

Part 530 – Working Lands Conservation Programs Manual

Subpart D – Application Processing

530.30 General

- A. This subpart provides policy related to planning, screening, assessing, and ranking a producer’s request for assistance or conservation program application.
- B. Unless otherwise stated in the program-specific subparts of this manual, NRCS will use the applicable business tools to complete evaluations for all applications and assistance requests. See subpart O, section 530.143K, “Business Tools Quick Reference” of this manual for a list of applicable business tools.

530.31 Planning

- A. Planning occurs throughout the application and contract management process. However, planning typically begins once the producer requests assistance from NRCS or applies for a program to address an identified natural resource concern on their operation. NRCS works with the producer to select appropriate conservation treatment and develop the conservation plan.

Note: The conservation plan in this context is not the same as the highly erodible land conservation (HELC) compliance plan defined by Title XII of the Food Security Act of 1985, but instead identifies conservation practices and activities the producer will use for conservation treatment to address resource concerns on their operation in order to meet program requirements.

- B. Planning Conservation Treatment

- (1) The conservation treatment included in a conservation plan must improve the identified resource concerns.
- (2) Conservation treatment includes any conservation practice or activity that meets program criteria and meets the minimum planning criteria established in the Field Office Technical Guide (FOTG) or other criteria as specified by program regulation or policy.
 - (i) For States to plan and use conservation practices, they must be listed in Title 450, National Handbook of Conservation Practices (NHCP), Part 620, and be included in the Conservation Practice Data Entry System (CPDES) with an approved standard available in the State FOTG.
 - (ii) For States to plan and use conservation activities, they must be included in the CPDES and have an associated guide sheet or other applicable guidance document that outlines the required technical criteria. National Headquarters provides guidance to the States on the location of these documents.

- C. Planning Conservation Practices or Activities

- (1) Consistent with Title 180, General Manual, Part 409, “Conservation Planning Policy,” conservation practices and activities must be planned, applied, and maintained in accordance with the approved practice standards, specifications, or enhancement guide sheets.
- (2) When planning conservation practices and activities that will be included in a program contract, NRCS may only include the extent necessary to address the resource concern in accordance with the conservation standards, specifications, job sheets, guide sheets, or other applicable criteria.

Note: This does not preclude NRCS from working with the applicant or participant to plan a conservation practice or activity that exceeds the minimum requirements. Refer to subpart B, section 530.13A, of this manual for additional guidance on selecting the appropriate payment scenario.

- (3) Refer to the following manuals and handbooks for additional planning resources:
 - (i) Title 180, National Planning Procedures Handbook (NPPH), Part 600
 - (ii) Title 190, General Manual, Part 410, “Compliance with NEPA”
 - (iii) Title 190, National Cultural Resources Procedures Handbook, Part 601
 - (iv) Title 190, National Environmental Compliance Handbook, Part 610
 - (v) Field Office Technical Guide
 - (vi) Title 440, Conservation Programs Manual (CPM), Part 500, “Locally Led Conservation”
 - (vii) 440-CPM-504
 - (viii) Title 450, General Manual (GM), Part 401, “Technical Guides”
 - (ix) 450-NHCP-620

D. Conservation Practice and Activity Lifespans

- (1) The NRCS Science and Technology Deputy Area establishes conservation practice and activity lifespans which NRCS records in the CPDES. See 450-GM-401. The lifespan is the minimum number of years NRCS expects the implemented conservation practice or activity to function for its intended purpose.
- (2) Except when a conservation practice or activity fails for circumstances beyond the control of the participant, NRCS will not use financial assistance to reapply a conservation practice or activity that is still within its lifespan. See subpart G, section 530.64, “Reapplication of Failed Conservation Treatment,” of this manual.
- (3) Participants agree to operate and maintain all conservation practices or activities established through a contract for the established lifespan. The lifespan of a conservation practice or activity may extend beyond the length of the conservation program contract period.

Note: Once a contract expires, neither NRCS nor the participant have any responsibilities under the contract; however, if a producer fails to operate and maintain a contracted practice or activity for its lifespan, they may be considered a low priority in subsequent application periods. See section 530.32, “Screening,” in this subpart.

- (4) See subpart E, section 530.43, “Contract Requirements,” of this manual for additional guidance on establishing the contract length when contracts contain conservation practices with long lifespans.

E. Conservation Treatment Already on the Land

Participants and NRCS will use previously established conservation practices and activities in combination with planned conservation practices and activities to address resource concerns. NRCS will include operation and maintenance requirements as part of the conservation plan for any existing conservation practice or activity used to meet the objectives of the conservation program contract and the planned management system.

F. Technical Service Providers (TSPs)

Program participants may elect to use a TSP in lieu of NRCS for technical assistance to help with developing plans, completing designs, and other actions. See subpart E, section 530.40C, “Technical Assistance for Contracts,” of this manual for additional guidance related to TSP assistance. Further guidance can be found in 440-CPM-504.

530.32 Screening

A. General

- (1) States may use screening criteria to manage workload or for specific projects or initiatives.
- (2) The purpose of screening is to quickly identify applications that would receive a high-ranking score based on the criteria established for a given ranking pool. This allows NRCS to streamline the evaluation process and identify assessments that will maximize conservation benefits more efficiently.
- (3) It is not appropriate to develop or use screening criteria that undermine the ranking process. Any screening criteria must be consistent with statutory or regulatory requirements.
- (4) States may consider the following when developing a screening tool:
 - (i) Applicants who failed to properly operate and maintain conservation practices or activities still within their lifespan and installed with NRCS program financial assistance.
 - (ii) Applicants with a contract violation for reasons within their control. NRCS may not screen a producer as lower priority for a contract violation if NRCS has not taken appropriate contract administrative action to enforce the contract.
 - (iii) Applicants who have had a previous contract terminated for reasons within their control.
- (5) Examples of inappropriate screening criteria include, but are not limited to—
 - (i) Actions outside of the producer’s control, such as the ability for NRCS to develop a conservation plan or provide completed conservation practice or activity designs, hardship, or disaster events.
 - (ii) Whether or not the participant has previously held a program contract.
 - (iii) Type of livestock or crop operation, including minimum livestock numbers.
 - (iv) Size of operation or minimum acre threshold.
 - (v) Applicants who have had a previous contract canceled.

B. Projects and Initiatives

States may establish screening criteria in accordance with paragraph A to support national landscape or programmatic initiatives (consistent with approved national guidance), State, or locally led group projects or initiatives.

C. If a State uses a screening tool to establish priority, such priority must be recorded in applicable business tools and documentation maintained in the applicant case file. In general, NRCS should first assess and rank high-priority requests followed by medium, then low, as funding permits.

530.33 Assessment

- A. Refer to the Conservation Assessment and Ranking Tool User Guide for information on completing assessments.
- B. Planners must assess resource concerns associated with conservation practices or activities planned for inclusion in a program contract.
- C. Additionally, planners must assess any nationally required resource concern categories and associated resource concerns identified for a specific program.

530.34 Ranking

- A. See National Instruction 440-310 “NRCS Program Ranking through Conservation Assessment Ranking Tool” for guidance on ranking assessments.
- B. Find program-specific ranking guidance in the applicable program subpart of this manual.

C. NRCS must not consider for funding any assessment for a specific program unless the applicant submitted Form NRCS-CPA-1200, “Conservation Program Application,” prior to the application signup cutoff date.

530.35 Selecting Assessments for Funding

- A. States will use a selection tool to select the highest-ranked assessments for funding and change their status to preapproved based on availability of funding. See subpart B, section 530.11, “Fund Spending Limits and Management,” of this manual for additional information on establishing spending plans.
- B. NRCS staff making funding selections must not skip assessments within a ranking pool to allow funding of a lower-ranked assessment unless authorized by the specific program as described in the program-specific subparts of this manual. This stipulation does not apply to lower ranked assessments within a separate spending plan category as described in subpart B, section 530.11B of this manual.
- C. If two or more assessments have a tied ranking score, NRCS will fund the assessment with the highest efficiency score first. If tied assessments also have the same efficiency score, States must fund either all tied assessments or none.
- D. Preapproval of an assessment does not guarantee NRCS will approve and obligate a contract.
- E. For the next steps in the contract development process, refer to subpart E, section 530.41, “Approval Process” of this manual.
- F. At the end of each selection period, NRCS must save the program-specific ranking list for that ranking pool and retain in accordance with National Instruction 120-357, “Disposition of Land Treatment Program Contract Documents.”

530.36 Disaster Assistance

- A. When establishing a disaster-specific program opportunity, State conservationists may waive the requirements under subpart B, section 530.12, “Funding Preparation Activities,” of this manual with respect to the 30-day public notice of the application period and the requirement to have all required information posted to the State website.
- B. Refer to guidance provided by NRCS National Headquarters for nationally approved disaster events.
- C. State conservationists may use subpart O, exhibit 530.143N, “Delegation of Authority” of this manual to document their delegations of authority. For a specific disaster event, the State conservationist may further delegate authority to the designated conservationist to approve “early start waivers” for identified practices that the applicant will use to address resource concerns arising from the disaster event.

530.37 ACT NOW

- A. General
 - (1) ACT NOW allows NRCS to immediately approve and obligate a ranked application in a designated ranking pool when an eligible application meets or exceeds a State determined minimum ranking score without waiting until the NRCS field office ranks all applications in the ranking pool.
 - (2) When using ACT NOW, States must establish a maximum percentage of their authorized program allocation to be used for this purpose.

- (3) Follow subpart B, section 530.12, “Funding Preparation Activities,” of this manual for guidance on establishing application periods and ranking deadlines. States must post the threshold ranking score for any ACT NOW ranking pool on their website.
- (4) States must ensure that when processing applications within ACT NOW ranking pools, they do so in a timely manner in order to ensure fair and equitable treatment of all program applicants.

B. Establishing ranking pool(s) and threshold ranking score

- (1) States may designate or develop specific ranking pools for ACT NOW.
- (2) States using the ACT NOW ranking pool(s) must establish a threshold ranking score based on the applicable program ranking criteria as provided in the program specific subparts of this manual.

C. Once NRCS receives an application for an ACT NOW ranking pool, the field office must immediately complete assessment and ranking actions for the application. States must establish a maximum timeframe (i.e. number of days from receipt of application) for the field office to complete these actions. States must ensure they process ACT NOW applications in the order received.

D. Based on available funds, States will immediately preapprove an application with a ranking score equal to or greater than the established threshold ranking score and move forward with contract obligation following policy in subpart E of this manual.

E. States may evaluate applications with ranking scores less than the established threshold ranking score and preapprove in ranking order if the ranking deadline has passed and funding allows.

F. Refer to subpart C, section 530.23H, “Servicing Unfunded Applications,” of this manual for guidance on handling applications NRCS is unable to select for funding.