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510.01 General Information

a Introduction

This section sets forth the purposes and objectives of the Highly Erodible Land Conservation (HELCS) and Wetland Conservation (WC) provisions.

b Legislated Authorities

Legislative authorities for the policy and procedures contained in this manual are as follows:

- Public Law 99–198, Title XII, The Food Security Act of 1985
- Public Law 101–624, Title XII, The Food, Agriculture, Conservation, and Trade Act of 1990
- Public Law 104–127, Title III, The Federal Agriculture Improvement and Reform Act of 1996
- Public Law 107–171, Title II, The Farm Security and Rural Investment Act of 2002.

These authorities were codified in 16 U.S.C. 3801 through 3824.

c Contents of the Manual

This manual contains USDA and NRCS policy and operating procedures for implementing the Federal Regulation 7 CFR Part 12, including:

Interim rules published:

- June 27, 1986
- September 6, 1996

Final rules published:

- September 17, 1987
- February 11, 1988
- April 23, 1991

The procedures in this manual provide NRCS policy for implementation of the following:

- Highly Erodible Land Conservation Provisions (HELCS)
- Wetland Conservation Provisions (WC)
- FSA Farm-Credit participants
- Wetland mitigation easements for the maintenance of wetlands [(7 CFR 12.5(b)(4)(i))]

d Related Programs

The following programs have been authorized by the Food Security Act of 1985, as amended.

- Conservation Security Program

- Conservation Reserve Program
- [Environmental Quality Incentives Program](#)
- [Farm and Ranch Lands Protection Program](#)
- Grassland Reserve Program
- [Wetlands Reserve Program](#)
- [Wildlife Habitat Incentives Program](#)

e Required Knowledge by NRCS Employees

Personnel assigned HELC and WC responsibilities shall have a working knowledge of this manual as well as 7 CFR Part 12. (See NFSAM, Part 527.5.)

f State Supplements to this Manual

Draft copies of all State supplements to this manual will be sent for review and approval before issue to the appropriate Division Director in NHQ for HELC/WC guidance.

All exceptions to this manual by States must be approved by the appropriate Division Director.

Final copies of all amendments, State bulletins, technical notes, and guidelines relating to the provisions contained in this manual will be posted to the [NRCS Electronic Directives Website](#).

510.02 Objectives and Scope of the Provisions

a Objectives of the HELC and WC Provisions

The objectives of the HELC and WC provisions are as follows:

- Remove certain incentives for persons who—
 - Produce agricultural commodities on highly erodible land without proper conservation treatment.
 - Convert wetlands to make possible the production of agricultural commodities.
- Reduce nonpoint source pollution.
- Reduce soil loss from wind and water erosion.
- Protect the Nation's long-term capability to produce food and fiber.
- Reduce sedimentation and improve water quality.
- Assist in preserving the functions and values of the Nation's wetlands.

b Program Benefits Covered by HELC and WC Provisions

When producing an annual agricultural commodity, USDA program participants must apply an approved conservation system that meets the substantial reduction or no substantial increase definitions, (see NFSAM, Part 512, Subpart A, Paragraph [512.01\(e\)](#).) To maintain eligibility, participants must also certify that they have not produced crops on converted wetlands after December 23, 1985, and did not convert a wetland after November 28, 1990, to make agricultural production possible.

The following USDA benefits may be affected:

- Agricultural Market Transition Act (AMTA) Production Flexibility Contract Payments.
- Farm storage facility loans (not subject to WC).
- Disaster payments (not subject to WC).
- Farm Operating Loans issued under the Consolidated Farm and rural Development Act.
- Conservation program payments for the following conservation programs:
 - Conservation Security Program (CSP).
 - Conservation Reserve Program (CRP).
 - [Environmental Quality Incentives Program](#) (EQIP), including Interim EQIP, and prior year Great Plains Conservation Program (GPCP), Colorado River Salinity Control Project (CRSCP), Agricultural Conservation Program (ACP), and Water Quality Incentives Program (WQIP) contract payments.
 - [Farmland Protection Program](#) (FPP).
 - Grassland Reserve Program (GRP).
 - [Wetlands Reserve Program](#) (WRP).
 - [Wildlife Habitat Incentives Program](#) (WHIP).
- Agricultural Credit Act of 1976 payments (not subject to WC).
- Payments or loan assistance authorized by the Watershed Protection and Flood Prevention Act (Public Law 83–566, Small Watershed Program contracts).

These programs are listed in the Catalog of Federal Domestic Assistance. Specific details on these programs are available from the administering agency.

c Actions to be Taken by NRCS to Ensure Compliance with the HELC/WC

Before processing any conservation program payments, NRCS will:

- Request verification of compliance with HELC and WC requirements from FSA.
- Review compliance status for HELC/WC during the regular contract reviews. If violations are found, provide the appropriate violation documentation. (See NFSAM, Part 518, Subpart B, Section [518.12](#).)

d Compatibility

NRCS shall ensure that implementation of HELC and WC provisions does not conflict with other Federal, State, or local conservation programs (e.g., water quality rules and regulations, State erosion control cost-share programs).

f Appeal Rights

The NRCS Appeals and Mediation Policy is set forth in [CPM, Part 510](#). Appeals of the HELC/WC provisions are authorized under Title XII of the Food Security Act of 1985, as amended.

g Scope of Provisions of 7 CFR Part 12

The following table shows the scope of the HELC/WC by category.

Category	Applicability
Geographic area	All land, including Indian tribal land, determined to be highly erodible, wetland, or converted wetland in the following: <ul style="list-style-type: none"> • 50 States • District of Columbia • Commonwealth of Puerto Rico • Guam • Virgin Islands of the United States • American Samoa • Commonwealth of Northern Mariana Islands • Federated States of Micronesia • Republic of Palau • Republic of the Marshall Islands
Ownership	Lands owned by units of government, including— <ul style="list-style-type: none"> • Federal • State • Local • private citizens • American Indians • Corporations, trusts, and estates
Persons	Persons who participate in any of the USDA programs listed in 510.02(b) including— <ul style="list-style-type: none"> • Individuals • Partnerships

	<ul style="list-style-type: none">• Associations• Corporations• Cooperatives• Estates• Trusts• Joint ventures• Joint operations• Other business enterprises or legal entities• State or political subdivisions <p>Affiliates as provided in Section 12.8 of 7 CFR Part 12</p>
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510.03 Conservation Compliance Criteria and Technology Changes

a Background

HEL determinations and conservation systems have been developed using the USLE and WEQ, as adopted and incorporated, as of January 1, 1990, into the Field Office Technical Guide (FOTG), and as published in 7 CFR 610, Subpart B. (See NFSAM, Part 527.15.)

As new technology is developed and incorporated into the FOTG, such as the Revised Universal Soil Loss Equation (RUSLE), policy will be established for specific use of the new technology.

NRCS will continue to use the HEL soil map unit lists that were developed using USLE, WEQ, and the factors in the FOTG as of January 1, 1990, when making HEL determinations.

b Effects of Technology Changes

Implementation of new technology will not result in increased requirements for HELC/WC. The original conservation treatment identified in the conservation system will be honored as technology is implemented.

Any new or revised systems will be based on new data and technology in the FOTG as it becomes available.

510.04 RUSLE Implementation Policy

a When to Use USLE

Use the Universal Soil Loss Equation (USLE) for the following actions—

- Make or revise an HEL determination
- Determine the soil erodibility index
- Develop HEL soil mapping units-USLE

b When to Use RUSLE

Use the Revised Universal Soil Loss Equation (RUSLE) for the following actions—

- Develop an approved conservation system
- Recalculate the soil loss for applied conservation systems
- Evaluate substantial reduction or no substantial increase in soil erosion
- Determine before and after soil loss for compliance reviews
- Evaluate applied conservation systems

c RUSLE Implementation Guidelines

Implement revisions to RUSLE for conservation compliance purposes after—

- RUSLE data bases have been fully developed.
- All HEL conservation systems listed in the FOTG have been re-evaluated using the revised version of RUSLE.
- All applicable documents are incorporated into the FOTG.
- Changes to soil loss equations have met notice and comment requirements in a manner consistent with 5 U.S.C. 553.
- Soil loss levels for Conservation Systems developed using other technologies have been recalculated using the revised version of RUSLE to establish the new soil loss value for the conservation system, as described in 510.04 (b).
- Any new conservation systems must be developed using the appropriate version of RUSLE.

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510.10 Eligibility Requirements for USDA Benefits

a HELC Requirements

Program participants requesting applicable USDA benefits must apply an approved conservation system that meets the following requirements:

IF a field has been determined...	AND...	THEN...
To be highly erodible and was used to produce crops prior to December 23, 1985,	A system or plan in the FOTG was in place, maintained, and had been approved prior to July 3, 1996,	That field is considered to be in compliance with the HELC provisions.
	A system in the FOTG is planned and/or applied after July 3, 1996,	The system to be applied must meet the FOTG criteria for a substantial reduction in erosion. (See NFSAM, Part 512.01(e) .)
To be highly erodible with no history of crop production prior to December 23, 1985,	Is broken out of native vegetation (including rangeland or woodland),	The system to be applied must meet the FOTG criteria for no substantial increase in the level of erosion. (See NFSAM, Part 512.01(f) .)

b Wetland Conservation Requirements

Unless an exemption applies, any person who plants an agricultural commodity on wetlands that were converted between December 23, 1985, and November 28, 1990, will be ineligible for program benefits in any year an agricultural commodity is planted.

Unless an exemption applies, any person who converts a wetland or makes the production of an agricultural commodity possible after November 28, 1990, will be ineligible for program benefits until the functions and values of the wetland that was converted is mitigated.

510.11 Person Requirements

a Knowledge

It is the USDA participant's responsibility to understand the requirements of the HELC and WC provisions and to seek any needed technical assistance for their compliance with the provisions.

b Intent To Participate in USDA Programs

Persons who wish to participate in any USDA programs subject to HELC/WC provisions are responsible for contacting FSA well in advance of participation so that any needed USDA technical assistance can be provided in a timely manner.

Late contacts may not allow sufficient time for timely provision of assistance, resulting in substantial delays for the receipt of the technical assistance and/or the determination of program eligibility.

c Filing AD-1026

Persons who request benefits on land that they own or operate that is subject to HELC and WC provisions or who desire a wetland scope and effect evaluation are required to file an AD-1026 certification at the FSA county office.

This form also serves as a person's certification of applying a conservation plan and/or use of a conservation system as well as compliance with the wetland provisions.

Note: An example of form AD-1026 is provided in the NFSAM, Part 526, Forms, Subpart A, 526.10.

Note: An NRCS-CPA-38 is also required to request a certified wetland determination. (See NFSAM, Part 526, Subpart C, 526.48.)

d Conservation Planning and Application

The person requesting USDA benefits is responsible for making all decisions necessary for:

- Developing an approved conservation system.
- Applying and maintaining the practices included in the approved conservation system as scheduled.

When a new owner or operator assumes control of a tract of land with HELC/WC, that person must either—

- Maintain the conservation system that had been previously applied, including the soil loss protection associated with that conservation system, or
- Develop and apply a conservation system that meets the same level of soil loss protection of the previously applied and maintained conservation system.

Until or unless NRCS is contacted, the signatures of the new owner(s) and/or operator(s) on the AD-1026 constitutes agreement to continue applying the existing conservation system, or a conservation system with the same level of protection. In all cases, the person is responsible for applying or using a conservation system that will meet the criteria in the FOTG, as well as the soil loss and/or improvement criteria as set forth in 7 CFR 12.23. (See the NFSAM, Part 512, Subpart A, [512.01](#).)

If the system being applied is not currently included in the FOTG or is not the system as documented in the person's conservation plan, the USDA participant is responsible for providing the appropriate information to substantiate compliance with the system criteria contained in the FOTG.

e Determinations, Exemptions, and Scope and Effect

A person that applies for USDA benefits is responsible for obtaining wetland determinations, exemptions, and scope and effect decisions before—

- Altering any wetland area
- Improving an existing drainage system
- Maintaining and existing drainage system

To assist in scope and effect evaluations the USDA participant is responsible for:

- Providing records and plans for any past hydrologic manipulations
- Furnishing plans for any proposed manipulations, including the drainage capacity of existing and planned drainage systems

The participant is also responsible for complying with all Federal, State, or local regulations, permits, etc., administered by other agencies.

f Access

The USDA participant's signature on the AD-1026 grants legal access to the land by any USDA employees and/or their representatives. This includes—

- Administration of the HELC/WC provisions
- Review of the status of conservation system implementation
- Review of any practice implementation associated with any conservation program subject to the HELC/WC provisions

The AD-1026 expressly states that signature on the AD-1026 grants such permission. Failure by a USDA participant at any time to allow access may result in ineligibility for program benefits. Notify the local FSA Office by using FSA-569. (See the NFSAM, Part 526, Section 526.20 and NFSAM, Part 526, Subpart A, Section 526.08.)

g Person Records

Evaluation of conservation systems is best done over the cycle of one or more crop rotations, rather than annually. To do this, a review of system application records is necessary.

Farmers and ranchers are encouraged to keep records of the following:

- Crop rotations
- Tillage operations
- Maintenance work done on structural practices, including drainage systems
- Other pertinent records in order to support their certification of compliance made on the AD-1026. (See the NFSAM, Part 520, Subpart A, Section [520.02](#).)

Developing and maintaining the historical record is the responsibility of the USDA participant. No assumption of future years planting may be used as a basis for a compliance decision.

IF ...	THEN ...
A USDA participant keeps and maintains system application records,	NRCS may use these to assist in documenting a conservation compliance review.
The USDA participant's records show the use of a conservation system meeting FOTG requirements over a period of years,	A deficiency that may occur in a single year will not be the sole basis for a noncompliance decision by NRCS. Note: To not be considered a violation, the deficiency must be minor and for only a single year.

h Reinstatements

A USDA participant found to be in violation of HELC or WC can be reinstated for eligibility of those benefits. Procedures for reinstatement are set forth at NFSAM, Part 520, Subpart A, Section [520.03](#).

510.12 General Information for Making HEL and Wetland Determinations

a Purpose

NRCS will make the following determinations for HELC/WC provisions administration as follows:

- Whether land is highly erodible.
- Whether land contains areas that are classified as a wetland type.

b NRCS Responsibilities

NRCS will complete HELC/WC determinations for tracts that FSA has submitted an AD-1026.

NRCS will—

- Stamp the AD-1026 with the date when received from FSA.
- Establish priorities among the determination requests.
- Complete determinations according to this part.

c Timeframes for Completion of HELC/WC Determinations

All requests for HELC/WC determinations shall be made as follows:

- In-office determinations shall be issued within 15 working days of receipt of the AD-1026.
- Determinations that require an on-site review shall be issued within 60 working days of receipt of the AD-1026.

Note: In order to meet the performance guidelines set forth above, it is imperative that AD-1026 (Highly Erodible Land and Wetland Conservation Compliance Certification) with valid requests for HEL determinations be transmitted in a timely manner by the requesting agency.

When an unusually large number of requests for determinations has been submitted by FSA and USDA program participants, NRCS employees at the local level, and if necessary, the State level shall coordinate completion of the requests so that timely determinations can be made.

d Priority of Determinations

Owing to heavy workload, NRCS may not be able to complete all requests for HEL and/or wetland determinations.

The following priorities have been established through agreement with FSA and NRCS:

Priority	Situation
1	<ul style="list-style-type: none"> • FSA-Farm Credit borrowers and inventory properties. • Requests from a Program Agency for certification purposes. <p>NRCS has agreed, through a Memorandum of Understanding (MOU), to process determinations within 15 working days when needed by FSA-Farm Credit to process.</p>

	a direct operating loan.	
2	Question 8a on AD-1026— “Plant an agricultural commodity...” If the answer to this question is YES,	<ul style="list-style-type: none"> • NRCS will make an HEL determination if none exists. • A wetland determination will be made only if requested by the participant, and/or wetlands may be present.
	Question 8b on AD-1026— If this question is answered YES,	NRCS will make a certified wetland determination.
	Question 9 on AD-1026— If either or both parts (a) and (b) are answered YES,	NRCS will make a certified wetland determination.
	Question 10 on AD-1026— If this is answered YES, and a farm loan is indicated in Question 9,	<ul style="list-style-type: none"> • NRCS will make a certified wetland determination. • If the area is for non-agricultural purposes, or for crops other than those produced as an annual commodity, an HEL determination is not needed.
3	FSA-Farm Credit specifically requests NRCS determinations.	
4	All other USDA program participants.	
5	<p>Applicants who are not USDA program participants. The following requirements apply:</p> <ul style="list-style-type: none"> • NRCS will make HEL or wetland determinations as requested. • Other NRCS technical assistance can be provided according to established priorities. 	

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510.20 Responsibilities Assigned to NRCS

a General Responsibilities

NRCS is responsible for developing, implementing, and maintaining the following activities and information in relation to the HELC/WC provisions.

- Prepare, maintain, and make available to the public lists of—
 - Highly erodible soil map unit legends
 - Hydric soil map unit legends
 - Hydrophytic plant lists
 - Wetland delineation map certification
- Coordinate technical assistance provided to conservation districts in the discharge of these responsibilities with the other Federal, State, and local agencies involved in implementation of HELC/WC.
- Keep district officials informed about the status of HELC and WC determinations, reconsiderations, and appeals.
- Prepare conservation systems in conformance with the FOTG so the conservation district may approve or disapprove the plans or systems.
- Keep district officials informed on status of application of conservation systems.
- Provide technical assistance to identify suitable lands for FSA-Farm Credit, FWS, and other interested agencies.
- Conduct environmental evaluations, including cultural resource considerations, in compliance with the following:
 - National Environmental Policy Act (NEPA)
 - National Historic Preservation Act of 1966, PL 89-665 (NHPA), as amended, relative to applicable highly erodible land and wetland activities
 - Endangered Species Act
- Monitor and report progress regarding highly erodible land and wetland conservation implementation.
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d—2000d-4, and other related authorities on Civil Rights, including Environmental Justice (EJ) which prohibits discrimination based on race, color, national origin, religion, sex, age, handicap, or marital status.
- HELC/WC Determinations for FSA-Farm Credit Property.

Note: For all HEL and wetland determinations on all cropland fields marked “✓” or “X” on the aerial photocopy, an office determination will be made within 15 calendar days from receipt of the AD-1026, or an onsite determination within 60 calendar days unless weather conditions do not permit, in which case the determinations will be made as soon as practical.

- Make wetland determinations for all potential cropland adjacent to cropland fields.
- Identify clearly on aerial photocopies all areas where wetland determinations have not been made.

b Specific HELC Responsibilities

NRCS is responsible for the following activities that relate specifically to the HELC provisions:

- Provide technical assistance for the following:
 - Conservation planning when requested
 - Applying conservation systems to the land upon request
- Make determinations for the following:
 - Highly erodible soil map units
 - Predominance of HEL in a field
 - Application of a conservation system that meets the soil reduction and/or improvement criteria
 - Qualifications for temporary variances from the requirements of a conservation system
 - Identification of NRCS error or misinformation
- Completing compliance reviews for the following:
 - Regularly scheduled review
 - Response to an FSA-569
 - Response to a Whistleblower Complaint
- Provide FSA information on an AD-0126B for making tenant exemption determinations and provide conservation planning assistance to the tenant.
- Provide FSA information on an AD-1068 for making good faith exemptions.
- Provide assistance for conservation system revisions for USDA participant reinstatement.

c Specific WC Responsibilities

NRCS responsibilities that specifically apply to WC are as follows:

- Determine whether—
 - Land meets wetland criteria, and identify the wetland by a specific label.
 - Production of an agricultural commodity on a wetland is possible under natural conditions without action by the person that would destroy the natural wetland characteristics.
 - Production of an agricultural commodity on certain converted wetlands would have a minimal effect on the hydrological and biological aspects of the wetland.
 - Conversion of a wetland was for the purpose of or has the effect of making the production of an agricultural commodity possible.
 - A prior converted cropland is abandoned.
 - A farmed wetland is abandoned.
 - Maintenance of existing drainage exceeds scope and effect of the original drainage.
 - A site warrants a minimal effect determination.
 - A plan and schedule for restoration, mitigation, or replacement of a converted wetland is adequate.
 - Restoration under an approved plan is accomplished according to schedule.
- Complete compliance reviews for—
 - Regularly scheduled review
 - Response to an FSA-569
 - Response to a Whistleblower Complaint
- Provide FSA information on an AD-1069 for Good Faith Exemptions.

510.21 NRCS Responsibilities by Organizational Level

a National Office

This following are the responsibilities of the National office:

<p>The Deputy Chief for Programs is responsible for providing national leadership, policy coordination, and program implementation—</p>	<ul style="list-style-type: none"> • Within NRCS • With other agencies relative to HELC/WC provisions • In establishing and implementing internal management control systems including the following: <ul style="list-style-type: none"> • Conservation compliance reviews • Quality assurance • Program evaluation <p>Note: Coordination with the Deputy Chief for Strategic Planning and Assessment is required for internal management control systems.</p>
<p>The Deputy Chief for Soil Survey and Resource Assessment is responsible for policy relating to—</p>	<ul style="list-style-type: none"> • Establishing and maintaining technical criteria • Procedures for highly erodible land determinations
<p>The Deputy Chief for Science and Technology is responsible for policy relating to—</p>	<ul style="list-style-type: none"> • Conservation practice standards • Establishing and maintaining technical criteria • Planning and application assistance standards for Technical Service Providers
<p>The appropriate Division Director is responsible for—</p>	<ul style="list-style-type: none"> • Coordinating and implementing conservation system planning • Consulting with Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (COE), and U.S. Fish and Wildlife Service (FWS), on policies and procedures relating to highly erodible land conservation (HELC) policy • Coordinating with conservation districts, National Association of State Conservation Agencies (NASCA), and other partners • Approving State supplements to the NFSAM for HELC • Providing advice to the States, FSA, and the National Appeals Division (NAD) on wetland and HEL appeals • Completing compliance reviews, quality reviews, and

<p>The appropriate Division Director is responsible for—</p>	<p>program evaluations</p> <ul style="list-style-type: none"> • Formulating policy for Conservation Easements. • Wetlands conservation elements of NFSAM, including conservation easements. • Wetlands Reserve Program. • Wetlands evaluation procedures. • Consulting with FWS relative to— <ul style="list-style-type: none"> • Wetland and converted wetland identification. • Resolving issues on minimal effect. • Use of "The National List of Plant Species That Occur in Wetlands." • Use of "Hydric Soils of the United States." • Policy formulation with the White House Wetlands Working Group. • Consulting with EPA, COE, and FWS on policies and procedures relating to wetlands conservation policy and procedures. • Assisting with State review procedures, quality assurance, and program evaluation regarding wetlands conservation.
<p>Deputy Chief for Strategic Planning and Accountability and the Director of the Operations Management and Oversight Division (OMOD)</p>	<ul style="list-style-type: none"> • Consistency among States on implementation • Approval of State quality control plans

b State Responsibilities

The State Conservationist (STC) has overall responsibilities for HELC/WC implementation within the State as follows:

- Coordinating NRCS responsibilities with—
 - Other USDA agencies
 - FWS, COE, and EPA
 - Conservation districts
 - Other agencies as necessary.
- Consulting with FWS on matters relating to wetlands, including:
 - Agricultural MOA issues
 - Implementation of the 1985 Act, as amended

- Delegating responsibilities for implementation to State, area, or field office staff, including—
 - Approving conservation plans or systems in the absence of a conservation district
 - Maintaining records, providing reports, and reporting progress
 - Conducting compliance reviews
 - Conducting quality reviews
 - Making determinations on NRCS employees' farms
 - Approving the FOTG
 - Approving acceptable conservation systems for the FOTG
 - Maintaining current lists and/or maps
- Establishing, approving, maintaining, and distributing current lists of:
 - Highly erodible soil map units
 - Hydric soils
 - Hydrophytic vegetation
 - Threatened and endangered species
 - Certified wetland determination maps
 - HELC/WC Operations
- Approving temporary variances for persons because of conditions beyond the person's control or to deal with special problems.
- Quality control
- Establishing a quality control plan, maintaining high quality work, and conducting training.
- Representing NRCS at National Appeals Division (NAD) hearings.
- Coordinating with FSA, and the NRCS SO on HELC and WC, as well as all conservation program appeals at the State level.
- Chairing the State Technical Committee and providing guidance on HELC, WC, and other USDA programs.
- Reporting possible violations.

c Area Conservationist or Designee

If delegated by the State Conservationist, the Area Conservationist (AC) is responsible for managing and supervising HELC/WC activities within the area as follows:

- Managing and supervising HELC/WC activities within the area.
- Carrying out other responsibilities as delegated by the State Conservationist.
- Ensuring that all quality standards are achieved.
- Implementing assigned components of the state quality control plan.
- Scheduling and providing training.
- Assisting DC's in the establishment of priorities for scheduling technical assistance.
- Providing second level approval on recurring technical and minor (AM) variances.
- Ensuring that adverse determinations are handled in a timely manner.
- Providing technical training and technical assistance to the DC on all conservation program appeals.

d Field Office Responsibilities

The DC is responsible for the following:

- Providing technical assistance and making HEL and wetland determinations.

- Coordinating technical assistance with the conservation district and county offices of other USDA agencies.
- Making technical determinations of highly erodible land and wetlands, and notifying the person of such determinations.
- Providing technical assistance in the development and application of conservation systems.
- Providing technical assistance for preparing conservation plans on FSA-Farm Credit inventory farms.
- Participating on easement teams.
- Executing assigned components of quality control plan.
- Investigating reports of possible violations.
- Conducting Conservation Compliance Reviews as assigned by STC/AC.
- Handling determinations in a timely manner.
- Certifying wetland determinations.
- Consulting with FWS on any easement restrictions before completing scope and effect on FWS easement sites.
- Making minimal effect determinations and mitigation plans.
- Developing and maintaining county lists and maps, as follows:
 - Highly erodible map units
 - Hydric soils
 - Hydrophytic vegetation.
- Maintaining wetland inventories and maps of certified wetland determinations where completed.
- Assisting FSA in maintaining a list of certified wetland determinations.
- Maintaining records, providing reports, and reporting progress.
- Provide technical review and assistance to FSA and the NRCS SO on all conservation program appeals.
- Performing compliance reviews as required in the NFSAM, Part 518, and NFSAM Part 518.
- Reconciling data with FSA.

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510.30 Conservation District (CD) Responsibilities

a CD Responsibilities

Conservation Districts are responsible for the following:

- Providing information to NRCS and FSA during the appeal process that may help FSA reach a decision.
- Participating in the field visit with the designated conservationist, if the conservation district wishes to participate.
- Approving conservation systems and revisions that meet CD program objectives.
- When NRCS presents systems for approval, considering the following:
 - The degree of control the person has over the land for the period of the crop rotation and other practices specified in the conservation system.
 - Other unusual situations regarding land use, treatment, or operations when approving the conservation system.
- Consulting with the FSA County Committee when appropriate.
- Actively participating in developing and reviewing, the FOTG, including the economic practicability, feasibility, and social acceptability of the conservation systems included in the FOTG.
- Providing guidance for overall program direction.
- Establishing general servicing priorities.
- Integrating HELC/WC provisions with State and local conservation programs.
- Participating on [State Technical Committee](#) (optional).
- Participating in status review process.
- Providing FSA with information regarding good faith exemptions.
- Providing input to NRCS in the development of wetland conservation plans and mitigation plans.
- Advising NRCS on minimal effect determinations.

b Joint Responsibilities of Conservation District With USDA Agencies

Conservation districts and USDA agencies administering the HELC/WC provisions are encouraged to expand cooperative working arrangements and establish joint responsibilities for helping to achieve the conservation objectives of the HELC/WC provisions by—

- Consulting with FSA regarding CD approval of conservation systems.
- Assisting in servicing the HELC/WC workload where the conservation objectives of HELC/WC are consistent with the objectives of conservation districts.
- Initiating and promoting information and education on HELC/WC provisions.
- Assisting NRCS in determining and documenting need for regional or individual temporary variances.
- Keeping fully informed of progress in servicing the HELC/WC workload.
- Consulting with NRCS on the implementation of conservation systems and assisting USDA participants in resolving problems of not applying a conservation system.

- Reviewing and providing information for the case file on "not applying" findings in the status review/appeal process.
- Encouraging USDA participants to voluntarily become district cooperators and develop, as resources permit, a conservation plan for the entire farm.
- Coordinating Federal, State, and local resources to achieve common conservation goals and objectives relative to erosion reduction and wetland protection.
- Acting as an enforcement authority and/or management authority for conservation easements if they are designated by FSA-Farm Credit.
- Counseling USDA employees and persons in the appeals process.
- Coordinating with NRCS and other agencies to set conservation resource treatment priorities.

510.31 Other Agency Responsibilities

a FSA Responsibilities for HELC/WC

FSA has the general responsibilities for administering the following HELC/WC provisions, and specific guidelines of these provisions are provided in FSA handbook 6–CP.

FSA will—

- Establish field/tract boundaries, field numbers, and acreage on official FSA maps.
- Keep up-to-date data through the reconstitution process.
- Maintain official spatial records of HEL determinations, wetland determinations, and certified wetland determinations on aerial photography.
- Determine whether a landlord qualifies for an exemption.
- Determine whether a tenant qualifies for the tenant exemption.
- Determine whether the conversion of a wetland commenced before December 23, 1985.
- Determine whether the conversion of a wetland was caused by a third party.
- Determine whether an agricultural commodity was planted on wetland that was converted after December 23, 1985.
- Determine whether persons are eligible for program benefits.
- Determine whether persons qualify for a good faith exemption.
- Determine persons who will be ineligible for USDA benefits as the result of production of an agricultural commodity on HEL or converted wetland.
- Determine whether land was converted from native vegetation, such as rangeland or woodland, to crop production after December 23, 1985.
- Advise new owners and operators of a tract of previous determinations and the status of conservation system on the tract.
- Advise persons wishing to become reinstated for eligibility of benefits to request conservation system planning assistance from NRCS.
- Serve on the [State Technical Committee](#).
- Determine whether proceeds of a farm program loan made, insured, or guaranteed by FSA-Farm Credit will be used for a purpose that will contribute to excessive erosion on HEL or to the conversion of a wetland to produce an agricultural commodity.
- Administer the conservation easement provisions on inventory properties and on certain borrowers' lands that qualify for debt forgiveness on a portion of their land.
- Require borrowers to obtain an AD-1026 and develop and use conservation systems on highly erodible land that are planted to an agricultural commodity.
- Ensure that highly erodible land, wetland, farmed wetland, prior converted wetland, farmed wetland pastures, and converted wetland are identified by NRCS on FSA-Farm Credit inventory farms.
- Hear appeals of technical determinations made for HELC and WC provisions as well as all conservation programs authorized under Title XII of the Food Security Act of 1985, as amended.
- Determine on request whether application of a conservation system causes a person undue economic hardship.

b Extension Service Responsibilities

CES will—

- Assist with USDA information and education activities relative to the HELC/WC provisions
- Serve on the [State Technical Committee](#).

c Fish and Wildlife Responsibilities

FWS will—

- Upon request, provide technical assistance to NRCS for—
 - Regulations
 - Mitigation plans
 - Wetland identification procedures
 - Abandonment
 - Minimal effect determinations
 - Training
 - Wetland function and value assessment
- Serve on the State Technical Committee.
- Provide local NRCS and FSA offices with up-to-date maps of areas in the county with FWS easements.

Note: Site-specific assistance will be based upon an onsite visit.

d EPA Responsibilities

EPA has ultimate authority to determine the geographic scope of waters of the United States subject to jurisdiction under the Clean Water Act, including the Section 404 regulatory program.

EPA is the lead agency for periodic interagency quality review of wetland determinations and/or delineations.

e U.S. Army Corps of Engineers Responsibilities

The Corps conducts jurisdictional delineations for the day-to-day administration of the Clean Water Act, Section 404 and will:

- Provide comments on wetland determination/delineation changes being considered by NRCS.
- Provide oversight to implementation of the Wetlands MOA.
- Serve on [State Technical Committee](#).