

program benefits. Although participation in the Pasture Recovery Program (PRP) is voluntary, program benefits will not be provided unless the participant furnishes the appropriate data.

**§ 1439.302 Definitions.**

The following definitions shall be applicable to this subpart:

*Applicant* means, unless the context indicates otherwise, the owner or operator.

*Contract period* means the period of time the PRP contract is in effect.

*Equine animals* means horses, mules, and donkeys.

*Federally-owned land* means land owned by the Federal Government or any department, bureau, or agency thereof, or any corporation whose stock is wholly owned by the Federal Government.

*Forage crop* means a perennial stand of grasses or legumes that are intended for use by livestock for grazing and are customarily used for that purpose by local producers.

*FSA* means the Farm Service Agency.

*Hayland* means land that was or has been routinely used to produce hay.

*Livestock* means beef and dairy cattle, buffalo and beefalo (when maintained on the same basis as beef cattle), sheep, goats, swine, and equine animals used commercially for human food or kept for the production of food or fiber.

*Local FSA office* means the FSA office in the local USDA service center in which the FSA records are maintained for the farm or ranch that includes the pasture land that the applicant is seeking to enroll in the PRP.

*Operator* means a person who is in general control of the farming operation on the farm, as determined by FSA for CCC.

*Owner* means a person or entity who is determined by FSA to have sufficient legal ownership of the land, including a person who is buying the acreage under a purchase agreement; each spouse in a community property State; each spouse when spouses own property jointly; and a person who has life-estate in the property.

*Participant* means an owner or operator or tenant who has entered into a PRP contract.

*Pasture land* means generally enclosed land devoted to a perennial forage crop used and suitable for grazing of livestock.

*Payment* means, unless the context indicates otherwise, the payment specified in the PRP contract that, subject to the availability of funds, is made to a participant to compensate such participant for reestablishing an approved forage crop on eligible pasture land in the PRP.

*Practice* means with respect to practices to be approved for relief under this subpart, an approved measure to cost-effectively reseed pasture, and, in conjunction with seeding, as necessary, fertilize to reestablish a forage crop on eligible pasture land damaged or destroyed by natural disaster, as determined by CCC.

*Rangeland* means land having indigenous, unimproved vegetation that may be used or suitable for open roaming and grazing of livestock.

*Secretary* means the Secretary of Agriculture or a designee of the Secretary.

*State committee, State office, county committee, or county office*, means the respective FSA committee or office.

*State Technical Committee* means that committee established pursuant to 16 U.S.C. 3861.

*State-owned land* means land owned by a State Government or any department, bureau, or agency thereof, including political subdivisions of a State, as determined by CCC.

*Technical assistance* means the assistance provided in connection with the PRP to owners or operators by FSA or other authorized designee of the Secretary in determining the eligibility of land and implementing and certifying eligible practices.

*United States* means all fifty states of United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia.

**§ 1439.303 General description.**

Under the PRP, the CCC will enter into contracts with eligible producers to provide payments to assist producers to reestablish the damaged or destroyed pasture land to an approved forage crop upon a promise and obligation to maintain the new crop for 3 full

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years after the calendar year of installation.

### § 1439.304 Eligible persons.

In order to be eligible to enter into a PRP contract in accordance with this part, a person must be an owner or operator of eligible pasture land that was damaged or destroyed by natural disaster during calendar year 2000 and:

- (a) Must normally graze livestock on such pasture land; and
- (b) If an operator of eligible land that the operator does not own, must provide satisfactory evidence that such operator will be in control of such eligible pasture land for the full term of the PRP contract period.

### § 1439.305 Eligible land.

(a) Except as otherwise provided in this section, land in the PRP must be pastureland that:

(1) As determined by CCC, is located within a county that was approved for assistance under the Emergency Conservation Program provided for in 7 CFR part 701 because of a 2000 natural disaster, or was later approved for such participation based upon an application filed by such date as is determined and announced by the Deputy Administrator and based upon natural disaster damage suffered in 2000.

(2) Has been established pasture land on which livestock is normally grazed or on which the forage crop was so damaged or destroyed by natural disaster in calendar year 2000 that the forage crop will not return in the 2001 grazing year, and seeding is required to reestablish the forage crop, as determined by CCC.

(b) Notwithstanding paragraph (a) of this section, land, as determined by CCC, shall be ineligible for enrollment if the pasture land is:

- (1) Federal-operated land;
- (2) State-operated land;
- (3) Hayland; or
- (4) Rangeland, as determined by the CCC.

### § 1439.306 Duration of contracts.

Contracts under this subpart and their forage crop maintenance requirements shall be for three years. The installation of the practice must be com-

pleted no later than the date specified in the PRP contract.

### § 1439.307 Gross revenue limitation.

A person, as determined in accordance with part 1400 of this chapter, who has annual gross revenue in excess of \$2.5 million shall not be eligible to receive assistance under this part. For the purpose of this determination, annual gross revenue means:

- (a) With respect to a person who receives more than 50 percent of such person's gross income from farming and ranching, the total gross revenue received from such operations; and
- (b) With respect to a person who receives 50 percent or less of such person's gross income from farming and ranching, the total gross revenue from all sources.

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### § 1439.320 Obligations of participant.

All participants subject to a PRP contract must agree to:

(a) Carry out the terms and conditions of the PRP contract including carrying out all approved practices and meeting the schedule of dates for seeding and for maintenance measures provided for in the contract to establish and maintain the approved forage crop;

(b) Comply with all requirements of part 12 of this title;

(c) Comply with noxious weed laws of the applicable State or local jurisdiction on such land;

(d) Control, subject to the contract, all weeds, insects, pests and other undesirable species to the extent necessary to ensure that the establishment and maintenance of the approved forage crop is adequately protected, as determined by CCC;

(e) Not harvest the re-seeded cover crop at any time during the contract period; and

(f) Be jointly and severally responsible with other persons qualifying for payments under this program on the same land for compliance with such contract and the provisions of this part and for any refunds, payment adjustments, or liquidated damages that may be required for violations of any of the terms and conditions of the PRP contract.