

Partnerships for Climate-Smart Commodities

Additional Specific Terms and Conditions

February 2023

I. Overarching Statement

The following award terms and conditions are applicable to Partnerships for Climate-Smart Commodities agreements and are in addition to the USDA FPAC General Terms and Conditions. The award recipient must abide by all terms of this grant including, but not limited to, the General Terms and Conditions, the terms in the Funding Opportunity and associated Frequently Asked Questions, and this addendum. The recipient must also deliver on the planned objectives in the project narrative and budget narrative associated with this grant.

II. Eligibility and Highly Erodible Lands and Wetlands Compliance

In order to be eligible for an incentive payment as a part of the Partnerships for Climate-Smart Commodities, a producer must:

- Establish Farm Records with the Farm Service Agency (FSA) (have farm, tract, and field numbers in place);
- Complete an AD-2047 (Customer Data Worksheet to facilitate the collection of customer data for Business Partner Record);
- Certify highly erodible land conservation (HEL) and wetland conservation (WC) compliance via Form AD-1026, Highly Erodible Land Conservation (HEL) and Wetland Conservation (WC) Certification; and
- Certify that they are not a foreign person or entity.

Farm, tract, and field numbers are required for the producer, and ultimately the Partnerships for Climate-Smart Commodities recipient, to report climate-smart practice implementation to USDA, as well as to certify and maintain HELC/WC compliance. This will require that some producers who do not already have these numbers, like perennial crop growers or feedlots, establish these records with USDA's FSA. Farm, tract, field numbers, producer name, and Core Customer I.D. (CCID) will be provided by the recipient to the National Program Officer as a part of routine grant reporting. Recipients must ensure that producers receiving financial assistance or incentives through this project use the same name as is included in the relevant FSA Business File for that Farm ID in any contracts or similar documentation kept by the recipient.

Producers are not bound by the payment limitations and the adjusted gross income (AGI) limitations that are in place for other USDA programs.

In order to demonstrate HELC/WC compliance for Partnerships for Climate-Smart Commodities incentive payments, producers will need to request a copy of their subsidiary print from their

USDA FSA field office. The Subsidiary Print includes print year specific eligibility related information about a selected producer. The producer will then provide this documentation to the Partnerships for Climate-Smart Commodities recipients as proof of compliance. A current year subsidiary print will be required for each crop year that the producer receives a payment, and HELC/WC eligibility information is provided under the AD-1026 and Conservation Compliance sections of subsidiary (determined by year, which can change at any time during the year or in a subsequent year). As is the case already, field offices will not be expected to provide documentation to anyone besides the producer themselves (and must always comply with Section 1619 limitations if they ever do provide documentation to third parties). Producers must have control of the land for the term of their beneficiary contract.

Recipients are responsible for determining producer eligibility within the funding opportunity requirements. Recipients must inform producers of eligibility requirements and direct them to local USDA offices for requested information as necessary, including but not limited to, farm and tract establishment and Highly Erodible Land and Wetland Compliance determinations. Privacy of producers is a priority throughout this process, and recipients are responsible for maintaining producer privacy in the process.

At minimum, the recipient will collect and review subsidiary reports from participating producers. They will ensure that the producer is listed as “compliant” in all sections of the conservation compliance portion of subsidiary and “certified” for AD-1026 before an incentive payment is made. If payments to a producer span more than one Federal fiscal year, the recipient will review an updated subsidiary print each fiscal year to ensure that the status is still compliant.

III. Other Environmental and Cultural Resources Reviews

A Finding of No Significant Impact (FONSI) was signed by USDA NRCS on August 26, 2022. A copy of the Programmatic Environmental Assessment for Partnerships for Climate-Smart Commodities is available at www.usda.gov/climate-smart-commodities. USDA may determine that additional environmental and cultural resources review is needed for any particular action under Partnerships for Climate-Smart Commodities. The recipient must not execute any beneficiary contracts under this grant agreement prior to receipt of a letter from USDA that specifically details:

- 1) further procedures deemed appropriate by the Agency to ensure a completed National Environmental Policy Act (NEPA) review and all appropriate consultation requirements are met, and
- 2) additional instructions for any unanticipated discoveries or conditions.

A resolution of support is required for projects on Tribal lands from the governing body of the Tribe with jurisdiction over that land, if the applicant is not the Tribe nor an entity owned or

operated by that Tribe. USDA may approve alternative documentation for resolutions when USDA deems necessary and legally sufficient.

IV. Producer Benefits

USDA encourages the recipient to disclose to participating producers the manner and amount for which any market premiums derived from the development of the relevant climate-smart commodity will be shared between participating parties, including producers. USDA will be monitoring producer benefits, in particular those to small and underserved producers, throughout the grant period. Recipients agree that their project(s) will implement a plan for engaging small and underserved producers as laid out in this agreement.

V. Producer Data Protection and Disclosure

Recipients must ensure each producer has convenient access to any data collected from that producer or the producer's land and any associated modeling as part of the project. The recipient must provide each producer applying for benefits under this grant a description in writing of how their information, including but not limited to data about their farm and commodities, will be utilized, protected and shared as applicable.

VI. Other Data and Reporting Requirements

In addition to the reporting information provided in the statement of work and General Terms and Conditions, USDA will provide a template for the Detailed Progress Report, also known as the Partnerships for Climate-Smart Commodities (PSCS) Project Reporting Workbook. Within 30 calendar days of execution of this grant, a copy of this workbook will be posted at www.usda.gov/climate-smart-commodities or an alternative location provided to the recipient by the National Program Officer. USDA may provide updates to the PCSC Project Reporting Workbook or submission methods to streamline the data collection process and/or reduce the burden on the recipient throughout the grant period. Generally, these updates will be provided at least 3 months in advance of any required changes. The recipient must not transfer any data to foreign governments or foreign entities without prior approval from USDA.

USDA will provide a Technical Contact for this grant. The Technical Contact will have the responsibility of technical oversight for USDA for the project. The recipient is responsible for providing the technical assistance required to successfully implement and complete the project. The recipient must comply with any requests for information from the Technical Contact. The Technical Contact for this award is the National Program Officer assigned to this grant.

Prior to execution of this grant, the recipient must provide a shapefile depicting the project boundary for enrollment under this grant. Producer enrollment may not occur outside this boundary without modification of this grant.

Within 30 calendar days of execution of this grant, the recipient must provide to the National Program Officer a website address where enrollment information will be posted for producers for the project associated with this grant. Recipients will be responsible for the following reports:

- Submit quarterly performance reports that include a written progress report, as well as additional reporting on specific data elements contained in the most up-to-date version of the Partnerships for Climate-Smart Commodities Project Reporting Workbook. Additional information about each reported element is described in the Data Dictionary.
- Submit supplemental reports required to validate greenhouse gas (GHG) benefit data, including: (1) an initial project MMRV plan, (2) field-modeled GHG benefit reports, and (3) field-direct GHG measurement results, as applicable. Additional information about these reports is included in the Data Dictionary.
- Submit copies of project outputs and deliverables (e.g., fact sheets, reports) as attachments in ezFedGrants along with quarterly performance reports.
- Report the version of COMET-Planner used to estimate GHG benefits of the project within each quarterly performance report. As COMET-Planner is updated, recipients must adopt the latest version of the tool as directed by USDA for use in performance reports.

Recipients must designate an individual as a member of the USDA Partnerships for Climate-Smart Commodities Learning Network (Partnerships Network); this representative should be identified in the Project Narrative for this grant. Each project includes a plan for up to two Partnerships Network virtual meetings and two in-person meetings a year during the project duration. Dates and other details on events will be posted at www.usda.gov/climate-smart-commodities or an alternative location provided to the recipient by the National Program Officer.

The Partnerships Network will be co-chaired by representative from the USDA Office of the Chief Economist and the Farm Production and Conservation Mission Area. The Partnerships Network will inform synthesis reports to be assembled by USDA on a range of topics related to the implementation of Partnerships for Climate-Smart Commodities projects, including:

- Lessons-learned as projects are implemented;
- Options for providing technical assistance;
- Procedures for measurement/quantification, monitoring, reporting, and verifying GHG benefits;
- Options for tracing climate-smart commodities through the supply chain;
- Mechanisms for reducing costs of implementation;
- A forum for discussion and learning regarding approaches to climate-smart agriculture and forestry implementation (including but not limited to deployment and

measurement/quantification, monitoring, reporting, tracking, and verification of associated greenhouse gas benefits and marketing of climate-smart commodities).

- Synthesis of outcomes; and
- Opportunities for USDA and others to inform future approaches to generating new and expanded markets for climate-smart commodities.

The Partnerships Network topics to be discussed will cover at minimum the areas described in previous FAQs and will evolve with USDA's ongoing project data analysis efforts and with input from the project recipients on the kinds of sessions that will be most helpful to them in building the diverse climate-smart markets associated with their projects. Participation may include at least one interview a year and include questions related to the following areas:

- Technical assistance approaches, methods, and successes and/or challenges
- Producer outreach approaches, methods, and successes and/or challenges
- Monitoring, measurement, reporting, and verification (MMRV) approaches, methods, and successes and/or challenges
- Marketing approaches, methods, and successes and/or challenges
- Partnership approaches, methods, and successes and/or challenges
- Data collection and storage approaches, methods, and successes and/or challenges
- Supply chain approaches, methods and successes and/or challenges, including approaches to traceability
- Supply chain benefits and demand for climate-smart commodities
- Perspectives on program design, climate-smart commodity definitions, and future approaches or opportunities
- Project successes and stories

USDA may also request producer exit reports at a later date. Additional marketing and branding-related requirements may be provided by USDA, including signage related to Partnerships for Climate-Smart Commodities.

VII. Competition and Anti-Competitive Practices

In connection with this grant, recipients may not prohibit or otherwise limit a producer from changing the provider of other services or materials not included as part of this grant.

Recipients may not condition, limit, steer, or discriminate in their provision or sale of non-project business functions or products to producers based on their participation or non-participation in or use of any services provided as part of this grant. Additionally, funds in this agreement shall not be used for purposes or activities related to mergers or acquisitions.

VIII. Suspension and Disbarment

The provisions governing Suspension and Disbarment in subsection 1.a.8 shall also apply to fraud, embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or violations of the Federal civil antitrust or unfair trade practice laws.

IX. Special provisions for awards to for-profit entities as recipients

This section contains provisions that apply to awards to for-profit entities. These provisions are in addition to other applicable provisions of these terms and conditions, or they make exceptions from other provisions of the terms and conditions for awards to for-profit entities. For-profit entities that receive awards have two options regarding audits:

- 1) A financial related audit of a particular award in accordance with Generally Accepted Government Auditing Standards issued by the Comptroller General of the United States, in those cases where the for-profit entity receives awards under only one USDA program; or, if awards are received under multiple USDA programs, a financial related audit of all awards in accordance with Generally Accepted Government Auditing Standards issued by the Comptroller General of the United States; or
- 2) An audit that meets the requirements contained in 2 CFR 200 subpart F.

For-profit entities that receive annual awards totaling less than the audit requirement threshold in 2 CFR 200 subpart F are exempt from USDA audit requirements for that year, but records must be available for review by appropriate officials of Federal agencies or the Government Accountability Office.

X. Non-Disparagement

Recipients may not engage in any advertising deemed by USDA as disparaging to another agricultural commodity or competing product, or in violation of the prohibition against false and misleading advertising. Disparagement is defined as anything that depicts other commodities in a negative or unpleasant light via overt or subjective video, photography, or statements. Comparative advertising is allowable, provided the presentation of facts is truthful, objective, not misleading, and supported by a reasonable basis.