



SUBJECT: LTP –Waiver to the 2-year ineligibility “cooling off” period under the Conservation Stewardship Program (CSP)

TO: Jimmy Bramblett, Deputy Chief for Programs, NRCS

File Code: 300-XX

The existing CSP regulation at 7 CFR §1470.26(c) imposes a 2-year ineligibility upon prior participants for their ability to enroll lands in CSP if they do not enter a renewal contract at the end of their initial contract period, also known as the “2-year cooling off period.” This provision is as follows:

“(c) NRCS will determine a participant ineligible for a new CSP contract on an agricultural operation for 2 years following expiration of their prior contract if the participant does not enter a renewal contract on the agricultural operation at the end of the prior contract period.”

This ineligibility is imposed upon CSP participants, even if their failure to enter into a renewal contract was due to the unavailability of funds. This limitation therefore imposes upon prior CSP participants a bar to their future participation in the program for reasons beyond their control.

The CSP regulation at 7 CFR §1470.2(b) authorizes the Chief to modify or waive non-statutory discretionary provision under the regulation if the Chief determines that the application of such provision to a particular limited situation is inappropriate and inconsistent with the goals of the program. The 2-year limitation at 7 CFR §1470.26(c) is a non-statutory discretionary provision.

As such, for any past, current, or future participant with an unfunded pending, or expired, renewal application, I hereby waive the 2-year cooling off period, and the participant will not be determined ineligible to apply for any current or future CSP sign-up opportunity based upon their failure to enter a renewal contract at the end of their prior contract. Further, to ensure equitable treatment to all prior, current, and future CSP participants, I am hereby waiving 7 CFR §1470.26(c) to any application for CSP enrollment.

Please distribute the appropriate policy guidance and updates to program policy manuals to implement these waivers. And at the soonest opportunity, develop an amendment to the CSP regulation to remove the 2-year ineligibility provision to effect this waiver more permanently.

If you have questions, please contact Martha Joseph, senior policy advisor, at martha.joseph@usda.gov.

TERRY COSBY
Chief
Natural Resources Conservation Service

USDA, Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C, 20013



United States Department of Agriculture

Cc:

Alyssa Chaney, Chief of Staff, Office of the Chief, Washington, D.C.

Maggie Rhodes, Director, FAPD, NRCS, Washington, D.C.

Ronnie Mauer, Acting Branch Chief, FAPD Program Implementation Branch, NRCS, Washington D.C.

Michael Whitt, Branch Chief, FAPD Policy Branch, NRCS, Washington D.C.

Martha Joseph, Senior Policy Advisor, Office of the Chief, Washington, D.C.

USDA, Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C, 20013

USDA is an equal opportunity provider, employer, and lender.