

practice life-span, if the person acquiring control elects not to become a successor to the ECP agreement and the practice is not maintained, each participant who received cost-share assistance for the practice may be jointly and severally liable for refunding any ECP cost-share assistance related to that practice. The practice life span, for purposes of this section, includes any maintenance period that is essential to its success.

**§§ 701.38-701.40 [Reserved]**

**§ 701.41 Cost-share assistance not subject to claims.**

Any cost-share assistance or portion thereof due any participant under this part shall be allowed without regard to questions of title under State law, and without regard to any claim or lien against any crop or property, or proceeds thereof, except liens and other claims of the United States or its instrumentalities. The regulations governing offsets and withholdings at parts 792 and 1403 of this title shall be applicable to this program and the provisions most favorable to a collection of the debt shall control.

**§ 701.42 Assignments.**

Participants may assign ECP cost-share assistance payments, in whole or in part, according to part 1404 of this title.

**§ 701.43 Information collection requirements.**

Information collection requirements contained in this part have been approved by the Office of Management and Budget under the provisions at 44 U.S.C. Chapter 35 and have been assigned OMB Number 0560-0082.

**§ 701.44 Agricultural Conservation Program (ACP) contracts.**

Contracts for ACP that are, or were, administered under this part or similar contracts executed in connection with the Interim Environmental Quality Incentives Program, shall, unless the Deputy Administrator determines otherwise, be administered under, and be subject to, the regulations for ACP contracts and the ACP program that were contained in the 7 CFR, parts 700

to 899, edition revised as of January 1, 1998, and under the terms of the agreements that were entered into with participants.

**§ 701.45 Forestry Incentives Program (FIP) contracts.**

The regulations governing the FIP as of July 31, 2002, and contained in the 7 CFR, parts 700 to 899, edition revised as of January 1, 2002, shall continue to apply to FIP contracts in effect as of that date, except as provided in accord with a delegation of the administration of that program and such delegation and actions taken thereunder shall apply to any other FIP matters as may be at issue or in dispute.

**PART 702—COLORADO RIVER BASIN SALINITY (CRSC) CONTROL PROGRAM**

Sec.

- 702.1 General.
- 702.2 Definitions.
- 702.3 Administration.
- 702.4 Applicability.
- 702.5 Eligible land.
- 702.6 Eligible entity.
- 702.7 Salinity control plan.
- 702.8 Eligible salinity reduction practices (SRP's).
- 702.9 CRSC Contract and obligations of the participant.
- 702.10 Operation and maintenance agreements.
- 702.11 Obligations of USDA.
- 702.12 Availability of cost-share payments.
- 702.13 Levels and rates of cost-share payments.
- 702.14 Assignments.
- 702.15 Payments not subject to claims.
- 702.16 Maximum amount of cost-share payments.
- 702.17 Transfers of land and contract modifications.
- 702.18 Violations.
- 702.19 CRSC Contracts and operation and maintenance agreements not in conformity with regulations.
- 702.20 Appeals.
- 702.21 Access to land.
- 702.22 Performance based upon advice or action of representatives of the Department or a CD.
- 702.23 Filing of false claims.
- 702.24 Depriving others of payments.
- 702.25 Miscellaneous.
- 702.26 Paperwork Reduction Act assigned numbers.

## § 702.1

AUTHORITY: Sec. 201, Pub. L. 93-320, 88 Stat. 271; Sec. 2, Pub. L. 98-569, 98 Stat. 2933 (43 U.S.C. 1592(c)).

SOURCE: 52 FR 16741, May 5, 1987, unless otherwise noted.

### § 702.1 General.

The regulations in this part set forth the terms and conditions of the Colorado River Salinity Control (CRSC) Program authorized by section 202 of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592) (the Act). Under the Act the Secretary is authorized to:

- (a) Identify salt-source areas in the Colorado River Basin;
- (b) Develop plans for implementing conservation measures that will reduce the salt load in the Colorado River, including the voluntary replacement of incidental fish and wildlife values foregone;
- (c) Share the cost of establishing such conservation measures and practices;
- (d) Provide technical assistance;
- (e) Monitor and evaluate changes in salt contributions to the Colorado River; and
- (f) Carry out related research, demonstration and education activities.

### § 702.2 Definitions.

(a) The following definitions shall be applicable for the purposes of this part:

(1) *Applicant* means an entity who has offered to enter into a CRSC Contract in accordance with the provisions of this part;

(2) *Actual cost* means the direct costs of establishing a salinity reduction practice, and includes the cost of labor, supplies, and other necessary activities;

(3) *Average cost* means the cost, determined by averaging actual costs and current cost estimates, considered to be necessary for a participant to carry out a salinity reduction practice, a designated component of a salinity reduction practice, or a system of practices;

(4) *Conservation District* (CD) means a subdivision of a State organized pursuant to applicable State law. The term includes bodies variously known in the States as conservation district, soil conservation district, soil and water conservation district, natural resource

## 7 CFR Ch. VII (1-1-05 Edition)

district, resource conservation district, or natural resource conservation district;

(5) *Components* means measurable units of a salinity reduction practice which, when completed by the program participant, can be certified by the Soil Conservation Service (SCS) as reasonable, identifiable progress toward completion of the practice with respect to which cost-share payment is being made under the CRSC program;

(6) *Conservation treatment* means the combination of salinity reduction practices that will provide the salinity control treatment required to reduce seepage and improve irrigation water management in order to achieve the projected salt load reductions indicated in the applicable published USDA Salinity Control Report. Such treatment may include replacement of incidental fish and wildlife values foregone as a result of salinity control treatment applied by the participant under the CRSC program.

(7) *CRSC Contract* means the contract including the salinity control plan, entered into in writing between the local Agricultural Stabilization and Conservation Committee (COC) and the participant which sets forth the terms and conditions for participation in the CRSC Program established in accordance with this part.

(8) *Cost-effective* means maximization of the CRSC Program on-farm and off-site benefits at the least Federal cost per unit of salinity reduction.

(9) *Cost-share assistance* means the providing of financial resources to assist program participants in establishing conservation treatment identified in participants' contracts;

(10) *Cost-share rate* means a fixed amount of cost-share funds paid per unit for carrying out certain salinity reduction practices.

(11) *Deputy Administrator* means the FSA Deputy Administrator for State and County Operations, or designee.

(12) *Entity* means an individual or group of individuals, Indian tribe, partnership, firm, joint-stock company, corporation, association, trust, estate, irrigation district/company, or other