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Subpart A - USDA Conservation Program Delivery

501.0 Introduction

- A. The products of the locally led process specified in Title 440, Conservation Programs Manual, Part 500 provide USDA with conservation needs, resource concerns, priorities, and recommendations regarding program administration and implementation. USDA seeks input from State Technical Committees and local working groups on State and local conservation program delivery.
- B. Although State Technical Committees and local working groups are advisory in nature and have no implementation or enforcement authority, USDA gives strong consideration to their recommendations.
- C. Each State Technical Committee and local working group may provide information, analysis, and recommendations for the following activities and programs, as needed and where applicable:
- (1) Agricultural Water Enhancement Program
 - (2) Chesapeake Bay Watershed Program
 - (3) Conservation compliance
 - (4) Conservation Innovation Grants
 - (5) Conservation Reserve Program
 - (6) Conservation Security Program
 - (7) Conservation Stewardship Program
 - (8) Conservation of private grazing land
 - (9) Cooperative Conservation Partnership Initiative
 - (10) Environmental Quality Incentives Program
 - (11) Farm and Ranch Lands Protection Program
 - (12) Grassland Reserve Program
 - (13) Grassroots Source Water Protection Program
 - (14) Grazing Lands Conservation Initiative
 - (15) Great Lakes Basin Program
 - (16) Technical service providers
 - (17) Voluntary Public Access and Habitat Incentive Program
 - (18) Wetlands Reserve Program
 - (19) Wildlife Habitat Incentive Program
 - (20) Other programs and issues as requested by the State Conservationist or other USDA agency heads at the State level
- D. According to 16 U.S.C. Section 3862(d), these State Technical Committees and local working groups are exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2).

501.1 Conservation Program Delivery Process

- A. The conservation needs assessment and the conservation action plan developed during the locally led conservation effort form the basis for collaboration in carrying out the community stakeholder's priorities and identified programs, including USDA's conservation programs.
- B. When community stakeholders, working through conservation districts, have identified USDA programs as a tool to meet their conservation needs, USDA personnel and others, in the form of a USDA local working group, will review and submit recommendations on local and State conservation program delivery priorities and criteria. Examples of recommendations that may be submitted are found in Figure 501-A1.

Figure 501-A1

Examples of Local Working Groups Recommendations Submitted to the Local Designated Conservationist	Examples of Local Working Group Recommendations Submitted to the State Technical Committee
Locally identified natural resource concerns, priorities, and opportunities	State or regional identified natural resource concerns, priorities, and opportunities
Local conservation program priorities	State or regional conservation program priorities
Local program application screening and ranking criteria	State and national program policy changes
Local conservation practices offered in specific programs to address locally identified resource concerns	Revision or new interim conservation practices in the Field Office Technical Guide



(conservation practices must be included in the Field Office Technical Guide)	
Program payment percentages documented in practice payment schedules and/or maximum payment on conservation practices	Program payment percentages documented in practice payment schedules and maximum payment on conservation practices
	Levels of financial and technical support from available programs needed to address identified resource concerns
	Need for special initiatives focusing on priority resource concerns or areas

C. Recommendations for local program delivery should be submitted to the local designated conservationist. The local designated conservationist considers the recommendations from the local working group, along with technical expertise and national and State program policies, to develop the local NRCS conservation program available in the assigned geographic area.

D. Recommendation for State program delivery should be submitted to the State Technical Committee. The State Technical Committee considers the recommendations from the local working group to develop State conservation priorities and program delivery recommendations to the State Conservationist.

E. The State Conservationist considers the recommendations from the State Technical Committee, along with technical expertise and national program policies, to develop the NRCS conservation program available in the State.

Subpart B - Local Working Groups

501.10 Purpose

In accordance with 7 CFR Part 610, Subpart C, local working groups are subcommittees of the State Technical Committee and provide recommendations to USDA on local and state natural resource priorities and criteria for conservation activities and programs.

501.11 Responsibilities of the Local Working Group

It is the responsibility of the local working group to –

- (1) Ensure that a conservation needs assessment is developed using community stakeholder input.
- (2) Utilize the conservation needs assessment to help identify program funding needs and conservation practices.
- (3) Identify priority resource concerns and identify, as appropriate, high-priority areas needing assistance.
- (4) Recommend USDA conservation program application and funding criteria, eligible practices (including limits on practice payments or units), and payment rates.
- (5) Participate in multicounty coordination where program funding and priority area proposals cross county boundaries.
- (6) Assist NRCS and the conservation district with public outreach and information efforts and identify educational and producers' training needs.
- (7) Recommend State and national program policy to the State Technical Committee based on resource data.
- (8) Utilize the conservation needs assessment to identify priority resource concerns that can be addressed by USDA programs.
- (9) Forward recommendations to the NRCS designated conservationist or Farm Service Agency (FSA) County Executive Director, as appropriate.
- (10) Adhere to standard operating procedures identified in Title 440, Conservation Programs Manual (CPM), Part 501, Subpart B, Section 501.14.

501.12 Local Working Group Membership

A. Local working group membership should be diverse and focus on agricultural interests and natural resource issues existing in the local community. Membership should include agricultural producers representing the variety of crops, livestock, and poultry raised within the local area; owners of nonindustrial private forest land, as appropriate; representatives of agricultural and environmental organizations; and representatives of governmental agencies carrying out agricultural and natural resource conservation programs and activities.

B. Membership of the USDA local working group may include but is not limited to Federal, State, county, Tribal, or local government representatives. Examples of potential members include—

- (1) NRCS designated conservationist.
- (2) Members of conservation district boards or equivalent.
- (3) Members of the county FSA committee.
- (4) FSA county executive director or designee.
- (5) Cooperative extension (board members or manager).
- (6) State or local elected or appointed officials.
- (7) Other Federal and State government representatives.
- (8) Representatives of American Indian and Alaskan Native governments.

C. To ensure that recommendations of the local working group take into account the needs of diverse groups served by USDA, membership must include, to the extent practicable, individuals with demonstrated ability to represent the conservation and related technical concerns of particular historically underserved groups and individuals including but not limited to women, persons with disabilities, socially disadvantaged and limited resource groups.

D. Individuals or groups wanting to become members of a local working group may submit a request that explains their interest and outlines their credentials for becoming a member of the local working group to the local working group chairperson and the NRCS district conservationist (or designated conservationist). The district conservationist (or designated conservationist) will assist the soil and water conservation district in making decisions concerning membership of the group.

501.13 Responsibilities of Conservation Districts and NRCS

A. Conservation District

It is the responsibility of the conservation district to—

- (i) Develop the conservation needs assessment as outlined in 440-CPM, Part 500, Subpart A.
- (ii) Assemble the USDA local working group.

- (iii) Set the agenda.
- (iv) Conduct the USDA local working group meetings.
- (v) Transmit the USDA local working group's priority area and funding requests to the NRCS designated conservationist or the State Technical Committee, as appropriate.

Note: Where a conservation district is not present or chooses not to fulfill the responsibilities outlined in 440-CPM, Part 501, Subpart A, Section 501.13, the NRCS designated conservationist will have these responsibilities.

B. NRCS Designated Conservationist

It is the NRCS designated conservationist's responsibility to participate in the USDA local working group and to—

- (i) Encourage and assist other USDA agencies to participate in the locally led conservation and working group efforts, as feasible.
- (ii) Assist with identifying members for the local working group.
- (iii) Help identify program priorities and resources available.
- (iv) Assist in the development of program priority area proposals.
- (v) Comply with the National Environmental Policy Act, nondiscrimination statement, and other environmental, civil rights, and cultural resource requirements.
- (vi) Support and advise the local working group concerning technical issues, program policies and procedures, and other matters relating to conservation program delivery.
- (vii) Ensure that populations are—
 - Provided the opportunity to comment before decisions are rendered.
 - Allowed to share the benefits of, not excluded from, and not affected in a disproportionately high and adverse manner by Government programs and activities affecting human health or the environment.
- (viii) Analyze performance indicators and reports.
- (ix) Report the conservation programs' impacts on resources.
- (x) Perform the responsibilities of the conservation district where a conservation district is not present or chooses not to fulfill the responsibilities outlined in 440-CPM, Part 501, Subpart A, Section 501.6A.
- (xi) Give strong consideration to the local working group's recommendations on NRCS programs, initiatives, and activities.
- (xii) Ensure that recommendations, when adopted, address natural resource concerns.

501.14 Standard Operating Procedures for Local Working Groups

A. Organization and Function

Local working groups provide recommendations on local natural resource priorities and criteria for USDA conservation activities and programs. Local working groups are normally chaired by the appropriate soil and water conservation district (SWCD). In the event the SWCD is unable or unwilling to chair the local working group, NRCS district conservationist (or designated conservationist) is responsible for those duties.

B. Meeting Scheduling

The local working group should meet at least once each year at a time and place designated by the chairperson, unless otherwise agreed to by the members of the local working group. Other meetings may be held at the discretion of the chairperson. Meetings will be called by the chairperson whenever there is business that should be brought before the local working group.

C. Public Notification

- (1) Local working group meetings are open to the public and notification must be published in one or more newspapers, including recommended Tribal publications, to attain the appropriate circulation.
- (2) Public notice of local working group meetings should be provided at least 14 calendar days prior to the meeting. Notification will need to exceed the 14-calendar-day minimum where State open meeting laws require a longer notification period. The minimum 14-calendar-day notice requirement may be waived in the case of exceptional conditions, as determined by the chairperson or NRCS district conservationist (or designated conservationist).
- (3) The public notice of local working group meetings will include the time, place, and agenda items for the meeting.

D. Meeting Information

Agendas and information must be provided to the local working group members at least 14 calendar days prior to the scheduled meeting. The district conservationist (or designated conservationist) will assist the local working group chairperson, as requested, in preparing meeting agendas and necessary background information for meetings. The minimum 14-calendar-day notice requirement may be waived in the case of exceptional conditions, as determined by the chairperson or NRCS district conservationist (or designated conservationist).

E. Public Participation

Individuals attending the local working group meetings will be given the opportunity to address the local working group. Opportunity to address nonagenda items will be provided if time allows at the

local working group. Opportunity to address nonagenda items will be provided if time allows at the end of the meeting. Presenters are encouraged to provide written records of their comments to the chairperson at the time of the presentation, but are not required to do so. Written comments may be accepted if provided to the chairperson no later than 14 calendar days after a meeting.

F. Conducting Business

(1) The meetings will be conducted as an open discussion among members. Discussion will focus on identifying local natural resource concerns that can be treated using programs and activities identified in 440-CPM, Part 501, Subpart A, Section 501.0C. All recommendations will be considered.

(2) The following guidelines will govern meeting discussions:

- (i) The chairperson will lead the discussion.
- (ii) Only one person may speak at a time. Every participant should have an opportunity to speak. The chairperson or his or her designee is responsible for recognizing speakers.
- (iii) The chairperson, in consultation with those members present, may establish time limits for discussion on individual agenda items.
- (iv) State Technical Committees are advisory in nature and all recommendations are considered.
- (v) Members may be polled, but voting on issues is not appropriate.
- (vi) The chairperson will defer those agenda items not covered because of time limits to the next meeting.

G. Record of Meetings

Summaries for all local working group meetings will be available within 30 calendar days of the meeting and will be filed at the appropriate local NRCS office.

H. Input to State Technical Committee

Local working group recommendations are to be submitted to State Technical Committee chairperson, the district conservationist (or designated conservationist), or both (as appropriate) within 14 calendar days after a meeting.

I. Response to Local Working Group Recommendations

The designated conservationist will inform the local working group as to the decisions made in response to all local working group recommendations within 90 days. This notification will be made in writing to all local working groups members and made available for the public at the appropriate local NRCS office.

Subpart C - State Technical Committees

501.20 Purpose

In accordance with 7 CFR Part 610, Subpart C, NRCS has established a technical committee in each State to assist in making recommendations relating to the implementation and technical aspects of natural resource conservation activities and programs.

501.21 Responsibilities of State Technical Committees

It is the responsibility of the State Technical Committee to –

- (1) Provide information, analysis, and recommendations to USDA on conservation priorities and criteria for natural resources conservation activities and programs, including application and funding criteria, recommended practices, and program payment percentages.
- (2) Identify emerging natural resource concerns and program needs.
- (3) Recommend conservation practice standards and specifications.
- (4) Recommend State and national program policy based on resource data.
- (5) Review activities of the local working groups to ensure State priorities are being addressed locally.
- (6) Make recommendations to the State Conservationist on requests and recommendations from local working groups.
- (7) Assist NRCS with public outreach and information efforts and identify educational and producers' training needs.

501.22 State Technical Committee Membership

A. Each State Technical Committee will be composed of agricultural producers, owners and operators of nonindustrial private forest land, and other professionals who represent a variety of interests and disciplines in the soil, water, wetlands, plant, and wildlife sciences.

B. Each State Technical Committee must include representatives from all of the following:

- (1) NRCS
- (2) Farm Service Agency (FSA)
- (3) FSA State Committee
- (4) U.S. Forest Service
- (5) National Institute of Food and Agriculture (formerly the Cooperative State Research Education and Extension Service)
- (6) Each of the federally recognized American Indian Tribal governments and Alaskan Native Corporations encompassing 100,000 acres or more in the State
- (7) Association of Soil and Water Conservation Districts
- (8) State departments and agencies within the State, including the following:
 - (i) Agricultural agency
 - (ii) Fish and wildlife agency
 - (iii) Forestry agency
 - (iv) Soil and water conservation agency
 - (v) Water resources agency
- (9) Agricultural producers representing the variety of crops and livestock or poultry raised within the State
- (10) Owners of nonindustrial private forest land
- (11) Nonprofit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) that demonstrate conservation expertise and experience working with agricultural producers in the State
- (12) Agribusiness
- (13) Other Federal agencies and persons knowledgeable about economic and environmental impacts of conservation techniques and programs as determined by the State Conservationist.

C. To ensure that recommendations of the State Technical Committee take into account the needs of diverse groups served by USDA, membership will include, to the extent practicable, individuals with demonstrated ability to represent the conservation and related technical concerns of particular historically underserved groups and individuals including but not limited to women, persons with disabilities, and socially disadvantaged and limited-resource groups.

D. Individuals or groups wanting to become members of a State Technical Committee within a specific State may submit a request that explains their interest and outlines their credentials for becoming a member to the State Conservationist. The State Conservationist will respond to requests for State Technical Committee membership in writing within a reasonable period of time, not to exceed 60 days. Decisions of the State Conservationist concerning membership on the committee are final and not appealable. State Technical Committee membership will be posted on the NRCS State Web site.

501.23 Responsibilities of the State Conservationist

The State Conservationist will—

- (1) Chair the committee.
- (2) Ensure representation of all interests, to the extent practicable.
- (3) Give strong consideration to the committee's advice on NRCS programs, initiatives, and activities.
- (4) Call and provide notice of public meetings.
- (5) Follow the standard operating procedures.
- (6) Provide other USDA agencies with recommendations from the State Technical Committee for programs under their purview.
- (7) Ensure that recommendations, when adopted, address natural resource concerns.
- (8) Extend membership to any agency or persons knowledgeable about economic and environmental impacts of conservation techniques and programs.
- (9) Respond to requests for membership at outlined in Title 440, Conservation Programs Manual (CPM), Part 501, Subpart C, Section 501.22D.

501.24 Specialized Subcommittees of State Technical Committees

A. Introduction

In some situations, specialized subcommittees composed of State Technical Committee members may be needed to analyze and refine specific issues. The State Conservationist may assemble certain committee members, including members of local working groups and other experts to discuss, examine, and focus on a particular technical or programmatic topic, or combination of such.

B. Public Involvement

Specialized subcommittees are open to the public and may seek public participation, but they are not required to do so. Recommendations of specialized subcommittees will be presented in general sessions of State Technical Committees, where the public is notified and invited to attend.

C. Examples of Specialized Subcommittees

Figure 501-C1 provides examples of specialized subcommittees.
Figure 501-C1

Examples of Specialized Subcommittees	Program or Topic	Task
Environmental Quality Incentives Program Ranking Criteria Subcommittee	Environmental Quality Incentives Program	Provide input to develop State ranking criteria and make recommendations to the State Technical Committee.
State Forestry Subcommittee	All programs	Provide recommendations to the State Technical Committee on forestry conservation practices and payment rates to be supported in conservation programs.
Conservation Easement Geographic Rate Subcommittee	Wetlands Reserve Program and Grassland Reserve Program	Develop recommendations for the geographic area rate cap and present it to the State Technical Committee.
Payment Schedule Subcommittee	Financial assistance programs	Provide recommendations for practices and program payment percentages for conservation programs that support program objectives and State and local priorities.

		and local priorities.
State Wildlife Subcommittee	Wildlife Habitat Incentive Program (WHIP)	Provide recommendations (to the State Technical Committee) for the State WHIP plan that incorporates priorities of the State comprehensive wildlife action plan and similar plans and initiatives.
Priority Watershed Subcommittee	Chesapeake Bay Watershed Program	Recommend priority watersheds for focusing funding for effective use of available resources.

501.25 Standard Operating Procedures for State Technical Committees

A. Organization and Function

The State Conservationist chairs the State Technical Committee. State Technical Committees are used to provide information, analysis, and recommendations to NRCS and other USDA agencies responsible for natural resource conservation activities and programs under title XII of the Food and Security Act of 1985, as amended.

B. Meeting Scheduling

The State Technical Committee should meet at least twice a year at a time and place designated by the State Conservationist. Other meetings may be held at the discretion of the State Conservationist. The State Conservationist will call a meeting whenever he or she believes that there is business that should be brought before the committee for action. However, any USDA agency may make a request of the State Conservationist for a meeting.

C. Public Notification

(1) State Technical Committee and subcommittee meetings are open to the public. The State Conservationist must provide public notice of and allow public attendance at all State Technical Committee meetings.

(2) The State Conservationist must publish a meeting notice at least 14 calendar days prior to the meeting. Notification may exceed the 14-calendar-day minimum where State open meeting laws exist and require a longer notification period. The minimum 14-calendar-day notice requirement may be waived in the case of exceptional conditions, as determined by the State Conservationist.

(3) The State Conservationist will publish this meeting notice in one or more widely available newspapers, including recommended Tribal publications, to achieve statewide and Tribal notification. The meeting notice will also be posted to the NRCS State Web site.

(4) The meeting notice will include meeting time, location, agenda items, and point of contact.

D. Meeting Information

(1) The State Conservationist must prepare a meeting agenda and provide it to the committee members at least 14 calendar days prior to a scheduled meeting. Additional background materials may be provided before the meeting at the discretion of the State Conservationist. The minimum 14-calendar-day requirement may be waived in the case of exceptional conditions, as determined by the State Conservationist. Additional agenda items will be considered if submitted in writing to the State Conservationist at least 5 working days prior to the meeting.

(2) The State Conservationist may amend the agenda prior to the meeting without notice to the State Technical Committee or at the meeting based on suggestions from participating members. The agenda will be posted to the NRCS State Web site.

E. Public Participation

(1) Individuals attending State Technical Committee meetings will be given the opportunity to address the committee and present their opinions and recommendations. While presenters are encouraged to provide written copies of their comments, they are not required to do so. State Conservationists are encouraged to request written comments on agenda items from all members of the State Technical Committee whether they are in attendance at the meeting or not.

(2) Subsequent to the meeting, if the State Conservationist determines that additional comments and recommendations are needed on specific topics, the State Conservationist will mail a request for written comments to all members of the State Technical Committee within 7 calendar days of the meeting. The letter will fully explain the nature of the request for information and provide at least 14 calendar days for a response.

(3) Comments received will be summarized and presented at the next State Technical Committee meeting and will be posted to the NRCS State Web site.

Committee meeting and will be directly posted on the NRCS State web site.

(4) If time allows, opportunity to discuss nonagenda items will be provided at the end of the meeting.

F. Conducting Business

(1) The meetings will be conducted as an open discussion among members. Discussion will focus on the programs and activities identified in 440-CPM, Part 501, Subpart A, Section 501.0C. All recommendations will be considered.

(2) The following guidelines will govern meeting discussions:

(i) The State Conservationist or his or her designee will lead the discussion.

(ii) Only one person may speak at a time. Every participant should have an opportunity to speak.

(iii) The State Conservationist or his or her designee is responsible for recognizing speakers.

(iv) State Technical Committees are advisory in nature and all recommendations are considered.

(v) Members may be polled, but voting on issues is not appropriate.

(vi) The State Conservationist, in consultation with those members present, may establish time limits for discussion on individual agenda items.

(vii) The State Conservationist will defer those agenda items not covered because of time limits to the next meeting.

G. Record of Meetings

Summaries for all State Technical Committee meetings must be available within 30 calendar days of the committee meeting and distributed to committee members. The summaries must be filed at the appropriate NRCS State office and posted to the NRCS State Web site.

H. Response to State Technical Committee Recommendations

The State Conservationist must inform the State Technical Committee as to the decisions made in response to all State Technical Committee recommendations within 90 days. This notification must be made in writing to all State Technical Committee members and posted to the NRCS State Web site.