

OMB Control Number: 0560-0082

Title of Clearance: 7 CFR Part 701 –for Emergency Conservation Programs (ECP)-
(2008 Addendums- Cost Share)

Agency Form Number affected by Change Worksheet: AD-245A and AD245B

Other Changes: These new forms are resulted by the implementation of Sections 1603 and 1604 of the Food, Conservation and Energy Act of 2008 (the 2008 Farm Bill) for ECP programs. The AD-245A and AD-245B are exempt from the Paperwork Reduction Act as specified in the Section 1601 of the 2008 Farm Bill. Also, these forms are not affecting the number of respondents or adding any additional burden.

Form AD-245A is an addendum to certify to actively engaged, direct attribution and adjusted gross income provisions. As a temporary measure, conservation software will be modified to read FY08 eligibility information for ECP cost share contract approvals and payments. FY09 eligibility information for FSA programs cannot be updated until the final rule for actively engaged, direct attribution and adjusted gross income provisions is published. The main purpose of this form is to inform producers and have them agree that their ECP contract approved on or after October 1, 2008 will be subject to new FY09 eligibility requirements once the final rule is published.

Form AD-245B is an addendum to certify to reconciliation of ECP payments. The main purpose of this form is to inform producers and have them agree that payments made on ECP contracts approved on or after October 1, 2008 will be subject to new FY09 eligibility requirements once the final rule is published. Additionally, the form will be used to inform producers and have them agree that payments made on ECP contracts before October 1, 2008 will be subject to the eligibility requirements applicable to their contract but applied for the current fiscal year.

The Conservation and Environmental Programs Division (CEPD) of the Farm Service Agency (FSA), administers the Emergency Conservation Program (ECP). On June 18, 2008, the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) was enacted into Public Law 110-246. Although ECP is not specifically authorized by the 2008 Farm Bill, the implementation of new provisions for eligibility, adjusted gross income and direct attribution of payments has a significant impact on the program. Specifically, payments and approvals have been suspended since October 1, 2008 because the rules for these new provisions have not been published and software has not been updated for Fiscal Year 2009. The two forms added to this package, the AD245A and AD245B, were created specifically to address changes due to provisions of Section 1603 and 1604 of the 2008 Farm Bill. For this reason, both forms are exempt from the Paperwork Reduction Act, according to Section 1601 of the 2008 Farm Bill.

When the Agency did its fiscal year rollover of electronic data, rather than bring forward the 2008 data, it entered blanks for that information. Unfortunately, no alternative was made for conservation software. When it read the null value, conservation payment

processing stopped, including all ECP approvals and payments. CEPD has a temporary software fix that will be released soon, and a long-term fix that is scheduled to be implemented next summer. The temporary fix necessitates the proposed package, which establishes certifications that would allow for ECP payments and approvals until rules are published in the Federal Register and implemented.

CEPD requests rapid approval of the changes to this information collection package due to the need to provide assistance to producers, devastated by the Midwest Floods, Hurricane Ike and other natural disasters. In August 2008, CEPD allocated \$91 million for ECP cost share to states to address damages from the Midwest Floods and other disasters. Another \$77 million was allocated to FSA state offices today to provide additional funds for the Midwest Floods, Hurricane Ike and other disasters. Without this package, nearly all of the \$168 million of relief cannot be provided to producers, who need these funds immediately to address conservation problems.