

## SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAM

### PART 700 [RESERVED]

### PART 701—EMERGENCY CONSERVATION PROGRAM, EMERGENCY FOREST RESTORATION PROGRAM, AND CERTAIN RELATED PROGRAMS PREVIOUSLY ADMINISTERED UNDER THIS PART

#### Sec.

- 701.1 Administration.
- 701.2 Definitions.
- 701.3–701.12 [Reserved]
- 701.13 Submitting requests.
- 701.14 Onsite inspections.
- 701.15 Starting practices before cost-share request is submitted; non-entitlement to payment; payment subject to the availability of funds.
- 701.16 Practice approval.
- 701.17–701.20 [Reserved]
- 701.21 Filing payment application.
- 701.22 Eligibility to file for cost-share assistance.
- 701.23 Eligible costs.
- 701.24 Dividing cost-share among more than one participant.
- 701.25 Practices carried out with aid from ineligible persons or ineligible legal entities.
- 701.26–701.30 [Reserved]
- 701.31 Maintenance and proper use of practices.
- 701.32 Failure to comply with program provisions.
- 701.33 Death, incompetency, or disappearance.
- 701.34 Appeals.
- 701.35 Compliance with regulatory measures.
- 701.36 Schemes and devices and claims avoidances.
- 701.37 Loss of control of property during the practice life span.
- 701.38–701.40 [Reserved]
- 701.41 Cost-share assistance not subject to claims.
- 701.42 Assignments.
- 701.43 Information collection requirements.
- 701.44 Agricultural Conservation Program (ACP) contracts.
- 701.45 Forestry Incentives Program (FIP) contracts.

#### Subpart B—Emergency Conservation Program

- 701.100–701.102 [Reserved]
- 701.103 Scope.

- 701.104 Producer eligibility.
- 701.105 Land eligibility.
- 701.106–701.109 [Reserved]
- 701.110 Qualifying minimum cost of restoration.
- 701.111 Prohibition on duplicate payments.
- 701.112 Eligible ECP practices.
- 701.113–701.116 [Reserved]
- 701.117 Average adjusted gross income limitation.
- 701.118–701.125 [Reserved]
- 701.126 Maximum cost-share percentage.
- 701.127 Maximum ECP payments per person or legal entity.
- 701.128–701.149 [Reserved]
- 701.150 2005 hurricanes.
- 701.151 Definitions.
- 701.152 Availability of funding.
- 701.153 Debris removal and water for livestock.
- 701.154 [Reserved]
- 701.155 Nursery.
- 701.156 Poultry.
- 701.157 Private non-industrial forest land.

#### Subpart C—Emergency Forest Restoration Program

- 701.200–701.202 [Reserved]
- 701.203 Scope.
- 701.204 Participant eligibility.
- 701.205 Land eligibility.
- 701.206–701.209 [Reserved]
- 701.210 Qualifying minimum cost of restoration.
- 701.211 Prohibition on duplicate payments.
- 701.212 Eligible EFRP practices.
- 701.213–701.225 [Reserved]
- 701.226 Maximum financial assistance.

AUTHORITY: 16 U.S.C. 2201–2206; Sec. 101, Pub. L. 109–148, 119 Stat. 2747; and Pub. L. 111–212, 124 Stat. 2302

SOURCE: 69 FR 10302, Mar. 4, 2004, unless otherwise noted.

#### Subpart A—General

##### § 701.1 Administration.

(a) Subject to the availability of funds, this part provides the terms, conditions and requirements of the Emergency Conservation Program (ECP) and the Emergency Forest Restoration Program (EFRP) administered by the Farm Service Agency (FSA). Neither program is an entitlement program and payments will only be made

## § 701.2

## 7 CFR Ch. VII (1–1–14 Edition)

to the extent that the Deputy Administrator announces the eligibility of benefits for certain natural disasters, the areas in which such benefits will be available, the time period in which the disaster and the rehabilitation must occur, and only so long as all the conditions for eligibility specified in this part and elsewhere in law are met. However, the Deputy Administrator will not apply any non-statutory limitation on payments provided for in this part in such a way that it would necessarily result in the non-expenditure of program funds required to otherwise be made by law.

(b) ECP and EFRP are administered by the Administrator, FSA through the Deputy Administrator, FSA, and shall be carried out in the field by State and county FSA committees (State and county committees), subject to the availability of funds. Except as otherwise provided in this rule, discretionary determinations to be made under this rule will be made by the Deputy Administrator. Matters committed to the discretion of the Deputy Administrator shall be considered in all cases to be permissive powers and no person or legal entity shall, under any circumstances, be considered to be entitled to an exercise of such power in their favor.

(c) State and county committees, and representatives and employees, do not have authority to modify or waive any regulations in this part.

(d) The State committee may take any action authorized or required of the county committee by this part, but which the county committee has not taken, such as:

(1) Correct or require a county committee to correct any action taken by such county committee that is not in accordance with this part; or

(2) Require a county committee to withhold taking any action that is not in accordance with this part.

(e) No provision or delegation herein to a State or county committee shall preclude the Administrator, FSA, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(f) The Deputy Administrator may authorize State and county committees to waive or modify deadlines and other requirements in cases where lateness or failure to meet such other requirements does not adversely affect the operation of the program.

(g) The Deputy Administrator may limit the authority of state and county committees to approve cost share in excess of specified amounts.

(h) Data furnished by the applicants will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, the failure to provide data could result in program benefits being withheld or denied.

(i) FSA may consult with any other Federal agency, State agency, or other provider of technical assistance for such assistance as is determined by FSA to be necessary to implement ECP or EFRP. FSA is responsible for the technical aspects of ECP and EFRP but may enter into a Memorandum of Agreement with another party to provide technical assistance. If the requirement for technical assistance results in undue delay or significant hardship to producers in a county, the State committee may request in writing that FSA waive this requirement for that county. However, nothing in this paragraph or in this part creates a right of appeal or action for an applicant with respect to provisions relating to internal procedures of FSA.

(j) The provisions in this part shall not create an entitlement in any person or legal entity to any ECP or EFRP cost share or claim or any particular notice or form or procedure.

(k) Additional terms and conditions may be set forth in the application or the forms participants will be required to sign for participation in the ECP or EFRP.

[69 FR 10302, Mar. 4, 2004, as amended at 75 FR 70087, Nov. 17, 2010]

### § 701.2 Definitions.

(a) The terms defined in part 718 of this chapter shall be applicable to this part and all documents issued in accordance with this part, except as otherwise provided in this section.

(b) The following definitions shall apply to this part: