

### § 701.3

representative accepts an invitation to be a member of the group; and a representative of the State Water Quality Agency, or its equivalent when it accepts an invitation to be a member of the group. The State conservation review group has the responsibility provided for in § 701.11.

(g) *State forestry committee*, or its equivalent, consists of the State forester or equivalent State official, who serves as chairperson; and a head or representative at the State level of the following USDA agencies: Farm Service Agency; U.S. Forest Service; Science and Education Administration; Farmers Home Administration; Soil Conservation Service. At the discretion of the committee, State and local interests may also be involved. The function of the State forestry committee is to coordinate forestry budget proposals, agency roles in education, technical assistance, technology transfers, and forestry incentives.

(h) In the regulations in this part and in all instructions, forms, and documents in connection therewith, all other words and phrases specifically relating to FSA operations shall, unless the context or subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms, allotments and bases, part 719 of this chapter, as amended.

[45 FR 49522, July 25, 1980, as amended at 47 FR 46998, Oct. 22, 1982; 53 FR 15657, May 3, 1988]

## Subpart—Agricultural Conservation Program

### § 701.3 Program objective.

(a) The objective of the Agricultural Conservation Program (hereinafter referred to in this subpart as the “program”) is to assure the continued supply of food and fiber necessary for the maintenance of a strong and healthy people and economy, and to provide for environmental conservation or enhancement.

(b) This will be accomplished through a program that has been formulated and is to be carried out, taking into consideration:

(1) The need to control erosion and sedimentation from agricultural land

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and conserve the water resources on such land.

(2) The need to control pollution from animal wastes.

(3) The need to facilitate sound resource management systems through soil and water conservation.

(4) The need to encourage voluntary compliance by agricultural producers with Federal and State requirements to solve point and non-point sources of pollution.

(5) National priorities reflected in the National Environmental Policy Act of 1969 and other congressional and administrative actions.

(6) The degrees to which the measures contribute to the national objective of assuring a continuous supply of food and fiber necessary for the maintenance of a strong and healthy people and economy.

(7) The type of conservation measures needed to improve water quality in rural America.

(8) The types of conservation measures needed that have significant energy conserving benefits.

[45 FR 49522, July 25, 1980, as amended at 47 FR 939, Jan. 8, 1982]

### § 701.4 State funds.

Funds available for practices to be performed under the program will be distributed among the States in accordance with conservation needs as determined by the Secretary.

### § 701.5 County funds.

The State committee will allocate the funds available for practices among the counties within the State consistent with the program objective, and will give particular consideration to the furtherance of special projects, watershed conservation projects, resources conservation development projects, approved State water quality plans, and other conservation and pollution abatement projects sponsored by local people and organizations.

### § 701.6 Availability of funds.

(a) The provisions of the program are subject to such legislation as the Congress of the United States may hereafter enact; the paying of the cost-shares provided herein is contingent

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upon such appropriation as the Congress may provide for such purpose; and the amounts of such cost-shares will be within the limits finally determined by such appropriation.

(b) Funds available for the Agricultural Conservation Program may be made available as needed for practices to be performed under the Naval Stores Conservation Program, in accordance with instructions issued by the Deputy Administrator, State and County Operations.

### § 701.7 Eligible person.

An eligible person is a farmer or rancher who as an individual, partnership, association, corporation, estate, trust, or other business enterprise, or other legal entity (excluding districts which have taxing authority, Federal agencies, States and State agencies, but not excluding political subdivisions of a State) and, as an owner, landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

### § 701.8 Eligible land.

(a) The program is applicable to:

- (1) Privately-owned lands;
- (2) Land owned by a State or political subdivision of a State;
- (3) Lands owned by corporations which are partly owned by the United States;
- (4) Lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the U.S. Department of Defense, or by any other government agency designated by the Deputy Administrator, State and County Operations;
- (5) Any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it;
- (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land

in order to carry out the grazing operations; and

(7) Noncropland owned by the United States on which practices are performed by private persons where such practices directly conserve or benefit nearby or adjoining privately-owned lands of the persons performing the practices and such persons maintain and use such federally-owned noncropland under agreement with the Federal agency having jurisdiction thereof.

(b) The program is not applicable to:

(1) Noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the U.S. Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act), or the Fish and Wildlife Service of the U.S. Department of the Interior, except as indicated in paragraph (a)(7) of this section.

(2) Nonprivate persons for performance of practices on any land owned by the United States or a corporation wholly owned by it.

### § 701.9 Conservation practices.

Conservation practices as specified by the Deputy Administrator, State and County Operations, FSA, are made available nationally under the Agricultural Conservation Program and may be included in the State and county programs. Practices shall not be primarily production oriented or have little or no conservation or pollution abatement benefits. The practices are designed to be consistent with the agricultural conservation policy stated in section 7 of the Soil Conservation and Domestic Allotment Act, as amended, and national program policy, and are developed primarily to meet a definite need to accomplish one or more of the following:

- (a) Establish long-lasting protective cover.
- (b) Improve or sustain existing protective cover.
- (c) Conserve or safely dispose of water.
- (d) Benefit wildlife.