

## Commodity Credit Corporation, USDA

## § 1470.36

NRCS may refuse to enter into a contract when there is a disagreement among joint applicants seeking enrollment as to an applicant's eligibility to participate in the contract as a tenant.

### § 1470.31 Appeals.

A participant may obtain administrative review of an adverse decision under this part in accordance with 7 CFR parts 11 and 614. Determinations in matters of general applicability, such as payment rates, payment limits, the designation of identified priority resource concerns, and eligible conservation activities are not subject to appeal.

### § 1470.32 Compliance with regulatory measures.

Participants will be responsible for obtaining the authorities, rights, easements, permits, or other approvals or legal compliance necessary for the implementation, operation, and maintenance associated with the conservation stewardship plan. Participants will be responsible for compliance with all laws and for all effects or actions resulting from the implementation of the contract.

### § 1470.33 Access to agricultural operation.

NRCS, or its authorized representative, will have the right to enter an agricultural operation for the purpose of determining eligibility and for ascertaining the accuracy of any representations, including natural resource information provided by an applicant for the purpose of evaluating a contract application. Access will include the right to provide technical assistance, determine eligibility, assess natural resource conditions, inspect any work undertaken under the contract, and collect information necessary to evaluate the implementation of conservation activities in the contract. NRCS, or its authorized representative, will make an effort to contact the participant prior to the exercise of this provision.

### § 1470.34 Equitable relief.

(a) If a participant relied upon the advice or action of NRCS and did not know, or have reason to know, that the

action or advice was improper or erroneous, the participant may be eligible for equitable relief under 7 CFR part 635. The financial or technical liability for any action by a participant that was taken based on the advice of a TSP will remain with the TSP and will not be assumed by NRCS.

(b) If a participant has been found in violation of a provision of the conservation stewardship contract or any document incorporated by reference through failure to comply fully with that provision, the participant may be eligible for equitable relief under 7 CFR part 635.

### § 1470.35 Offsets and assignments.

(a) Any payment or portion thereof due to any participant under this part will be allowed without regard to any claim or lien in favor of any creditor, except agencies of the United States Government. The regulations governing offsets and withholdings found at 7 CFR part 1403 will be applicable to contract payments.

(b) Any participant entitled to any payment may assign such payments in accordance with regulations governing assignment of payment found at 7 CFR part 1404.

### § 1470.36 Misrepresentation and scheme or device.

(a) If NRCS determines that an applicant intentionally misrepresented any fact affecting a CSP determination, the application will be determined ineligible immediately.

(b) A participant who is determined to have erroneously represented any fact affecting a program determination made in accordance with this part will not be entitled to contract payments and must refund to NRCS all payments, plus interest determined in accordance with 7 CFR part 1403.

(c) A participant will refund to NRCS all payments, plus interest determined in accordance with 7 CFR part 1403, received by such participant with respect to all CSP contracts if they are determined to have:

- (1) Adopted any scheme or device that tends to defeat the purpose of the program;
- (2) Made any fraudulent representation;

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(3) Adopted any scheme or device for the purpose of depriving any tenant or sharecropper of the payments to which such person would otherwise be entitled under the program; or

(4) Misrepresented any fact affecting a program determination.

(d) Participants determined to have committed actions identified in paragraph (c) of this section will:

(1) Have their interest in all CSP contracts terminated; and

(2) In accordance with §1470.27(e), may be determined by NRCS to be ineligible for future NRCS-administered conservation program funding.

### § 1470.37 Environmental credits for conservation improvements.

NRCS believes that environmental benefits will be achieved by implementing conservation activities funded through CSP. These environmental benefits may result in opportunities for the program participant to sell environmental credits. Any requirements related to these environmental credits must be compatible with the purposes of the contract. NRCS asserts no direct or indirect interest on these credits. However, NRCS retains the authority to ensure that operation and maintenance (O&M) requirements for CSP-funded improvements are met, consistent with §1470.21 and §1470.23. Where actions may impact the land and conservation activities under a CSP contract, NRCS will at the request of the participant, assist with the development of an O&M compatibility assessment prior to the participant entering into any credit agreement.

## PART 1484—PROGRAMS TO HELP DEVELOP FOREIGN MARKETS FOR AGRICULTURAL COMMODITIES

### Subpart A—General Information

Sec.

1484.10 What is the effective date of this part?

1484.11 Has the Office of Management and Budget reviewed the paperwork and record keeping requirements contained in this part?

1484.12 What is the Cooperator program?

1484.13 What special definitions apply to the Cooperator program?

1484.14 Is my organization eligible to participate in the Cooperator program?

## 7 CFR Ch. XIV (1–1–11 Edition)

### Subpart B—Application and Fund Allocation

1484.20 How can my organization apply to the Cooperator program?

1484.21 How does FAS determine which Cooperator program applications are approved?

1484.22 How are Cooperator program funds allocated?

### Subpart C—Program Operations

1484.30 How does FAS formalize its working relationship with approved Cooperators?

1484.31 Who acts on behalf of each Cooperator?

1484.32 Must Cooperators follow specific employment practices?

1484.33 Must Cooperators follow certain financial management guidelines?

1484.34 Must Cooperators adhere to specific standards of ethical conduct?

1484.35 Must Cooperators follow specific contracting procedures?

1484.36 How do Cooperators dispose of disposable property?

1484.37 Must Cooperators adhere to Federal Travel Regulations?

1484.38 Can a Cooperator keep proceeds generated from an activity?

### Subpart D—Contributions and Reimbursements

1484.50 What cost share contributions are eligible?

1484.51 What are ineligible contributions?

1484.52 What are the guidelines for computing the value of non-cash contributions?

1484.53 What are the requirements for documenting and reporting contributions?

1484.54 What expenditures may FAS reimburse under the Cooperator program?

1484.55 What expenditures may not be reimbursed under the Cooperator program?

1484.56 How are Cooperators reimbursed?

1484.57 Will FAS make advance payments to a Cooperator?

### Subpart E—Reporting, Evaluation, and Compliance

1484.70 Must Cooperators report to FAS?

1484.71 Are Cooperator documents subject to the provisions of the Freedom of Information Act?

1484.72 How is program effectiveness measured?

1484.73 Are Cooperators penalized for failing to make required contributions?

1484.74 How is Cooperator program compliance monitored?

1484.75 How does a Cooperator respond to a compliance report?