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Part 521 – Agricultural Management Assistance

Subpart A – General Information

521.0 General Information

A. Information

- (1) This part provides policy, guidance, procedures, and information for implementing Agricultural Management Assistance (AMA). It also identifies the source of authority, defines the purpose and use of the manual, and outlines objectives and scope.
- (2) The Commodity Credit Corporation (CCC) will make funding available for each of the fiscal years 2014 through 2018 to carry out AMA. Funding will be divided as follows:
 - (i) NRCS: 50 percent
 - (ii) Risk Management Agency (RMA): 40 percent
 - (iii) Agricultural Marketing Service (AMS): 10 percent

B. Purpose

AMA was reauthorized through the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) to—

- (i) Construct or improve watershed management structures or irrigation structures.
- (ii) Plant trees to form windbreaks or to improve water quality.
- (iii) Mitigate financial risk through production or marketing diversification or the implementation of resource conservation practices including soil erosion control, integrated pest management, or the transition to organic farming.

C. Program Availability

AMA is available in 16 States in which Federal Crop Insurance Program participation is historically low, as determined by the Secretary of Agriculture. These States are Connecticut, Delaware, Hawaii, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming.

D. Agency Responsibilities

AMA is jointly administered by the NRCS, RMA, and AMS. NRCS is responsible for program conservation provisions and determining “person eligibility.”

E. Relation to Other Conservation Provisions and Programs

- (1) AMA is not subject to the highly erodible land and wetland conservation provisions of the Food Security Act of 1985, as amended (16 U.S.C. Sections 3801–3824).
- (2) AMA is subject effective February 7, 2014 to the adjusted gross income (AGI) provisions enacted by the Agricultural Act of 2014. This will require coordination with the Farm Service Agency (FSA) and ProTracts to ensure that a person or legal entity during any crop, fiscal or program year does not have an average adjusted gross income that exceeds \$900,000.
- (3) FSA is responsible for providing information to NRCS as to whether land offered for AMA is enrolled in the Conservation Reserve Program or the Grassland Reserve program.
- (4) AMA participants will not be eligible for payments for conservation practices on eligible land if the participant receives payments or other benefits for the same practice on the same land under any other conservation program administered by USDA.

521.1 Source of Authority

A. Legislative Authorities

- (1) The legislative authority for the policy and procedures contained in this part is the Agricultural Risk Protection Act of 2000, Title I, Section 133 (Public Law 106-224), which amended the Federal Crop Insurance Act (7 U.S.C. Section 1501, et seq.) by adding section 524(b). Section 524(b) was further amended by the Farm Security and Rural Investment Act of 2002 (Farm Bill), Public Law 107-171, May 13, 2002. Section 524(b) has been further amended by the Food, Conservation, and Energy Act of 2008 (2008 Act), Public Law 110-246, June 18, 2008. AMA was not in the 2014 Farm Bill; therefore, the program continues through the aforementioned previous Farm Bill amendments.
- (2) The Commodity Credit Corporation Charter Act (15 U.S.C. Section 714) was amended by the Federal Agriculture Improvement and Reform Act of 1996 to provide authorization for the CCC to fund conservation and environmental programs, including AMA.

B. Federal Regulation

The Federal regulation for AMA is located in the Code of Federal Regulation as 7 CFR Part 1465, which was published on December 8, 2009. An amendment to 7 CFR Part 1465 was published on August 1, 2014, in the Federal Register.

C. Authority to Waive Administrative Procedures

Please refer to the Conservation Programs Manual (CPM), [440-CPM, Part 512, Subpart A](#), “Waivers to National Policy,” for the authority to waive AMA administrative policy.

D. Delegation of Authority

The State Conservationist may delegate responsibilities on items for which he or she has responsibility, unless specifically prohibited by this manual or other agency policy. These delegations of authority will be managed in accordance with [440-CPM, Part 512, Subpart A](#).

521.2 Purpose and Use of the Manual

A. Purpose of this Manual

This manual contains NRCS policy guidance and operating procedures for implementing AMA (7 CFR Part 1465), in accordance with the Federal regulation identified in section 521.1B of this manual.

B. Knowledge by Employees

NRCS personnel assigned AMA responsibility will have a working knowledge of this manual as well as 7 CFR Part 1465 and [440-CPM, Part 512](#), “Conservation Programs Contracting.”

C. Use of Manual

This manual will be used to provide—

- (i) Policy implementation, guidance, and operating procedures for NRCS.
- (ii) A reference and training tool for:
 - NRCS employees.
 - Conservation district employees and supervisors.
 - Personnel from cooperating agencies and organizations.
 - Technical service providers.
 - Tribal leaders.

- Others.

D. Supplements to this Manual

State policy supplements to this manual may be approved by the State Conservationist, with written concurrence from the Deputy Chief of Programs, unless specifically prohibited by statute, regulation, this manual, or other agency policy guidance. A copy of all State supplements to this manual must be submitted to the Deputy Chief for Programs for review and approval. State supplements, including bulletins, must not conflict with or be less restrictive than national policy or provisions of statute and regulation. Final approved versions of all State supplements must be posted in the eDirectives system in accordance with [Title 120, Directives Management Manual, Part 503](#).

E. Use of Terminology in this Manual

- (1) As provided by section 1241 of the 1985 Food Security Act (16 U.S.C. Section 3841), as amended by the 2002 Farm Security and Rural Investment Act and further amended by the 2008 Food, Conservation, and Energy Act, Public Law 110-246, June 18, 2008, the funds, facilities, and authorities of the CCC are available to NRCS for carrying out AMA through the Chief of the NRCS, who is a vice president of the CCC. Accordingly, where NRCS is mentioned in this manual, it also refers to the CCC's funds, facilities, and authorities, if applicable.
- (2) NRCS has established policy and promulgated regulations regarding the certification and use of technical service providers (TSPs). Accordingly, where TSP is used in this manual, it means a certified technical service provider.

521.3 Program Priorities

A. National Priorities and National Measures

- (1) To provide guidance to the State and local levels toward achieving the program purposes, NRCS has established the following national priorities:
 - (i) Reductions of nonpoint source pollution, such as nutrients, sediment, pesticides, or excess salinity in impaired watersheds consistent with total maximum daily loads (TMDLs), where available, as well as the reduction of surface and groundwater contamination
 - (ii) Conservation of ground and surface water resources
 - (iii) Reduction of emissions, such as particulate matter, nitrogen oxides (NO_x), volatile organic compounds, and ozone precursors and depleters that contribute to air quality impairment violations of National Ambient Air Quality Standards
 - (iv) Reduction in soil erosion and sedimentation from unacceptable high levels on agricultural land
 - (v) Promotion of at-risk species habitat conservation
- (2) The national priorities will be used to guide annual funding allocations to States and for prioritizing AMA applications for funding.

521.4 Definitions

See [440-CPM, Part 502](#), "Terms and Abbreviations Common to All Programs."

Part 521 – Agricultural Management Assistance

Subpart B – Responsibilities

521.10 Natural Resources Conservation Service

A. Responsibility Assignments

This section defines NRCS responsibilities for—

- (I) National Headquarters.
- (ii) State offices.
- (iii) Field offices.

B. National Headquarters, Chief

The Chief and Associate Chief provide national leadership for—

- (I) Making policy and regulatory decisions.
- (ii) Making fund allocation and reallocation decisions.
- (iii) Maintaining working relationships within USDA and externally to foster effective and efficient use of AMA.

C. National Headquarters, Regional Conservationists

The Regional Conservationists are responsible for—

- (I) Reviewing and approving contracts as determined through a quality assurance process.
- (ii) Review and oversight of State Conservationists to implement AMA according to policy requirements.
- (iii) Enforcement of provisions of AMA and the contracting policy, including support and development of payment schedules, timely program announcements, use of agency business tools such as ProTracts, and other responsibilities delegated by the Chief.

D. National Headquarters, Deputy Chief for Programs

The Deputy Chief for Programs provides national leadership for—

- (I) Program development and implementation, including rulemaking.
- (ii) Making funding allocation and reallocation recommendations.
- (iii) Waiving administrative procedures as warranted as specified in 440-CPM, Part 521, Subpart A.
- (iv) Coordinating with appropriate agencies and organizations at the national level.
- (v) Overseeing implementation of AMA.
- (vi) Other responsibilities delegated by the Chief.

E. National Headquarters, Chief Financial Officer

The chief financial officer is responsible for—

- (i) Issuing funds in the financial management system to State Conservationists for systems allocations, reallocations, and modifications when approved by the Chief or Associate Chiefs of Conservation and Operation.
- (ii) Maintaining fund accountability and accounting procedures.
- (iii) Other responsibilities delegated by the Chief.

F. National Headquarters, Deputy Chief for Strategic Planning and Accountability

The Deputy Chief for Strategic Planning and Accountability provides national leadership for—

- (i) Policy and technical support for program payment schedules according to 440-CPM, Part 512, Subpart D, and the National Resource Economics Handbook (NREH) found at 200-NREH, Part 613.
- (ii) Other responsibilities delegated by the Chief.

G. National Headquarters, Deputy Chief for Science and Technology

The Deputy Chief for Science and Technology provides national leadership for—

- (i) Developing technology for AMA support.
- (ii) Analysis and evaluation support for AMA.
- (iii) Other responsibilities delegated by the Chief.

H. National Headquarters, Director, Financial Assistance Programs Division (FAPD)

The Director, Financial Assistance Programs Division, provides national support for—

- (i) Operational leadership and management of AMA.
- (ii) Maintaining liaison and working relationship with FSA, AMS, and RMA program managers and other agencies and organizations on AMA.
- (iii) Program training and overall program evaluation and assessment.
- (iv) Developing the AMA manual on program policies and procedures.
- (v) Recommending funding allocations to the Deputy Chief for Programs.
- (vi) Working closely with FSA to ensure access to the Service Center Information Management System (SCIMS) data.
- (vii) Analyzing performance indicators and reports.
- (viii) Monitoring, evaluating, and reporting program impacts on natural resources.
- (ix) Maintaining program integrity to ensure statutory directional intent is maintained.
- (x) Monitoring the obligation and use of funds.
- (xi) Other responsibilities as assigned by the Deputy Chief for Programs.

I. State Offices, State Conservationists

The State Conservationist will lead AMA activities in the State in conjunction with the activities listed in [440-CPM, Part 512, Subpart A, “General Information,”](#) including the following responsibilities:

- (i) Ensure that all program activities comply with statutes, regulations and policy
- (ii) Develop additional guidelines for conservation needs assessments
- (iii) Establish State program management policies, procedures, and program performance indicators to support AMA national priorities and measures
- (iv) Maintain program and fund integrity and accountability
- (v) Delegate authority to certify and approve payments and authorize payments in ProTracts
- (vi) Conduct statewide public outreach and information activities, providing information on national priorities, State-specific goals, and the availability of assistance
- (vii) Establish State policies, resource concerns and priorities, and eligible practices
- (viii) Approve the payment schedule and payment rates used in the State that provide a cost basis for conservation program payments, in accordance with 440-CPM, Part 512, Subpart D
- (ix) Develop internal deadlines for eligibility, ranking, and prioritization, selection of applications for funding and obligating contracts
- (x) Establish a list of eligible practices
- (xi) Determine fund allocations within the State and establishing statewide subaccounts to address priority natural resource concerns and initiatives

- (xii) Identify, monitor and analyze performance indicators and evaluate and report program impacts on resources
- (xiii) Designate appropriate roles and responsibilities to designated conservationists for each jurisdiction of the State
- (xiv) Ensure compliance with appropriate internal controls, including “separation of duties” as they relate to contract development, contract obligation and modification, and payment certification
- (xv) Administer offsets, collections, and claims
- (xvi) Provide training
- (xvii) Coordinate across State lines with other State Conservationists
- (xviii) Participate in the appeal process in accordance with [440-CPM, Part 512, Subpart H](#), and [440-CPM, Part 510](#)
- (xix) Provide leadership for developing cooperative agreements with other conservation partners
- (xx) Approve the local AMA priorities and application screening procedures to ensure the local program complies with NRCS regulations and policy and that USDA civil rights responsibilities are met
- (xxi) Grant waivers for—
 - Starting a practice prior to the contract approval
 - All or part of recovery costs
 - Liquidated damages
 - Commencing a financially assisted practice in the first 12 months of a contract
- (xxii) Contracting responsibilities, as defined in [440-CPM, Part 512, Subpart A](#)
- (xxiii) Posting AMA application and funding information to the NRCS State Web site in accordance with 440-CPM, Part 521, Subpart C
- (xxiv) Manage and review requests to the Chief for waivers regarding payment and contract limitations and adjusted gross income
- (xxv) Establish program performance goals
- (xxvi) Grant equitable relief to those participants who are eligible
- (xxvii) Maintain an effective working relationship with FSA
- (xxviii) Other responsibilities as assigned by the Chief or Regional Conservationist

J. Field Offices

Designated conservationists will provide leadership for AMA activities in their area of authority (as delegated by the State Conservationist), which includes the following responsibilities:

- (i) Provide local program leadership
- (ii) Assess natural resource and environmental conditions and needs
- (iii) Identify local priorities and resources available
- (iv) Make program policy recommendations to the State Conservationist
- (v) Provide leadership in carrying out public outreach and information activities at the local level and document activities in accordance with national outreach policy in [230-GM, Part 406](#)
- (vi) Determine eligible conservation practices and review the established payment schedule
- (vii) Analyze performance indicators and reports
- (viii) Monitor, evaluate, and report program impacts on natural resources
- (ix) Provide leadership for developing cooperative agreements with local conservation partners for approval by the State Conservationist
- (x) Implement policies and procedures
- (xi) Announce application cutoff dates according to state and national guidance
- (xii) Accept applications and enter applications into ProTracts

- (xiii) Verify and document applicant and land eligibility, including signature authority
- (xiv) Rank and approve applications for funding and AMA plan of operations (APO) development
- (xv) Ensure all AMA contracts are accurately entered into ProTracts
- (xvi) Upload all approved contract items into ProTracts from Customer Service Toolkit
- (xvii) Participate in appeal processes, as appropriate
- (xviii) Process payment requests on Form NRCS-1245, “Practice Approval and Payment Application,” in accordance with [440-CPM, Part 512, Subpart G](#)
- (xix) Ensure that contracts and payments are not approved in excess of allocations
- (xx) Check out completed structural practices, unless contracted for completion by a TSP
- (xxi) Monitor and inform applicants of all payment limitations
- (xxii) Monitor contract expiration dates in order to complete all required work prior to contract expiration with agency policies to carry out program objectives
- (xxiv) Maintain an effective working relationship with FSA
- (xxv) Determine acceptability of the APO and ensure that the APO is approved by a certified conservation planner
- (xxvi) Implement contract responsibilities as defined in [440-CPM, Part 512](#)
- (xxvii) Prepare information for waivers requested from the Chief that are associated with payment and contract limitations and adjusted gross income
- (xxviii) Prepare information for waivers requested from the State Conservationist that are associated with starting a practice prior to contract approval, commencing a practice in the first 12 months of a contract, cost recovery, and liquidated damages
- (xxix) Document the case file in accordance with [Title 180, National Planning Procedures Handbook \(NPPH\), Part 600; 440-CPM, Part 515, Subpart I](#); and State procedures
- (xxx) Other responsibilities as assigned by the State Conservationist

521.11 Farm Service Agency (FSA)

A. The FSA will—

- (1) Prepare case files and participate in hearings for reconsiderations, appeals before the county FSA committee, and in mediation sessions.
- (2) Accept and process Form CCC-901, identifying entity and joint operation member farm information.
- (3) Determine whether land offered for AMA is enrolled in the Conservation Reserve Program and Grassland Reserve Program, and provide information to NRCS as requested.
- (4) Process appeals upon request.

B. County office staff should establish farm records for NRCS program applicants and complete producer eligibility determinations and certifications in accordance with the memorandum of understanding between NRCS and FSA.

521.12 Tribal Conservation Advisory Council

The Tribal Conservation Advisory Council works with NRCS to ensure local conservation program delivery by identifying local conservation needs, resource concerns, and priorities in order to provide recommendations regarding program administration and implementation.

521.13 State Conservation Agencies and Associations

State conservation agencies and associations may enter into agreements with NRCS in order to assist with implementation of the program.

521.14 Local and Tribal Conservation Districts

A. Local conservation districts are legal subdivisions of State government and are charged by State law with providing leadership for the conservation of soil, water, and other natural resources within conservation district boundaries. Tribal conservation districts are appointed by Tribal government or formed under Tribal resolution.

B. The responsibilities of the local and tribal conservation district are to—

- (1) Develop the conservation needs assessment and conservation action plan according to 440-CPM, Part 500.
- (2) Accept applications for contracts and forward them to NRCS.
- (3) Provide technical assistance support, where appropriate.
- (4) Provide contract administrative support, where appropriate.
- (5) Assist NRCS with local information and outreach activities.

C. Local and tribal conservation districts may enter into agreements with NRCS in order to assist with implementation of the program.

D. Where a conservation district is not present or chooses not to fulfill the responsibilities outlined in 440-CPM, Part 501, the NRCS designated conservationist will have these responsibilities.

521.15 Responsibilities Assigned to Other Agencies and Tribes

A. Other Federal, State, and local agencies and Tribes may have the following responsibilities:

- (1) Provide input and recommendations to NRCS for developing program guidelines.
- (2) Assist NRCS with information and outreach activities.
- (3) Provide technical assistance where appropriate.

B. The Bureau of Indian Affairs (BIA) must ensure the no Tribal member exceeds payment limitations, provide authorization to the participant for adequate control of land, and approve forest management plans on lands administered by the BIA.

C. The State Forester must work with State Conservationist to determine acceptable management plans.

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Subpart C – Information and Outreach

521.20 General

A. The purpose of information and outreach activities is to ensure that NRCS customers and potential customers are aware of, understand, and have access to conservation programs and services and to deliver program facts, program details, and news about the program to broad audiences.

B. Procedures must adhere to public information and outreach policy guidance in Title 260, General Manual (GM), Part 400, and 230-GM, Part 406. The following are general explanations of information, outreach, and education:

- (1) Information includes those activities to develop, produce, and deliver general news, knowledge, and facts about the program. Information is delivered extensively to a wide audience. NRCS will use all available media to provide full disclosure of ranking criteria, eligible practices, payment rates, and program descriptions.
- (2) Outreach includes those activities to develop, produce, and deliver general news, knowledge, and facts about the program to a specific audience. Outreach efforts are typically aimed at producers who have been historically underserved, have not historically participated in conservation programs, or who require special emphasis or accommodations.
- (3) The intent of outreach activities is to ensure that the targeted producers are aware and informed of program opportunities and have access to program participation. Special outreach efforts could include, but not be limited to—
 - (i) Establishing special outreach activities at the national, State, and local levels.
 - (ii) Providing special accommodations, to the extent possible, to ensure that producers are aware, informed, and have access to information and assistance, such as—
 - Using language spoken by the intended audience.
 - Using appropriate media sources to reach the intended audience.
- (4) Training and education includes those activities to develop, produce, and deliver technical news, knowledge, and facts to producers to help them identify and understand their natural resource and environmental conditions, and to know how to develop, implement, and maintain a conservation practice or system.

C. NRCS will ensure that outreach is provided so as not to limit participation because of size or type of operation, or production system, including specialty crop and organic production.

D. The official USDA nondiscriminatory statement must be included on all information and announcements to the public.

521.21 Information and Outreach

A. General

- (1) NRCS will establish program outreach activities at the national, State, and field levels to ensure that potential participants who control eligible land are aware and informed that they may be eligible to apply for program assistance. Special outreach will be made to eligible producers with historically low participation rates, including but not restricted to, historically underserved producers, Indian Tribes, Alaska Natives, and Pacific Islanders.
- (2) The Chief ensures that outreach and technical assistance are available and program specifications are appropriate so as not to limit producer participation because of size or type of operation, or production system, including specialty crop and organic production.

B. National-Level Outreach

- The Financial Assistance Programs Division (FAPD) director works in partnership with the NRCS Office of Outreach and Advocacy to locate and provide outreach efforts to targeted groups. Those efforts include—
 - (i) Issuing press releases to announce activities to universities, colleges, and grass-roots organizations specifically identified with a protected group. All press releases must contain a contact person for obtaining further information.
 - (ii) Submitting information for publication in national newsletters and magazines serving historically underserved populations.

C. State-Level Outreach

- State Conservationists must continue making special outreach efforts to distribute information regarding CSP to reach all potential participants through various means, which include—
 - (i) Undertaking significant outreach efforts through media outlets appropriate to the targeted audience.
 - (ii) Distributing personal mailings to socially disadvantaged farmers or ranchers, beginning farmers or ranchers, and limited-resource farmers or ranchers.
 - (iii) Ensuring language-appropriate communications.
 - (iv) Ensuring that the diversity of residents, landowners, and land operators in a local area are provided the opportunity to be represented in the locally led process. The locally led process at the service centers level is key and provides for input from a broad range of agencies, organizations, businesses, and individuals in the local areas who have an interest in natural resource management.

C. Indian Tribes

NRCS is committed to provide consultation and outreach and services to Indian Tribes and is taking actions to expand outreach activities, which will include—

- (i) Working with the Intertribal Agriculture Council (IAC) to provide onsite outreach and training to American Indians and Alaska native producers, farmers, land users, and their Tribal governments.
- (ii) Expanding consultation efforts to be more inclusive of USDA conservation programs and services to Indian Tribes. All consultations are to be open and candid so that all parties may evaluate for themselves the potential impact. Consultation will—
 - Be conducted among designated USDA officials and designated tribal officials.
 - Operate within a government-to-government relationship with federally recognized Indian Tribes.
 - Consult to the greatest extent practicable and permitted by law, with Indian Tribal governments before taking actions and affect federally recognized Indian Tribes.
 - Assess the impact of agency activities on Tribal trust resources and assure that Tribal interests are considered before the activities are undertaken.
 - Remove procedural impediments to working directly with Tribal governments on activities that affects trust proper or government rights of the Tribes.
 - Work cooperatively with other agencies to accomplish these goals.

521.22 Public Notice of Program Information

A. National Headquarters must post specific information for public use on the agency's national Web site. This information includes, but is not limited to—

- (1) Program description.
- (2) National priorities.
- (3) General application information.
- (4) Prior year funding data.

Note: State Conservationists must post program information to the State's Web site at least 30 days prior to announcement of an application period and ranking cutoff deadline.

B. At a minimum, the following information must be made available at time of announcement of any AMA Program opportunity:

- (1) Program description
- (2) National and State priorities
- (3) General application information, including continuous signup, application cutoff dates, and where to apply
- (4) Producer and land eligibility requirements
- (5) Screening and ranking criteria
- (6) Eligible practices
- (7) Payment rates
- (8) Participant responsibilities
- (9) Notice that starting a practice prior to written contract approval will result in the ineligibility of that practice for AMA assistance, unless a waiver has been approved (see [440-CPM, Part 512, Subpart E](#))
- (10) Emphasized outreach to historically underserved individuals and groups
- (11) Notice that the AMA Program is open to all eligible agricultural producers

Note: Although NRCS may accept program applications on a continuous basis, States may not establish an application period or deadline prior to publication of the above information. Applicants must be provided the opportunity to know which practices are available, approved payment rates, and the screening or ranking criteria that will be used to evaluate their application. Since program applicants may not modify or change their applications once submitted, all applicants must be provided an equal opportunity to make informed decisions regarding their choices for selection of practices prior to the end of the application period.

C. Designated conservationists must provide outreach of program information in their responsible geographic area by posting or publishing program information in public areas, local newspapers, producer organization newsletters, conservation district newsletters, and/or other local media easily accessible by the general public. This outreach effort must include, but is not limited to—

- (1) Program description.
- (2) General application information, including continuous signup, application cutoff dates, and where to apply.
- (3) Local office location and contact information.
- (4) Link to State NRCS Web site.

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Subpart D – Program Eligibility

521.30 General

- A. All AMA applications must meet the criteria for both producer eligibility and land eligibility to be considered for funding. The application should remain in “pending” status until these certifications are completed. Application evaluation and ranking should not occur until applicant eligibility is determined.
- B. See [Title 440, Conservation Programs Manual \(CPM\), Part 512, Subpart C](#), for procedures on submitting and accepting applications and basic conservation program contract (CPC) eligibility.
- C. NRCS is responsible for documenting and determining both producer and land eligibility. NRCS must notify the applicant of the determination of their eligibility status. If it determines that the applicant or the land is ineligible, the applicant must be provided appeal rights in accordance with 7 CFR Part 614 and [440-CPM, Part 510](#).
- D. Eligibility determinations are made in accordance with 440-CPM, Part 521, Subpart D, and [440-CPM, Part 512, Subpart C](#).
- (1) Program eligibility determinations must be documented in the case file and ProTracts.
 - (2) When all producer, land, and other eligibility requirements have been met for an application, the designated conservationist must complete the “Other Eligibility” check box in the ProTracts applicant information screen. Do not check the “Other Eligibility” box unless these program eligibility determinations have been completed and verified.

521.31 Producer Eligibility

A. Producer Eligibility Criteria

To be eligible to participate in AMA, an applicant must meet all of the following criteria:

- (i) Be a producer. A producer is an individual, legal entity, Indian Tribe, or joint operation with signature authority engaged in agricultural production or forestry management, or that has an interest in the agricultural or forestry operation associated with the land being offered for enrollment in AMA. Interest in the agricultural operation means any of the following:
 - Owner or renter of the land in the agricultural operation
 - An interest in the agricultural products, commodities, or livestock produced by the agricultural operation
 - A member of a joint operation that either owns or rents land in the agricultural operation or has an interest in the agricultural products, commodities, or livestock produced by the agricultural operation.
- (ii) Have control of the land for the term of the contract period.
- (iii) Be in compliance with the provisions for protecting the interests of tenants and sharecroppers, including the provisions for sharing AMA payments on a fair and equitable basis.
 - NRCS must not approve contracts with landlords who do not give tenants and sharecroppers an opportunity to participate in AMA or who reduce the number of tenants and sharecroppers in anticipation of AMA participation.

- If there is a dispute between landlord and tenant or sharecropper, NRCS may not approve the AMA contract until the landlord and tenant or sharecropper resolve their dispute.
- Landlord and tenant or sharecropper provisions do not apply when the tenant or sharecropper—
 - Was removed for cause in accordance with State law, as determined by the Office of General Counsel regional attorney.
 - Left the farm voluntarily without any coercion from the landlord.
- (iv) Be within appropriate payment limitation requirements as specified in the 7 CFR Part 1465 and in accordance with 440-CPM, Part 521, Subpart H. Exception: Federally recognized Indian Tribes are exempt from payment limitation requirements and contract limitations.
- (v) Be in compliance with adjusted gross income (AGI) requirements as specified in 7 CFR Part 1400. Exception: Federally recognized Indian Tribes are exempt from adjusted gross income requirements.
- (vi) Agree to implement conservation practices or activities documented in an NRCS certified plan of operations that address a natural resource concern and provide conservation benefits.
- (vii) Obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number (see <http://fedgov.dnb.com/webform/>) and register the number in the System for Award Management (<http://www.SAM.gov>) database as required of entity participants in 7 CFR Part 1466. The DUNS number, registration in SAM, and yearly renewal are required to obligate program contracts and to establish payment eligibility. Refer to [440-CPM, Part 512, Subpart C, Section 512.20C](#), for additional guidance and documentation requirements.

Note: NRCS must not establish or use any additional criteria for determination that an applicant is an agricultural producer other than what is cited in in this section. Use of the following criteria to determine eligibility as an agricultural producer is **prohibited**:

- Kind of operation or agricultural enterprise (e.g., horse boarding operation, subsistence producers, organic, aquaculture operation, etc.)
- Size of operation (e.g., forest land less than *x* acres in size)
- Location of operation (e.g., back yard production in urban-zoned area)
- Income – profit or loss (e.g., applicant must sell \$1,000 worth of product)

B. Documenting Producer Eligibility

The applicant is responsible for providing documentation to establish producer eligibility for AMA. The eligibility determination and applicable documentation must be filed with the appropriate local USDA service center, as outlined in [440-CPM, Part 512, Subpart C](#). The eligibility determination and applicable documentation must be filed with NRCS or FSA as outlined in [440-CPM, Part 512, Subpart C](#).

C. Eligibility Clarification for Various Entities

(1) Indian Tribes

An Indian Tribe can be an eligible producer if it owns or has control of the land being offered for enrollment in AMA and meets all the eligibility criteria in 440-CPM, Part 521, Subpart D.

(2) Indians

An individual Indian is eligible for AMA on Tribal or non-Tribal land if he or she meets the eligibility criteria in 440-CPM, Part 521, Subpart D.

- (3) Subsistence Producer Applicants
 - (i) Individual and families engaged in agricultural production for subsistence purposes are eligible for AMA if they meet the requirements of 440-CPM, Part 521, Subpart D.
 - (ii) No program eligibility requirement may be established related to size or type of subsistence operation or whether the producer incurs expenses, suffers losses, or generates income from a subsistence operation.
- (4) Squatters or tenants by sufferance

Squatters or tenants by sufferance, by definition, are not eligible for AMA because they cannot provide documentation or evidence showing control of the land.
- (5) Minors

Refer to [440-CPM, Part 512, Subpart C, Section 512.22](#), “Eligibility.”
- (6) Foreign Individuals and Entities

Refer to [440-CPM, Part 512, Subpart C, Section 512.22](#), “Eligibility.”
- (7) Agricultural Income and Other Eligibility Factors
 - (i) Eligibility for participation in AMA may not be limited or determined based upon whether the agricultural operation actually generates any income or financial losses associated with producing agricultural products, livestock, or forest-related products. Program eligibility or financial assistance payments may not be limited based upon the size of the operation, type of operation, geographic location, or other factors not expressly cited in program authority.
 - (ii) States may not establish any other income eligibility requirements for determining participation in the program. Nor may States set an income eligibility requirement for access to certain funding pools or subaccounts, other than what is expressly provided for in regulation.

D. Ineligible Entities

- (1) Federal, State, county, and local governments, and political subdivisions of State government (e.g., school districts, conservation districts, etc.) and entities with members of units of government or subdivisions are not eligible for AMA. However, land owned by these entities may be eligible if leased to an eligible applicant. See 440-CPM, Part 521, Subpart D.
- (2) Agricultural support businesses, such as agricultural supply buyers and sellers, are not eligible to participate in AMA (see section 521.31A, above).
- (3) NRCS must not approve any contract or financial assistance payment to any producer who is producing marijuana or engaged in controlled substance activities on any part of their agricultural operation in violation of Federal law, even if the requested assistance does not relate to the field or other part of the agricultural operation that is under the unlawful production of controlled substance.

521.32 Land Eligibility

A. To be eligible for AMA, the land being offered for application into the program must meet all of the following criteria:

- (1) Be agricultural land, nonindustrial private forest land, or other land on which agricultural products, livestock, or forest-related products are produced.
 - (i) Agricultural land and products or commodities as recorded on the application in ProTracts include, but are not limited to, the following:
 - Barley

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- Corn
 - Cotton
 - Forage, hay, or pasture
 - Oats
 - Oil seed
 - Rice
 - Sorghum
 - Soybeans
 - Wheat
 - Peanuts
 - Potatoes
 - Tobacco
 - Trees (including orchards, Christmas trees, etc.)
 - Berries
 - Coffee
 - Grapes (including vineyards)
 - Fruits
 - Nuts
 - Ornamental plants (including flowers and bulbs)
 - Ginseng
 - Grass seed
 - Sod
 - Sugarcane
 - Sugar beets
 - Sugar maple
 - Vegetable
 - Other crops (including plant materials grown in greenhouses or seasonal high tunnels, crops for subsistence, and other crops identified by the State Conservationists)
- (ii) Livestock production is defined as agricultural operations involving the production, growing, raising, or reproducing of domestic livestock or livestock product as recorded on the application in ProTracts, include but are not limited to the following animals:
- Beef
 - Dairy
 - Goats
 - Horses (regardless of type of operation)
 - Poultry
 - Sheep
 - Swine
 - Aquaculture products (including fish, bivalves, or other animals raised through aquaculture methods)
 - Bees (domesticated honey bees)
 - Bison
 - Deer
 - Elk
 - Llamas
 - Mules
 - Rabbits
 - Turkeys

- Alpacas
 - Emus
 - Ratites
 - Other livestock (all other domesticated livestock or fowl identified by the State Conservationist)
- (iii) Nonindustrial private forest land (NIPF) is rural land that meets both of the following criteria:
- Has existing tree cover or is suitable for growing trees
 - Is owned by any nonindustrial private individual, group, association, corporation, Indian Tribe, or other private legal entity.
- (2) Be privately owned or publicly owned land.
- (i) Publicly owned land may be eligible if—
- The land is a working component of the participant’s agricultural operations,
 - The participant has control of the land for the term of the contract.
 - The conservation practices to be implemented on the public land are necessary and will contribute to an improvement in the identified natural resource concern.
- (ii) Indian land. Land that meets any of the following criteria is considered Indian land:
- Land held in trust by the United States for individual Indians or Indian Tribes
 - Land, the title to which is held by individual Indians or Indian Tribes subject to Federal restrictions against alienation or encumbrance
 - Land that is subject to rights of use, occupancy, and/or benefit of certain Indian Tribe
 - Land held in fee title by an Indian, Indian family, or Indian Tribe.
- (3) Have permission of the landowner to install a structural practice on land not owned by the applicant. Structural practices are those practices under the technical oversight of each State conservation engineer.
- (4) Have an identified resource concern that may be addressed.

B. Documenting Land Eligibility

The applicant is responsible for providing documentation to establish land eligibility for AMA. The eligibility determination and applicable documentation must be filed in the case file.

C. Ineligible Land

Land enrolled in other conservation programs may be ineligible for AMA. AMA does not pay for the same practice enrolled on the same land as any other AMA contract or any other USDA conservation program. If there is an overlap for any part of the same practice, that practice would be considered a duplicative practice and not authorized under AMA.

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Subpart E – Fund Allocation

521.40 Allocation Process

A. AMA is subject to the general allocation process outlined in Title 440, Conservation Programs Manual (CPM), Part 512, Subpart I, applicable to all financial assistance programs.

B. National Allocation for Distribution to States

- (1) NRCS will determine the allocation of AMA funds to NRCS State Conservationists using an allocation formula that reflects national priorities and uses available natural resource concerns data, such as—
 - (i) The significance of the environmental and natural resource concern and the opportunity for environmental improvement.
 - (ii) The ways the program can best assist producers in complying with Federal, State, local, and Tribal laws, quantified where possible.
 - (iii) The amount of agricultural land in different land use categories, such as grazing land, specialty crops and others.
 - (iv) The degree of risk reduction resulting from the implementation of resource conservation practices for erosion control, integrated pest management, or transition to organic farming.
 - (v) Other information relevant to meet the purposes of the program.
- (2) Requests for fund allocation changes must be submitted in accordance with the procedure found in [440-CPM, Part 512, Subpart I, Section 512.84](#).

C. State Allocation Distribution and Management

- (1) The State Conservationist must develop a formal fund allocation formula to direct funds to identified resource concerns at the State or local level.
- (2) The State Conservationist must identify State priority natural resource concerns that incorporate national priorities and measures to establish local AMA performance goals and treatment objectives.

Note: Priority resource concerns are related to natural resources and are not associated with farm type, operation type, or operator.

- (3) The State Conservationist must document decisions and rationale for allocation of funds to different natural resource concerns or to specific geographic areas within the State. The following considerations will be taken into account when making such decisions:
 - (i) The nature and extent of natural resource concerns at the State and local level
 - (ii) Goals, objectives, and solutions, quantified when and where possible, for the natural resource concerns to optimize the conservation benefits to be delivered with the authorized Federal dollars
 - (iii) Science-based background data, quantified when and where possible, on the natural resources priorities, soils information, demographic information, and other available technical data that illustrate the nature and extent of natural resource concerns
 - (iv) The availability of human resources, other program support, financial assistance, educational programs, and on-farm research programs from both public, private, and Tribal sources to assist with the activities related to the priority resource concerns
 - (v) The existence of multicounty or multistate collaborative efforts to address regional priority natural resource concerns
 - (vi) Program performance and results

- (vii) The degree of difficulty that producers face in complying with environmental laws and regulations

D. Unobligated FY Funds

Form CPA-1202, “Conservation Program Contract,” must include the NRCS contract approver’s electronic signature and the participant’s original signature and date. This form will be printed and maintained in the CPC case file for audit purposes, but participants will not sign this duplicate copy of the form. Form CPA-1155, “Conservation Plan or Schedule of Operations,” must have the designated conservationist’s signature. These forms will be approved and signed in ProTracts by the agency’s annually established target date. Balances not obligated by this date may be reallocated to other States.

E. Allocation Control

FMMI will always maintain the official status of funds, including allocations to States. All State allocations will be aligned between FMMI and ProTracts.

521.41 Funding Requirements

A. Obligations Limited to Authorized Funds

See [440-CPM, Part 512, Subpart I.](#)

B. Overobligation is Prohibited

See [440-CPM, Part 512, Subpart I.](#)

C. Immediate Pay

See [440-CPM, Part 512, Subpart G.](#)

D. Unobligated FY AMA Funds

See [440-CPM, Part 512, Subpart I.](#)

D. Deobligation of Prior Years Funds

See [440-CPM, Part 512, Subpart I.](#)

F. Requirements of the Commodity Credit Corporation.

See [440-CPM, Part 503.](#)

G. “Bundling” of stand-alone practices for payment purposes in contracts is prohibited.

See [440-CPM, Part 512, Subpart D.](#)

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Subpart F – Contract Application Acceptance and Evaluation

521.50 Continuous Application Acceptance

A. AMA applications must be accepted on a continuous basis throughout the year. An application cutoff date must be scheduled.

- (1) States must establish internal deadlines for each of the following:
 - (i) Submission of applications
 - (ii) Eligibility determinations to be completed
 - (iii) Ranking eligible applications
 - (iv) Selection of applications for funding
 - (v) Funding of eligible applications.
- (2) NRCS must rank and select eligible applications received during the continuous signup period up to the application cutoff date.

B. The application cutoff date will be announced by NRCS, with assistance from partners. See Title 440, Conservation Programs Manual (CPM), Part 521, Subpart C, for specific information and outreach requirements for National Headquarters, State offices, and field offices.

521.51 Application Guidance

A. Accepting Applications

- (1) Refer to [440-CPM, Part 512, Subpart C](#), for guidance in accepting, processing, and evaluating AMA applications.
- (2) The AMA application period is continuous and an application may be submitted at any time. Applications taken after the application cutoff date will be held in the NRCS field office and processed for the next application cutoff date, regardless of whether the next cutoff date occurs in the current fiscal year or subsequent fiscal year.

B. Signature Requirement

- (1) Eligible applicants wishing to participate in an AMA contract must submit Form NRCS-CPA-1200, “Application,” printed from the NRCS Program Contracts System (ProTracts) signed and dated by an authorized person or representative of an entity. Refer to [440-CPM, Part 512, Subpart C](#), for further explanation of requirements for program application.
- (2) Permission from the landowner is required to enter into a contract to install a structural practice on land that is not owned by the applicant. Permission may be granted through a letter or other written concurrence from the landowner at the time of application or the landowner may sign the contract as a 0-percent shareholder to authorize structural conservation practices on their property.
- (3) Guidance on signature authority information for individuals and other business entities is contained in [440-CPM, Part 512, Subpart C](#).

C. Starting Practices or Activities Included in the CPC

- (1) Practices started or completed before CPC approval are not eligible for payments, in accordance with the applicable program regulation and the CPC appendix. Starting a practice or engaging the services of a technical service provider (TSP) before the contract is approved by NRCS renders an applicant ineligible for payment.

- (2) A waiver for starting financially assisted practices or activities may be granted by the State Conservationist. Requests for a waiver to begin a practice or activity before CPC approval must be made in writing by the applicant. For further guidance, please see [440-CPM, Part 512, Subpart C, Section 512.23](#).

D. Historically Underserved

- (1) The term “historically underserved producer” means an eligible person or legal entity that is an Indian Tribe, beginning farmer or rancher, veteran farmer or rancher, socially disadvantaged farmer or rancher, or limited-resource farmer or rancher. By statute, participants eligible for AMA that meet the requirements of any of the historically underserved designation as outlined in [440-CPM, Part 512, Subpart A](#), must be awarded the applicable payment rate and an additional rate that is not less than 25 percent above the applicable rate; however, the rate established may not exceed 90 percent.
- (2) Any applicant seeking the designation as historically underserved must self-certify eligibility when they submit an AMA application on Form NRCS-CPA-1200 and as outlined in [440-CPM, Part 512, Subpart A](#).

521.52 Application Ranking Process

A. General

Refer to [440-CPM, Part 512, Subpart C](#), for guidance in accepting, managing, processing and evaluation of applications.

B. Application Ranking Minimum Requirement

- (1) All application ranking evaluations will be performed using the AERT accessed through ProTracts (see [440-CPM, Part 512, Subpart C](#)).

- (2) The following factors must be used when ranking criteria for applications:

- (i) The cost effectiveness of the proposed conservation practices.

Note: The ProTracts AERT efficiency score will evaluate each application based upon broad averages of the cost and environment benefits of each practice.

- (ii) The magnitude of the expected conservation benefits resulting from the conservation treatment and the priority of the natural resource concerns that have been identified at the local, Tribal, State, and national levels.

- (iii) How effectively and comprehensively the project addresses the priority natural resource concerns

Note: Applications that result in the greatest environmental improvement should receive a higher ranking. All ranking processes and criteria must use the approved natural resource concerns that are listed in the Field Office Technical Guide for the specific area being proposed for treatment, and identify the associated national, State, and local priorities that are addressed by this treatment.

- (iv) Use of conservation practices that provide long-term conservation enhancements.
- (v) Compliance with Federal, State, local, and Tribal regulatory requirements concerning soil, water and air quality, wildlife habitat, and ground and surface water conservation.

Note: Higher ranking should be given to plans that will help producers avoid regulatory requirements altogether, meet regulatory requirements, or reduce the potential for regulations.

- (vi) Willingness of the applicant to complete all conservation practices in an expedited manner, such as completing all practices within 3 years.

- (vii) The ability to improve existing conservation practices or systems that are in place at the time the application is accepted or that complete a conservation system.
- (viii) Other locally defined pertinent factors, such as the location of the conservation practice, the extent of natural resource degradation, and the degree of cooperation by local producers to achieve environmental improvements.
- (3) If the State Conservationist determines that the conservation benefits of two or more applications for payments are comparable, the State Conservationist will not assign a higher priority to the application solely because it would present the least cost to the program.
- (4) When developing an application screening tools and questions, the State Conservationist or designee may also consider—
 - (i) An applicant’s history of proper operation and maintenance of practices installed with program assistance for the practice lifespan.
 - (ii) Awarding negative ranking points for participants that have contracts that are not on schedule or have had previous contract terminations.
 - (iii) Achieving a higher level of treatment or conservation benefit.
 - (iv) Submission of an application that is supported by a certified plan of operations or approved practice design.

Note: If a screening tool is used to establish a workload priority, such priority as recorded in ProTracts determines which applications will be ranked. Example: All high-priority applications will be ranked before any medium- or low-priority applications.

C. Processing Applications

The evaluation (ranking) processes may include—

- (i) Grouping of applications to the greatest extent possible by similar crop, forestry or livestock operations for evaluation purposes or otherwise evaluate each application relative to other applications of similar agricultural operations. Subaccounts may be developed to address a specific resource concern, geographic area or agricultural operation type. However, in order to promote efficient and timely delivery of program assistance, States should limit creation of fund pool subaccounts in ProTracts to the minimum number of such accounts needed to effectively rank and approve applications.
- (ii) Using evaluation criteria based on identified resource concerns, developing packages based on treatment levels where applicants choose the package they agree to plan and implement and contracts are offered to applicants who optimize environmental benefits.
- (iii) An application must be ranked in all subaccounts for which it is eligible as requested by the applicant. To manage workload, States may establish screening criteria to help prioritize applications for ranking purposes.

D. Avoid Bias in the Ranking and Screening Process

- (1) The ranking criteria must be size- and class-neutral and must avoid causing bias for or against any individual group or size of operation (see Application Evaluation Ranking Tool (AERT) Business Manual). Otherwise-eligible program applications may not be determined ineligible or deferred based upon the size or extent of the producer ownership, area proposed for treatment, or extent of practice or activities to be addressed.
- (2) Controls for payment should be managed through development of appropriate payment schedules and scenarios and by establishment of practice payment caps.
- (3) Maximum practice payment caps or cost caps are managed through the ProTracts system per [440-CPM, Part 512, Subpart G, Section 512.60F](#). If appropriately noted and advertised during the period of program application, States may establish a maximum practice payment cap or cost cap, but may not establish a maximum extent limitation for any practice or activity. For example, States may not establish a maximum number of acres to be supported

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- through AMA for any practice, except for those practices supported by an interim practice standard.
- (4) Total contract payment limits may not be established other than what is authorized by Statute or regulation.

E. Application Funding

The State Conservationist or designated conservationist, as delegated, will periodically select the highest-ranked applications (based on applicant eligibility and the NRCS ranking process) for funding. Eligible applications within a subaccount must not be skipped to allow funding of a lower-ranked application. If two or more applications have the same ranking score, a tracking code number may be generated and assigned to assist in selection of applications. It is *not* appropriate to assign a tracking code to applications unless needed to help differentiate between applications with the same ranking score.

F. Deferred Applications

Refer to [440-CPM, Part 512, Subpart C](#).

G. Disposition of Applications Not Selected for Funding

Refer to [440-CPM, Part 512, Subpart C](#).

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Subpart G – AMA Schedule of Operations

521.60 General Information

A. Purpose and Use of Schedule of Operations

- (1) Both statute and regulation use the term “plan of operations.” For the purpose of clarity and consistency, this manual refers to the plan of operations as the “AMA schedule of operations.” The AMA schedule of operations is recorded on Form NRCS-CPA-1155, “Conservation Plan or Schedule of Operations.” This document identifies the conservation practices to be implemented, the timing of the implementation, the practice location, and payment rates.
- (2) The AMA schedule of operations is derived from the participant’s NRCS-certified conservation plan that is recorded in Customer Service Toolkit (CST). The AMA schedule of operations uploaded into ProTracts is not required to contain all of the conservation practices included in the CST conservation plan.
 - (i) The AMA schedule of operations recorded in ProTracts will only include practices that are planned to be financially supported through AMA and developed in accordance with Title 440, Conservation Program Manual (CPM), Part 512, Subpart B. Only the financially supported practices will be evaluated through the Application Evaluation Ranking Tool (AERT) in ProTracts to determine the ranking score of the application.
 - (ii) The conservation plan in CST may include practices in addition to the practices in the AMA schedule of operations. An NRCS-certified conservation plan includes all the practices, regardless of program financial assistance, that the participant has agreed to adopt in his or her operation as indicated in Title 180, General Manual (GM), Part 409 and the National Planning Procedures Handbook (180-NPPH, Part 600). Practices that are not financially supported by AMA must not be evaluated through AERT in ProTracts and must not be used to determine screening priority or the ranking score of the application.

B. Technical References and Approval

- (1) The AMA schedule of operations must be developed and carried out in accordance with the applicable NRCS technical guidance. Technical references for planning and implementing conservation practices are—
 - (i) 180-GM, Part 409
 - (ii) 180-NPPH, Part 600
 - (iii) 190-GM, Part 410
 - (iv) Title 190, National Cultural Resources Procedures Handbook, Part 601
 - (v) Title 190, National Environmental Compliance Handbook, Part 610
 - (vi) Field Office Technical Guide (FOTG and eFOTG)
 - (vii) 440-CPM, Part 500, “Locally Led Conservation”
 - (viii) 440-CPM, Part 504, “Technical Service Provider Assistance”
 - (ix) 450-GM, Part 401
 - (x) Title 450, National Handbook of Conservation Practices
- (2) An AMA schedule of operations is part of the contract and must be approved in the following order: approved by a certified conservation planner, signed and dated by the participant, and signed and dated by the NRCS approving official.

C. Schedule of Operations Requirements

- (1) The AMA schedule of operation must meet all the requirements of 440-CPM, Part 512, Subparts B and E.
- (2) Contract periods are as follows, but see additional guidance for contract management, completion and establishment of expiration dates found in 440-CPM, Part 512, Subpart E.

Note: States may not require establish a minimum contract period that is longer than necessary to implement and certify the contracted practices. Example: States may not require that the contract expire 12 months after the last implemented practice to facilitate a “maintenance” period.

- (3) All conservation practices and activities must be implemented in accordance with standards and specifications cited in the FOTG.
- (4) If an AMA schedule of operations includes animal waste storage or treatment facility, the participant must develop and provide NRCS a copy of a comprehensive nutrient management plan (CNMP) prior to beginning the installation of any waste storage and treatment facility or nutrient management activities. The CNMP may be included in the contract that includes the waste storage and treatment facility and nutrient management activities. Implementation of all the practices in the CNMP is required by the end of the contract period, regardless of financial assistance provided.
- (5) The State Conservationist may develop additional requirements to be included in the AMA schedule of operations.

D. Supporting Documentation

- A. Refer to 440-CPM, Part 512, Subpart B, Section 512.10, and Subpart E.

521.61 Conservation Practices and Planning Activities

A. A land-based conservation practice is one or more conservation improvements or conservation activities that are applied to eligible land.

Improvements include structural practices, management practices, vegetative practices, forest management practices, and other improvements that achieve program purposes as approved in the FOTG.

B. The State Conservationist will determine the eligible practices for AMA. The State approved list of eligible practices must be posted on the State Web site at least 30 days prior to current fiscal year program announcements of application periods or cutoff deadline dates for ranking. See section 521.22 for guidance. Those practices approved by the State Conservationist must meet the following criteria:

- (1) Approved in the FOTG and meet the purpose and definition of the practice standard
- (2) Provide beneficial, natural resource conservation or environmental enhancements
- (3) Meet the intent of the program and identified natural resource concerns
- (4) Include appropriate operation and maintenance requirements in the practice design to allow the participant to successfully implement the practice to standards and specifications for the practice life span as determined by the Conservation Practice Standards (CPS) database
- (5) Meet the requirements outlined in 440-CPM, Part 512, Subpart B, and 440-CPM, Part 521, Subpart G

C. Eligible Conservation Practices

- (1) Management Practices
 - (i) Land management practices are those associated with management techniques and methods to implement the practice. These practices have a life span of 1 year.

Exception: Payments for CP 340 Cover Crop are limited to a maximum of five separate payments during the term of a single contract on the same land unit when CP 340 is planned and applied as a component of a complete conservation system to address resource concerns related to soil health (such as soil erosion and soil quality degradation).

- (ii) As established in 440-CPM, Part 502, and Part 512, Subpart D, management practices have a maximum lifespan of 1 year, as documented in the national CPS database. Contracting and program policy establish that payments for management practices are limited to a maximum of three separate payments during the term of a contract.
 - (iii) Within a single active contract, management practices that address an identified resource concern may be implemented again up to the maximum three payments on the same land unit. Producers may also apply for subsequent a new AMA contract to apply the same management practice on the same land units if the implementation of the practice will result in a higher-level of quality or conservation benefit.
- (2) Structural and Vegetative Practices
- (i) Structural practices are those that primarily involve the establishment, construction, installation of a site-specific measure to conserve, protect from degradation, or improve soil, water, or related natural resources in a most cost effective manner. By program definition, structural practices also include vegetative conservation practices.
 - (ii) Structural and vegetative practices have a life span of 2 or more years, as documented in the national CPS database. Installation of structural or vegetative practices on land not owned by the applicant requires written permission from the landowner before the contract can be approved and obligated.
 - (iii) Retrofitting of structural practices is allowable provided that a higher level of conservation benefit (e.g., irrigation water conservation efficiency) can be documented and is supported by the practice standard. Retrofitting will only be allowed if it is more cost efficient than an alternative replacement system and meets the minimum requirements of the practice standard. Payment schedule scenarios that support retrofitting must be approved through the national payment schedule process prior to contracting. Retrofitting is not allowed to replace components that are required to be maintained for normal operation of the system within the approved practice lifespan.
- (3) New Technology

The State Conservationist may approve new innovative conservation practices where warranted. Interim conservation practice standards will be developed for these practices before they are authorized for use and practices will be evaluated according to 450-GM, Part 401, Subpart B. Payment schedules developed to support interim conservation practices are subject to the same review and approval process as any other practice or activity.

D. Ineligible Practices

- (1) Ineligible practices are those—
 - (i) Where the sole purpose is to enhance production without an identifiable conservation benefit or does not address a natural resource concern.
 - (ii) That the producer has already installed to address an identified resource concern on a specific land unit. However, land management practices that address a higher level quality concern may be implemented again on the same land unit. Producers may also apply for AMA financial assistance to implement a management practice to address a resource concern on land within the operation which has not been previously implemented.
 - (iii) Practices that were commenced prior to contract obligation by the NRCS approving official, unless waived by the State Conservationist in accordance with 440-CPM, Part 521, Subpart B.

- (iv) That the producer is likely to apply without AMA financial assistance, such as—
 - Practices a producer is required to establish as a result of a judicial or court action.
Note: Just being accused of violating a law or regulation does not make an applicant ineligible.
 - Practices required for repeated violations as determined at the State level.
Note: If a producer has been accused of violating a law or regulation they may still voluntarily apply a conservation practice to comply with the law or regulation. The practice may be eligible for AMA financial assistance.
- (v) Vegetative practices that have previously received payment on the same land under the same AMA contract unless destroyed by reasons beyond the participant's control.
- (2) In addition to ineligible practices, there are costs associated with practice implementation that are prohibited from payment. Practice payment schedules will be developed in accordance with 440-CPM, Part 521, Subpart H, and 440-CPM, Part 512, Subpart D.

521.62 Quality Assurance and Oversight for AMA Planning and Implementation

A. Procedure

Quality assurance will be performed by the State Conservationist and designated conservationist as a part of the ongoing quality assurance programs where technical and financial assistance is provided.

B. Technical References

References for quality assurance of conservation planning and application include the following:

- (i) 180-NPPH, Part 600
- (ii) FOTG
- (iii) 450-GM, Part 407
- (iv) State quality assurance plan

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Subpart H – Conservation Payments and Payment Limitations

521.70 Payment Schedules

Policy guidance regarding payment schedules is located in Title 440, Conservation Programs Manual (CPM), Part 512, Subpart D.

521.71 Determining Eligible Payment Schedule Costs

A. Eligible Practice Costs

- (1) Payment rates are limited to the least-cost alternative to achieve the minimum practice standards and specifications needed to address the resource concerns. The least-cost-alternative limitation is only applicable to payment rates and does not limit choice of treatment options. However, treatment options must meet NRCS specifications, address the identified resource concern, and be approved by an individual with NRCS approval authority.

Example: If minimum standards and specifications require a three-wire fence and the participant wants to install a woven wire fence that costs twice as much as the minimum acceptable standard, AMA will pay the minimum payment rate and any additional costs are borne by the participant.

- (2) The individual or entity is responsible for the expense of conservation practice installation. The participant receiving the program benefit must also be the individual or entity that directly incurred the cost of the practice installation.
- (3) Items eligible to establish levels and rates include the cost of any direct or significant factors necessary to perform the practice, such as—
 - (i) New, donated, or used materials (in accordance with NRCS policy).
 - (ii) Services and labor, from the participant or others.
 - (iii) Sales tax.
- (4) When setting payment rates with regard to income foregone for AMA, the State Conservationist may accord greater significance to conservation practices that promote soil health; water quality and quantity improvement; nutrient management; pest management; air quality improvement; wildlife habitat development, including pollinator habitat; invasive species management; and other resource issues of regional or national significance as determined by NRCS. Greater significance can be established by either one of two methods:
 - (i) By establishing a higher priority to these practices in the screening and ranking
 - (ii) By assigning a higher program payment percentage in the foregone income cost category of a payment schedule (not to exceed 100 percent) to priority practices and a reduced program payment percentage assigned to low-priority practices.
- (5) Any practice in which used materials are used may be eligible for payment according to criteria set forth in Title 210, National Engineering Manual (NEM) and subpart C of this manual.
- (6) All estimated incurred costs and income foregone associated with an AMA payment must be documented in an approved payment schedule. Only costs that are associated with implementation of a conservation practice and the practice standard may be included in the payment. See 440-CPM, Part 512, Subpart D, for additional information.

B. Ineligible Costs

The following are examples and categories of ineligible costs that may not be included in program payment schedules. Such costs are usually ineligible as they may have no

environmental or conservation benefit, are not allowed by the practice standard, their primary purpose may be considered a production-related activity, or there may be no statutory authority to provide program support:

- (i) Production costs associated with the normal production activities are prohibited. Examples of ineligible costs include but are not limited to—
- Subsurface drainage installed solely to obtain better yields
 - Any forage or pest control or treatment solely for crop production
 - Costs associated with control, suppression, or management of invasive or noninvasive plants, animals, pests, insects, rodents, feral hogs, deer, birds, or other wildlife on cropland
 - Costs associated with control, suppression, or management of invasive or noninvasive animals, insects, rodents, feral hogs, deer, birds, or other wildlife on noncropland (see Paragraph (iii), “Pest Management,” following)
 - Costs that are not directly related to the implementation of an NRCS-approved conservation practice or not allowed per the NRCS practice standard
 - Costs that are not incurred by the program participant such as value of donated materials or labor
 - Costs for education or training that are not directly related to implementation, operation, or maintenance of a conservation practice
 - Costs associated with risk of agricultural operations such as the potential loss of yield or production resulting from—
 - Weather-related conditions or events
 - Cultural activities
 - Wildfires
 - Animal, pest, or other wildlife damages to crops
 - Lack of operation and maintenance of practices or equipment
 - Costs associated with agricultural enterprise changes, where there is no identified resource concern to be addressed

Note: Risks and costs associated with the agricultural operation must be borne by the producer.

- (ii) Permits, fees, certifications, and miscellaneous production- or operation-related expenses not directly related to implementation of a practice (bundling practice payments is prohibited).
- County earthmoving or NPDES permits
 - Building permits
 - Administrative costs or fees assessed by water or other utility companies or suppliers.
 - 404 permits or other regulatory permit costs
 - Confined animal feeding operation (CAFO) permit
 - Organic certification fees
 - Administrative and overhead costs associated with agricultural operations, such as telephone expenses, drinking water, fuel and lubricants for farm vehicles, replacement parts, electricity costs, photo copy, and similar activities
 - Repair costs of equipment used to construct conservation practice
 - Structures and components that are not part of the appropriate national standard such as installing a composting facility under the heavy use protection area standard or drilling a well as part of the pipeline standard
 - Costs associated with operation and maintenance of a conservation practice
 - Attorney or legal fees

(iii) Pest Management

- A program payment for control or management of noxious or invasive weeds, insects, diseases, rodent, nematodes, predators, including native or non-native species, or other pests is prohibited. (Pest as defined in 190-GM, Part 414, “Invasive Species,” and agency policy in 190-GM, Part 404, “Pest Management.”)
- Exception: Payments for suppression of noxious and invasive weeds on noncropland is allowed as part of the incurred cost to facilitate implementation of an NRCS-approved conservation practice. For example, costs associated with management or control of invasive or noxious plant species to support success of a range planting, critical area planting, or tree and shrub planting on noncropland is allowed.

(iv) Equipment

As defined in 440-CPM, Part 502, “Terms and Abbreviations Common to All Programs,” equipment is the tools, machinery, or similar items needed to implement the practice to design standards. As noted in 440-CPM, Part 503, “Commodity Credit Corporation Procedures,” CCC and program authority provide financial assistance to implement conservation practices, but not for purchase of equipment to implement practices. Examples of equipment that may not be purchased using AMA financial assistance include, but are not limited to—

- Equipment to haul or apply manure.
- Spray or pesticide application equipment.
- Tillage or cultivation equipment.
- Global Positioning Systems (GPS).
- Other equipment not specifically addressed as being eligible for AMA funding or as determined by the NRCS conservation practice standard.

(v) Portable Equipment

Portable equipment raises important accountability issues in terms of providing program benefits to address an identified resource concern on eligible land. For documentation of benefit through required ranking, NRCS must be able to associate the benefit with a specific land unit where the practice is implemented. If the practice standard includes portable equipment, it may only be relocated to land that meets land eligibility requirements and that is included in the contract.

- Engines, motors, pumps and pumping equipment
- Motorized vehicles, such as trucks and tractors, whether on or off farm (Exception: Engine and motor replacement or retrofit may be allowed for an approved NRCS practice and identified resource concern. Example: Practice 533 to replace an inefficient polluting engine to meet water conservation and/or air quality resource concerns.)

(vi) Energy production, generation, or conservation associated with residential buildings

(vii) Electric Power

- Running electrical lines from any power source to power equipment unless specified in the practice standard
- Portable generators
- Payment for electricity generated or needed to run equipment
- Fuel to run or operate generators or other energy equipment
- Transportation costs associated with hauling or transporting manure, animal waste, organic byproducts, or animal carcasses offsite

(viii) Extents and costs greater than technically needed to meet the minimum practice standards. The least-cost standard must be applied to justify payments for practices to achieve the conservation objective. At the request of a participant, NRCS may provide

design and technical assistance for implementation of a practice with extents greater than what is needed to address the resource concern, however expense and costs associated with the extra extent are the responsibility of the producer and may not be reimbursed through program financial assistance.

Examples:

- Fencing specifications calls for two strands of wire and producer installs a four-strand fence. AMA will only pay based on two-strand fence.
- A concrete-walled manure storage structure where a less expensive earthen structure would serve the resource need.
- Constructing a bridge instead of a stream crossing where a stream crossing is more cost effective.

(ix) Property Rights and Access

- Payments for obtaining an easement or right-of-way
- Payments for river access

(x) Buildings

- Any part of a building used solely for livestock housing, feeding, or animal comfort.

Exception: Buildings determined by the State Conservationist to be a necessary component of an animal waste facility on an AFO are eligible if identified in a CNMP.

C. Reviewing and Revising Payment Rates

[See 440-CPM, Part 512, Subpart D.](#)

521.72 Payments and Payment Limitations

A. Eligibility for Payments

- (1) Participants who share in the cost of installing the practices required by the AMA contract are eligible to receive AMA financial assistance, with the following exceptions:
 - (i) Federal and State agencies, political subdivisions, and entities thereof
 - (ii) Cooperative associations of producers that market commodities or provide services for producers
 - (iii) Producer organizations and cooperatives that provide support to agricultural producers.

Note: Foreign individuals and entities and cash rent tenants are eligible to receive AMA payments as long as they meet all other eligibility criteria, including control of the land for the life of the contract.

- (2) A participant is not eligible for payments for conservation practices on eligible land if the participant receives payments or other benefits for the same practice on the same land under any other conservation program administered by USDA. The participant and NRCS must certify that a conservation practice is completed in accordance with the contract before NRCS will approve any payment.

B. Payment Rates

AMA participants are eligible for financial assistance payments of up to 75 percent of the estimated incurred cost and up to 100 percent of the estimated income foregone. Historically underserved producers may be eligible for an additional rate that is not less than 25 percent, provided the increase does not exceed 90 percent of the established payment rate.

C. Reviewing and Revising Levels and Rates

- (1) NRCS will periodically review payment rates to ascertain that they are set at the minimum incentive needed to encourage producer participation to address a resource concern.
- (2) Subject to fund availability, the payment rates for conservation practices scheduled after the year of contract obligation may be adjusted to reflect increased costs. The adjustment of payment schedules will be with the “index payment rate” (see 440-CPM, Part 512, Subpart G, Section 512.60H).

D. Determining Payment Limitations

- (1) ProTracts will use Web service information available from FSA to determine the following information, which is necessary to track payment limitations:
 - (i) Names and employee identification numbers (EINs) of all members of the entity
 - (ii) Names of all members of any embedded entities
 - (iii) Percentage share for all members
 - (iv) Social Security numbers for all members, if applicable (American Indians, Alaska Natives, and Pacific Islanders may use another unique identification number for each individual eligible for payment)
- (2) Exceptions:
 - (i) Foreign individuals and members of foreign entities must obtain and provide a Federal ID number.
 - (ii) Indian Tribes are not subject to payment limitations or AGI because they do not meet the statutory or regulatory definition of person or legal entity.

Note: Members of a Tribe are subject to payment limitations, and the Tribe must certify that no Tribal member will receive more than the payment limitation of \$50,000 per fiscal year.

E. Program Payment Limitation

The total AMA (NRCS, RMA, and AMS) cost-share payments paid per participant may not exceed \$50,000 for any fiscal year.

- (i) AMA 2002.—Payments are limited to \$50,000 per person or legal entity each fiscal year.
- (ii) AMA 2008 and AMA 2014
 - Total payments made either directly or indirectly to a person or legal entity from NRCS, the Risk Management Agency (RMA), and the Agricultural Marketing Service (AMS) under the program may not exceed \$50,000 in any fiscal year.
 - Annual payment limitations may not be waived.
 - Split payments are not allowed. When payment requests for completed practices exceed the annual limitation for a person or legal entity, the portion that exceeds the limitation will not be deferred to the next fiscal year. The balance must be deobligated.
 - Incremental payments are not allowed. Participants may work ahead of schedule, but certification of satisfactorily completed practices may not be delayed or postponed to circumvent the annual payment limitations.
 - When scheduled practices exceed the annual payment limitation, Form NRCS-CPA-1155, “Conservation Plan or Schedule of Operations,” or Form NRCS-CPA-1156, “Revision of Plan/Schedule of Operations or Modification of a Contract,” must show the capped practice cost.
 - Participants who are party to multiple contracts and have reached the annual payment limitation will have reductions made at the time of payment.

F. Controlling Payment Limitation

- (1) NRCS staff must advise AMA participants that by signing the program contract appendix (NRCS-CPA-1202), they are certifying they will not receive payments from AMA in excess

- of the payment limitation of \$50,000 per fiscal year from all sources (NRCS, RMA, and AMS). This statement is item 15 in the “Agreement” section of the contract appendix.
- (2) The designated conservationist will require that the participant complete the producer self-certification template in section 521.111 entitled “Template for Producer Self-Certification – Fiscal Year [enter the current fiscal year] Payments.”
 - (i) If the answer is “I will not be receiving AMA payments from the Risk Management Agency (RMA) or Agricultural Marketing Service (AMS) in this fiscal year,” the participant is to sign and date the template and NRCS will continue to process the request for payment.
 - (ii) If the answer is “I have received or will be receiving AMA payments from the Risk Management Agency (RMA) or Agricultural Marketing Service (AMS) in this fiscal year,” the participant is to state the amount of payment they have received or expect to receive from AMS and RMA, sign and date the template. NRCS may then have to reduce the amount of the NRCS payment the participant is receiving in order to comply with the \$50,000 per fiscal year payment limitation.
 - (3) NRCS will coordinate as needed with AMS and RMA to determine if a NRCS AMA program participant is also participating in the AMS and/or RMA segments of the AMA program. This will be done to ensure that the participant will not receive payments in excess of the \$50,000 fiscal year payment limitation. Field offices will verify AMA fiscal year program payment amounts. If an NRCS AMA payment to a producer has resulted in total payments in excess of \$50,000, NRCS must take action to collect back the amount in excess of \$50,000.

G. Exceeding Payment Limitation

- (1) If the payment limitation is exceeded because of an NRCS error, a refund is required from the participant for the amount exceeding the payment limitation.
- (2) If the payment limitation is exceeded because of an AMS or RMA error, then the applicable agency will seek a refund from the participant for the amount exceeding the payment limitation.

Part 521 – Agricultural Management Assistance

Subpart I – Contracts, Payments, and General Administrative Requirements

521.80 Contract Requirements

See Title 440, Conservation Programs Manual (CPM), Part 512, Subpart E, “Contracting”

521.81 Compliance with Laws and Regulations

All contracts will be administered in accordance with Federal, State, and local laws and ordinances.

521.82 Environmental Services Credits for Conservation Improvements

A. NRCS recognizes that environmental benefits will be achieved by implementing conservation practices funded through Agricultural Management Assistance (AMA). These environmental benefits may result in opportunities for the program participant to sell environmental credits. These environmental credits must be compatible with the purposes of the program 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 AMA-funded improvements are met.

B. Where activities may impact the land and conservation practices under an AMA contract, participants are should request an O&M compatibility assessment from NRCS prior to entering into any credit agreement. This assessment would be a simple evaluation to determine if the actions to be taken would jeopardize compliance with an AMA contract, including O&M requirements of a practice or system funded by NRCS. This assessment will be documented in the assistance notes and a letter (see sample letter in 440-CPM, Part 512, Subpart J, Section 512.91) provided to the client. These assessments should be conducted the same as those done for contract reviews (see 440-CPM, Part 512, Subpart F, Section 512.55).

521.83 Contract Modifications

See 440-CPM, Part 512, Subpart F.

521.84 Equitable Relief

See 440-CPM, Part 509.

521.85 Canceling and Terminating Contracts

See 440-CPM Part 512, Subpart F.

521.86 Recovery of Costs

A. Follow guidance in 440-CPM, Part 512, Subpart F, Section 521.87, “Payment Procedures.”

B. All AMA payments will be processed in accordance with 440-CPM, Part 512, Subpart G.

Part 521 – Agricultural Management Assistance

Subpart J – Appeals

521.90 Appeals Process

All Agricultural Management Assistance appeals will be handled in accordance with Title 440, Conservation Programs Manual, Part 510, and, if appropriate, the Farm Service Agency (FSA) Handbook 1-APP. The applicable regulations for appeals are 7 CFR Part 614, “NRCS Appeals Procedures”; 7 CFR Part 780, “FSA Appeals Procedures”; and 7 CFR Part 11, “National Appeals Division (NAD) Rules of Procedure.”

Part 521 – Agricultural Management Assistance

Subpart K – Glossary

521.100 Glossary of Terms

A glossary of terms and definitions associated with financial assistance programs can be found in Title 440, Conservation Programs Manual (CPM), Part 502, Subpart A.

521.101 Glossary of Abbreviations

A glossary of abbreviations associated with financial assistance programs can be found in 440-CPM, Part 502, Subpart B.

Part 521 – Agricultural Management Assistance

Subpart L – Exhibits

521.110 Forms and Sample Letters

See Title [440, Conservation Programs Manual \(CPM\), Part 512, Subpart J.](#)

521.111 Conservation Practice Lifespan

A. Conservation Practice Lifespan

- (1) See 440-CPM, Part 512, Subpart B, Section 512.11D, for contract requirements related to practice lifespan. Conservation practice lifespans are established and maintained in the Conservation Practice Standards (CPS) Web application. States may not change or modify nationally established lifespan for any practice unless an approved variance is provided by the director of the Conservation Engineering Division (CED) or the director of the Ecological Sciences Division (ESD). See Title 450, General Manual (GM), Part 401, Subpart B, Section 401.15, for more detail.
- (2) Lifespan is the period of time specified in the contract during which the conservation practice or conservation system is to be maintained and used for the intended purpose. See 440-CPM, Part 502, definitions. The CPS practice lifespan values are used to support administration of AMA as follows:
 - (i) Lifespan values are used in the ProTracts Application, Evaluation, Ranking Tool (AERT) to calculate the cost effectiveness value part of the ranking score.
 - (ii) A lifespan value of 1 year is used to designate which practices are classified as management practices.
 - (iii) Lifespan values are printed on Form NRCS-CPA-1245, “Practice Approval and Payment Application,” to inform participants of their responsibilities for operation and maintenance of implemented practices.

B. AMA Contract Payment Item Codes

See [440-CPM, Part 512, Subpart D.](#)

C. Natural Resource Concerns

See [Title 180, National Planning Procedures Handbook \(NPPH\), Part 600.](#)

521.112 Template for Producer Self-Certification – Fiscal Year Payments

All participants must use the following producer self-certification template when applying for AMA payments to be received from NRCS. The participant must indicate whether they will be receiving AMA fiscal year payments from either RMA or AMS. The template must be completed in its entirety, signed by the participant, and placed in the participant’s contract file.

Template – Producer Self-Certification

AMA payments to be received for fiscal year [insert current year] from RMA or AMS

To: District Conservationist
NRCS

Through this letter, I acknowledge **one** of the following:

I **will not** be receiving AMA payments from the Risk Management Agency (RMA) or Agricultural Management Service (AMS) in fiscal year _____.

I **have received or will be receiving** AMA payments from the Risk Management Agency (RMA) or Agricultural Marketing Service (AMS) in fiscal year _____.

Amount of payment – RMA: \$_____

Amount of payment – AMS: \$_____

I understand that the AMA payment limitation is \$50,000 per fiscal year per participant from all AMA program sources (NRCS, RMA, and AMS). If the payment limitation is exceeded, then the applicable agency will seek a refund from the participant for the amount exceeding the payment limitation.

Signed: _____

Date: _____

[Name]

[Address]

[City, State, ZIP code]

[Phone and/or email]