not more than 5,000 acres of eligible forest land where it is deemed to be to the public's significant benefit.

(d) Significant public benefits are primarily those resulting from cost-effective timber production, with related benefits to aesthetics, recreation, other resource values, watershed protection and erosion reduction.

§ 701.31 Program funds.

(a) *State and counties.* Each designated State and county will receive a

share of the funds provided nationally for the program. Funds will be distributed on the basis of the forest production opportunities in each State, considering the acreage of private non-industrial forest lands, the number of eligible owners, the potential productivity of such lands and the need for reforestation, timber stand improvement, other forestry management needs, and the enhancement of other forest resources. The Director, Conservation and Environmental Protection Division, FSA, will allocate funds after consultation with representatives of the U.S. Forest Service and a committee of not less than five State foresters or equivalent State officials selected by a majority of the State foresters or equivalent State officials. The State committee will consult with the State forester when determining the allocation of such funds to the designated counties.

(b) A limitation on the amount of funds which may be obligated under long-term agreements shall be established by the State committee in accordance with guidelines provided by the Deputy Administrator, State and County Operations.

§ 701.32 Eligible practices and cost-share requirements.

(a) Cost-sharing may be available for the following National practices and authority:

(1) *Practice FP1.* Planting Trees.

(2) *Practice FP2.* Improving a Stand of Forest Trees.

(3) *Practice authority—SF Practice.* Special Forestry Practices. The Director, Conservation and Environmental Protection Division, FSA, after consultation with the Forest Service, may approve special forestry practices needed to solve a significant and unique local condition for which the National practices are not adequate. Such practices may be approved for inclusion in a county program after consultation with the program development group, and the recommendation of the county committee, the service forester, the State committee and the State forester.

(b) A forest management plan is required as a condition of cost-sharing.