



# Conservation Activity Plan Policies and Procedures



# Presenters

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# What is A CAP?

Term*	Definition
Conservation Activity Plan (CAP)	The conservation practice associated with the development of approved conservation activity plan by certified technical service providers for which payments are made directly to EQIP participants.

\* Title 440 – Conservation Programs Manual  
Part 502 – Terms and Abbreviations Common to All Programs

# History - Statute

- FOOD, CONSERVATION, AND ENERGY ACT OF 2008 (2008 Farm Bill)
- ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP)
- (5) *PRACTICE.*—*The term ‘practice’ means 1 or more improvements and conservation activities that are consistent with the purposes of the program under this chapter, as determined by the Secretary, including—*
  - (B) conservation activities involving the development of plans appropriate for the eligible land of the producer, including—**
    - (i) comprehensive nutrient management planning; and**
    - (ii) other plans that the Secretary determines would further the purposes of the program under this chapter.**

# History - Statute

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- **Plan Requirement:**

**SEC. 1240E. ø16 U.S.C. 3839aa-5 ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.**

**(a) PLAN OF OPERATIONS.—**To be eligible to receive payments under the program, a producer shall submit to the Secretary for approval a plan of operations that—

**(1) specifies practices covered under the program;**

# EQIP Regulation (Rule)

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## Definition:

*Conservation practice* means one or more conservation improvements and activities, including structural practices, land management practices, vegetative practices, forest management practices, and other improvements that achieve the program purposes, **including such items as CNMPs, agricultural energy management plans, dryland transition plans, forest management plans, integrated pest management, and other plans or activities determined acceptable by the Chief.** Approved conservation practices are listed in the NRCS FOTG

# EQIP Regulation (Rule)

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## ○ § 1466.7 EQIP plan of operations.

(a) All conservation practices in the EQIP plan of operations must be approved by NRCS and developed and carried out in accordance with the applicable NRCS planning and FOTG technical requirements.

# EQIP Policy

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## **515.80 General Information**

**A.** Purpose and Use of Schedule of Operations

**B.** Technical References and Approval

(1) The EQIP schedule of operations (NRCS-CPA-1155/1156) must be developed and carried out in accordance with the applicable NRCS conservation planning and technical guidance.

# EQIP Policy

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(2) The selection of practices or activities documented on the EQIP schedule of operations must be based upon an agency approved conservation plan developed using NRCS planning procedures and technical standards. The approved conservation plan and practices selected for program financial assistance must meet the following requirements. Specifically, the practices in the schedule of operations must—

# EQIP Policy

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- (i) Address an identified natural resource concern. The natural resource concerns to be addressed must be identified and documented on Form NRCS-CPA-52, “Environmental Evaluation.”

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Note: DCs are responsible for Determining acceptability of the EQIP plan of operations and ensuring that the EQIP plan of operations is approved by a certified conservation planner.

# EQIP Policy

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- **515.81 Conservation Practices & Planning Activities**

A. A land-based conservation practice is one or more conservation improvements or conservation activities that are applied to eligible land, subject to the following:

(2) Conservation practices include the development of conservation activity plans (CAPs) meeting the approved planning criteria in the FOTG. A CAP is the conservation practice associated with the development of a plan by a certified technical service provider for which payments are made directly to EQIP participants. CAPs eligible for financial assistance through EQIP are approved by NRCS each fiscal year. CAPs eligible for EQIP financial assistance must meet the requirements outlined in 440-CPM, Part 512, Subpart D

# Contracting Policy

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## **Subpart B – Conservation Plan**

### **Schedule of Operation**

#### **512.10 General**

##### **A. Basis for CPC**

- (1) The basis for CPC is an up-to-date conservation plan documented in the Customer Service Toolkit (CST). The conservation plan describes the conservation practices or activities to be implemented, timing of implementation, location, estimates of payments, conservation and environmental purposes to be achieved, and operation and maintenance required for the life of the practice or activity.**

# Contracting Policy

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**512.34**

## C. Conservation Activity Plans

(2) “Any agency effort funded through EQIP will provide support for authorized conservation activity plans through development of payment schedules.....

*In addition, consistent with program authority, no CAP may be approved for funding through EQIP unless first supported by a completed Form NRCS-CPA-52, “Environmental Evaluation,” and an NRCS-approved conservation plan.*

# Financial Assistance

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- National Technical Lead:
  - Creation of typical scenarios
  - Identification of kind of labor needed (e.g. Engineer, Biologist, Forester, etc.).
  - Estimate of number of hours needed.
- Programs: Policy review/oversight, issue guidance, and post final Payment Rates.
- Payment Schedule Cost Team: Cost and labor data – Calculation of Payment Rate.
- TSP Team: Find, train, certify TSPs.

# Financial Assistance

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## ○ Payment Schedule:

- Basis for documentation and determination of financial assistance and payment rate.
- Only funded through EQIP – Same Authority for all practices, but only cost category that is authorized is “Labor” for time associated with development of CAP plan.
- Estimated incurred costs = labor time.
- Not allowed: Cost of travel, food, lodging, mileage, etc.

# Ultimate Purpose of CAPs

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- Address a shortage of NRCS staff to develop plans to meet the needs of producers
- Use EQIP FA funds to help producers obtain conservation plans and practice plans
- Try to focus on those activities that require much NRCS time and where TSPs have expertise

# Current List of CAPs - FY15

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1. CAP 102 CNMP
2. CAP 104 Nutrient Management Plan
3. CAP 106 Forest Management Plan
4. CAP 108 Feed Management Plan
5. CAP 110 Grazing Management Plan
6. CAP 112 Prescribed Burning Plan Development
7. CAP 114 Conservation Plan Supporting Integrated Pest Management Plan
8. CAP 118 Irrigation Water Management Plan
9. CAP 128 Agricultural Energy Management Plan
10. CAP 130 Drainage Water Management Plan
11. CAP 138 Conservation Plan Spt. Organic Transition
12. CAP 142 Fish and Wildlife Habitat Management Plan
13. CAP 146 Pollinator Habitat Enhancement
14. CAP 154 IPM Herbicide Resistance Weed Conservation Plan

# CAPs – Activity Cons. Practices

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- Some are unique niche conservation plans < RMS
  - e.g., 102 CNMP
- Some are unique niche “inventories”
  - e.g., CAP 128 Agricultural Energy Management Plan
  - e.g., CAP 138 Conservation Plan Spt. Organic Transition
- Some are actual Conservation Practice Plans
  - e.g., CAP 104 Nutrient Management Plan

# Role of National Leads

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- CAP Planning Criteria
- TSP Qualifications
- Payment Schedule Scenarios
  - Specialist – Expertise Needed
  - Time – Labor Needed
- Coordination with:
  - Financial Assistance Programs Division
  - TSP Team

# Role of the National Leads

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- ◉ Develop the definition, criteria, and deliverables for each assigned CAP
  - Included in the CAP Document
- ◉ Define the TSP Qualifications needed to support the CAP
  - <http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/technical/tsp/?cid=stelprdb1046838>

# Incorporation of TSPs into CAPs

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- ◉ NRCs must develop the TSP capacity
  - Think of TSPs as an extension of your staff
  - Provide training to TSPs just as your own staff
- ◉ Producer chooses the TSP
- ◉ The TSP is free to charge whatever they want
  - they are not tied to payment schedules
- ◉ We provide info to the client and the client to the TSP



# Conservation Planning & The Environmental Evaluation

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**7CFR 650.5 and GM 180, Part 409(H)**

Describes requirement that completion of an “Environmental Evaluation” (EE) is required as part of the agency planning process.

# What about the CPA-52?

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No CAP may be approved for funding through EQIP unless **first** supported by a completed Form NRCS-CPA-52, “Environmental Evaluation,” and an NRCS-approved conservation plan, **prior** to approval of the CAP contract.

# Why for CAPs?

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- ◉ Besides statute, rule, and policy?
- ◉ It's logical and provides:
  - Justification that the requested CAP will address the correctly identified resource concern.
  - Assures resource concerns that may be present and relevant to the CAP will be addressed.
  - Assures that NRCS technical standards are met.
  - Assures client gets a good product.
  - Assures that use of public funds are justified to provide the best quality product.
  - Avoids duplication or need to “redo” planning.

# So how does this tie in together?

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Program applications are required to be supported by an NRCS approved conservation plan.

Plan provides documentation of the practices that could be used to address the resource concerns identified during the planning process.

# How this MIGHT work...

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- Step One: Develop or Update the Conservation Plan
- Step Two: Identify the Need for a CAP



# Moving on...Step 3

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- Technical Service Provider (TSP)  
Develops the CAP
- They should use the CPA-52 to assist in  
CAP development



# What happens now?

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- The client could choose to do nothing.
- The client could use the information in the CAP and implement on their own.
- The client could decide to apply for financial assistance to implement the actions defined in the CAP (i.e. – EQIP)

# Example:

CAP 112: PRESCRIBED  
BURNING PLAN

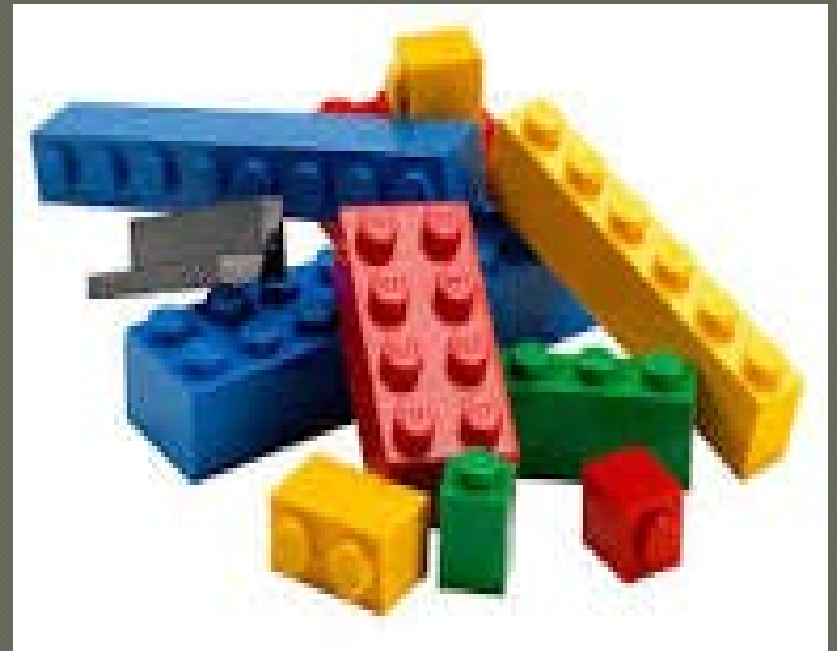
PRESCRIBED BURNING (338)



# What “Might” the CPA-52 Look Like?

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- Remember - you document the resource concern on the CPA-52
- This identifies the need for a CAP
- The CAP supplements the Conservation Plan



# Resource Concerns Identified

E. Need for Action:	H. Alternatives		
Control excessive mid and understory vegetation, reduce fire hazard, improve degraded habitat for desired species	<b>No Action</b> ✓ if RMS <input type="checkbox"/>	<b>Alternative 1</b> ✓ if RMS <input type="checkbox"/>	<b>Alternative 2</b> ✓ if RMS <input checked="" type="checkbox"/>
	Fire exclusion continues leading to continued biomass accumulation intensifying the fire hazard, limiting forest regeneration and limiting available habitat for desired species.	Prescribed Fire (338), Firebreak (394)	Forest Stand Improvement (666), Brush Management (314), Prescribed Fire (338), Firebreak (394)

## Resource Concerns

In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process. (See FOTG Section III - Resource Planning Criteria for guidance).

F. Resource Concerns and Existing/Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. Effects of Alternatives					
	<b>No Action</b>		<b>Alternative 1</b>		<b>Alternative 2</b>	
	Amount, Status, Description <i>(Document both short and long term impacts)</i>	✓ if does NOT meet PC	Amount, Status, Description <i>(Document both short and long term impacts)</i>	✓ if does NOT meet PC	Amount, Status, Description <i>(Document both short and long term impacts)</i>	✓ if does NOT meet PC

### PLANTS: DEGRADED PLANT CONDITION

Wildfire hazard, excessive biomass accumulation Significant biomass accumulation. Interview revealed 20+ years of fire exclusion	Biomass accumulation continues. Fire hazard intensifies.	<input checked="" type="checkbox"/> NOT meet PC	Biomass reduced and fire hazard alleviated	<input checked="" type="checkbox"/> NOT meet PC	Biomass removed (hopped/ground and placed on the ground - later burned) ladder fuels eliminated and making fuel more manageable during burning. Hazard alleviated.	<input type="checkbox"/> NOT meet PC
Inadequate structure and composition Very dense mid and understory vegetation. Little or no regeneration of desirable overstory trees or understory herbaceous vegetation.	Undesirable mid and understory vegetation left free to grow. Forest regeneration limited. Desirable understory vegetation suppressed.	<input checked="" type="checkbox"/> NOT meet PC	Undesirable mid and understory vegetation reduced. Desirable species released.	<input checked="" type="checkbox"/> NOT meet PC	Undesirable mid and understory vegetation reduced. Desirable species released.	<input type="checkbox"/> NOT meet PC

### ANIMALS: INADEQUATE HABITAT FOR FISH AND

Habitat degradation	Degraded habitat persists.	<input checked="" type="checkbox"/> NOT meet PC	WHEG score = 0.5	<input type="checkbox"/> NOT meet PC	WHEG score = 0.7	<input type="checkbox"/> NOT meet PC
WHEG score = 0.2						

# Finding for the Cons Plan (TA) Only

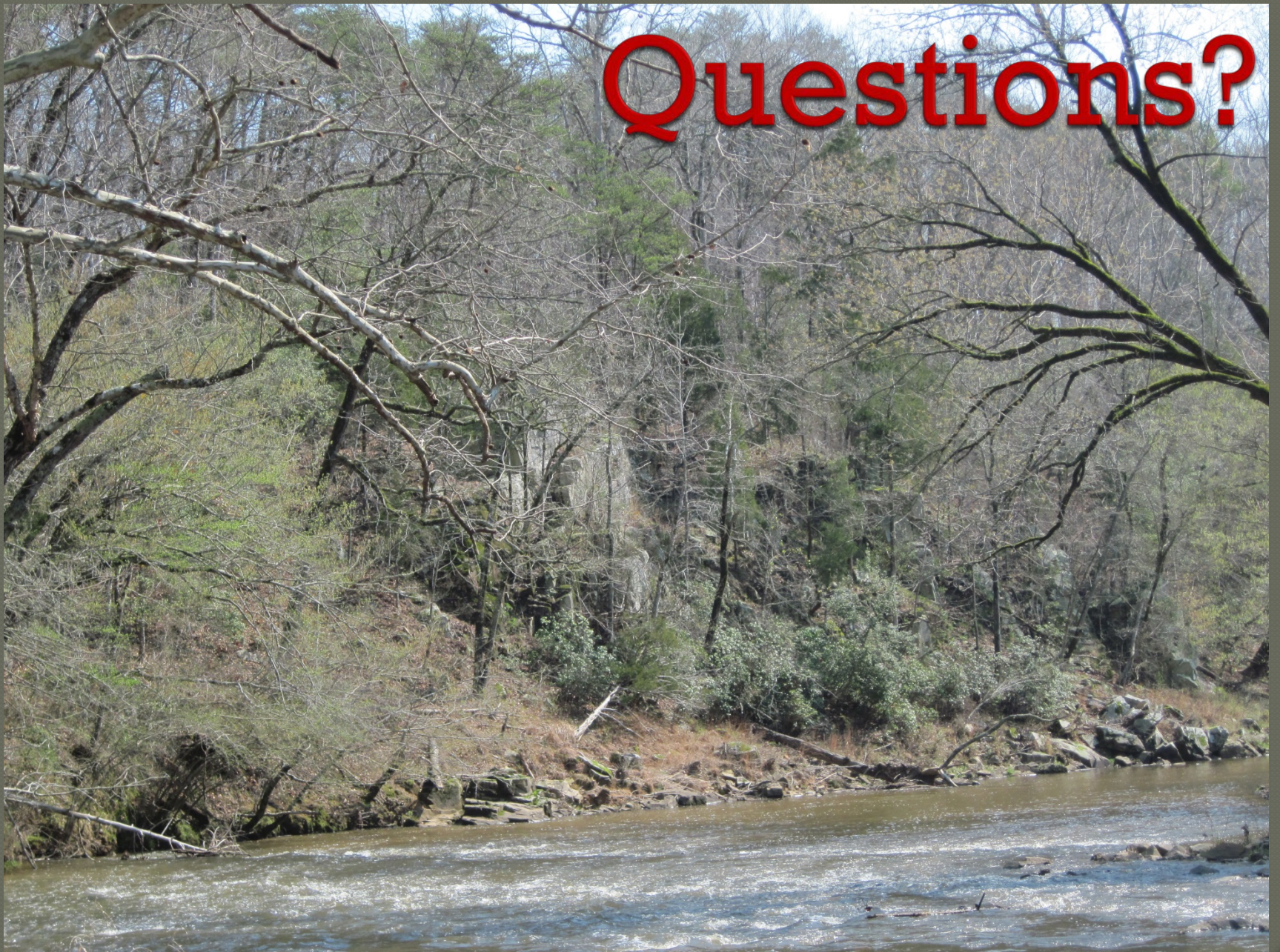
Q. NEPA Compliance Finding (check one)		Action required
The preferred alternative:		
<input checked="" type="checkbox"/>	1) is <b>not a federal action</b> where the agency has control or responsibility.	Document in "R.1" below . No additional analysis is required
<input type="checkbox"/>	2) is a federal action <b>ALL</b> of which is <b>categorically excluded</b> from further environmental analysis <b>AND</b> there are <b>no extraordinary circumstances as identified in Section "O"</b> .	Document in "R.2" below . No additional analysis is required
<input type="checkbox"/>	3) is a federal action that has been <b>sufficiently analyzed</b> in an existing Agency state, regional, or national NEPA document <b>and</b> there are no predicted <u>significant adverse environmental effects or extraordinary circumstances</u> .	Document in "R.1" below . No additional analysis is required.
<input type="checkbox"/>	4) is a federal action that has been sufficiently analyzed in another Federal agency's NEPA document (EA or EIS) that addresses the proposed NRCS action and its' effects <b><u>and has been formally adopted by NRCS</u></b> . NRCS is required to prepare and publish its own Finding of No Significant Impact for an EA or Record of Decision for an EIS when adopting another agency's EA or EIS document. <b>(Note: This box is not applicable to FSA)</b>	Contact the State Environmental Liaison for list of NEPA documents formally adopted and available for tiering. Document in "R.1" below . No additional analysis is required
<input type="checkbox"/>	5) is a federal action that has <b>NOT</b> been sufficiently analyzed or may involve predicted significant adverse environmental effects or extraordinary circumstances and may require an EA or EIS.	Contact the State Environmental Liaison. Further NEPA analysis required.

# Finding for the CAP

Q. NEPA Compliance Finding (check one) The preferred alternative:		Action required
<input type="checkbox"/>	1) is <b>not a federal action</b> where the agency has control or responsibility.	Document in "R.1" below . No additional analysis is required
<input checked="" type="checkbox"/>	2) is a federal action <b>ALL</b> of which is <b>categorically excluded</b> from further environmental analysis <b>AND</b> there are <b>no extraordinary circumstances as identified in Section "O"</b> .	Document in "R.2" below . No additional analysis is required
<input type="checkbox"/>	3) is a federal action that has been <b>sufficiently analyzed</b> in an existing Agency state, regional, or national NEPA document <b>and</b> there are no predicted <u>significant adverse environmental effects or extraordinary circumstances</u> .	Document in "R.1" below . No additional analysis is required.
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<input type="checkbox"/>	5) is a federal action that has <b>NOT</b> been sufficiently analyzed or may involve predicted significant adverse environmental effects or extraordinary circumstances and may require an EA or EIS.	Contact the State Environmental Liaison. Further NEPA analysis required.
R. Rationale Supporting the Finding		
R1 Findings Documentation		
R2 Applicable Categorical Exclusion(s) <b>(more than one may apply)</b>  7 CFR Part 650 Compliance With NEPA, subpart 650.6 Categorical Exclusions states prior to determining that a proposed action is categorically excluded under paragraph (d) of this section, the proposed action must meet six sideboard criteria. See NECH 6-D.16.	(6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation; and	

- Assumes no discrepancies between CAP and CPA-52
- Needed before payment can be made for CAP

**Questions?**



# For additional information contact your NTSC:



# Presenter Contact Information:

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