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Part 512 — Conservation Systems and Plans

Subpart A — Conservation Systems

512.01 Conservation System Requirements

a The Relationship Between a Conservation Plan and a Conservation System

A conservation system designed to meet the HELC requirements is a combination of one or more conservation measures or management practices. When applied to the land, the conservation system will bring about either a substantial reduction in soil erosion, or in the case of land converted from native vegetation, allow for no substantial increase in soil erosion.

An approved HELC conservation plan is a document that describes the application and maintenance of an approved conservation system.

b Standards for a Conservation System

Conservation systems must be based on the following:

- Local resource conditions.
- Available conservation system technology.
- The standards and guidelines contained in the local FOTG.

A conservation system that is being used when planting agricultural commodities on HEL cropland must meet one of the following definitions:

- Provide for a substantial reduction in soil erosion when producing agricultural commodities on HEL cropland where a prior cropping history has been established.
- Permit no substantial increase in soil erosion when agricultural commodities are produced on HEL cropland converted from native vegetation after December 23, 1985.

c Conservation System Requirements

A conservation system must provide for a substantial reduction in soil erosion from the “pre-plan” level (the condition that existed before conservation measures were applied).

The conservation system shall include all treatments and measures needed to meet the HELC requirements, including treatment required—

- To result in a substantial reduction in erosion.
- To prohibit a substantial increase in erosion.
- For the control of—
 - Sheet and rill erosion
 - Wind erosion
 - Ephemeral gully erosion

Conservation systems approved prior to July 3, 1996 as set forth in the FOTG meet these requirements set forth in NFSAM paragraphs [512.01\(b\)](#) and [512.01\(c\)](#) provided that the USDA participant continues to actively apply and maintain the conservation system.

The Conservation District shall have a full opportunity to participate in the development, review, and approval of all conservation systems.

d Conservation Requirement on HEL and Compliance Certification Statement

USDA participants will not be found ineligible for USDA benefits if a conservation system that meets the HEL requirements in the FOTG is used when producing annual agricultural commodities on HEL cropland.

USDA participants must certify compliance with the HELC provisions on forms AD-1026 or AD-1026U, as appropriate, when USDA benefits are requested, as follows:

“By signing Form AD-1026, Item 13, the producer certifies receipt of this form, and unless an exemption has been granted by USDA, agrees to the following on any farms in which such person has an interest (and will) not plant or produce an agricultural commodity on highly erodible fields unless actively applying an approved conservation plan or maintaining a fully applied conservation system.”

e What is Substantial Reduction?

When comparing the annual level of erosion before conservation system application to the expected annual level of erosion after conservation system application, it is necessary to compare the same portion of the field(s) in determining if a conservation system application meets the HEL requirements. The level of substantial reduction in erosion a USDA participant must obtain is set forth in the following table:

IF the field...	THEN a substantial reduction...
Was used to produce crops prior to December 23, 1985, and the conservation system or plan has been approved, applied, and maintained prior to July 3, 1996,	Has already been met, providing the plan or system is continued to be applied and maintained, and— <ul style="list-style-type: none"> • The same person continues to use the original conservation system, or revises the system to provide an equal or greater level of erosion protection. <li style="text-align: center;">or • The new owner and/or operator accepts the approved conservation system or plan and continues to apply and maintain the conservation system or an equivalent conservation system.
Was used to produce crops prior to December 23, 1985, and has a conservation system or plan that has been approved after July 3, 1996,	Is a 75 percent reduction of the potential erodibility, not to exceed two (2) times the soil loss tolerance level for the predominant highly erodible soil map unit in the highly erodible field.
Has no history of crop production prior to July 3, 1996,	Does not apply. Furthermore, in no case will the soil erosion level for sodbusted land exceed the soil loss tolerance. (See NFSAM, paragraph 512.01(f) .)

f Substantial Increase Defined

When developing a conservation system for land converted from native vegetation, a substantial increase in soil erosion is defined as any soil erosion level that is greater than the sustainable level (soil loss tolerance – [T]) of the predominant HEL soil mapping unit in the HEL field. In cases of determining substantial increase, the LS factor will be determined in the field.

g Conservation Field Trials

NRCS may provide opportunities, in appropriate circumstances, for persons to try new techniques or new conservation systems such as conservation field trials. NRCS shall be confident that the proposed technique or conservation system has reasonable likelihood of success.

The following is the procedure for approving and evaluating a conservation field trial.

Step	Action
1	Acquire approval for the field trials from the State Conservationist, following advice provided by the State Technical Committee.
2	Document the use of the field trial in the person's conservation plan and specify within the plan the limited time period during which the field trial is in effect.
3	Evaluate the field trial results to determine if the new technique or conservation system should be included in the FOTG.

512.02 Acceptable Conservation Systems

a Conservation Systems Not Included in the FOTG

A USDA participant may elect to use a conservation system that is not currently included in the local FOTG. If that is the case, then it is the participant's responsibility to demonstrate that the conservation system being used meet all of the HELC requirements and FOTG criteria. (See NFSAM, Part [512.01](#).)

Systems being applied that are not documented in a conservation plan will, as a minimum, be documented for the purposes of determining substantial erosion reduction during a Conservation Compliance Status Review.

b Documenting Conservation Systems

As a minimum, planning documentation should include the following:

- Description of the system being applied.
- Before and after soil loss calculations, including all the factor values used to determine the soil loss.
- Conservation practices necessary to meet the minimum system requirements of the FOTG.

While the conservation plan provides a means of documenting the application of a system that meets the HELC requirements, the HELC provisions do not require that a person have a conservation plan, unless a conservation plan is a specific requirement for approval of an exemption or variance. (See NFSAM, Part [520](#).)

All conservation plans will meet the requirements of this manual, [GM-180, Part 409](#), and the National Planning Procedures Handbook ([NPPH](#)).

c Conservation System Approval Levels

Conservation systems must be developed to meet a USDA participant's specific needs as well as meeting the HELC requirements. Since the stated goals of the HELC provisions are to reduce or prevent excessive soil erosion, NRCS has established approval levels when conservation systems not currently in the FOTG are developed for use on HEL cropland. The conservation system approval levels are as follows:

- The responsible field office employee may approve the HEL conservation system if the predicted erosion rate does not exceed 2T (two times the tolerable erosion rate).
- State Conservationists may approve HEL conservation systems that have a predicted erosion rate of 2T but the predicted rate does not exceed 4T (four times the tolerable erosion rate).

Note: Conservation systems developed and approved in excess of 2T must be supported by appropriate documentation to confirm the need for erosion rates in excess of 2T.

- The appropriate division director shall approve all conservation systems developed in excess of 4T.

d Conservation Systems for HEL Cropland on Expired CRP Contracts

Land being released from the Conservation Reserve Program (CRP) will not be held to a higher conservation standard than any other HEL cropland within the FOTG area.

Either expired or early-release CRP acreage will be considered as cropland with a previously established cropping history where a conservation system has been developed since July 3, 1996. (See NFSAM, paragraph [512.01\(e\)](#).)

If structural practices are needed, and must be applied in sequence, the person will have up to two years following the CRP contract expiration date to complete the conservation system.

e Planning Conservation Systems on Revised HEL Fields

Fields having both HEL and NHEL designations, due to combinations or splitting of fields, will be planned to the required protection level for each portion, unless the person agrees to a greater level of protection for the NHEL portion. (See NFSAM, Section [511.10](#).)

FSA will maintain the field boundary line on the aerial photograph that existed before the producer combined the two fields. The two fields will be connected by a bracket to indicate that the areas have been combined into one field.

Systems will meet the resource and HELC/WC needs and requirements of the land as given in the FOTG.

512.03 Determining Systems Based on RUSLE Technology

a RUSLE and Previously Approved Conservation Systems

The soil loss levels for conservation systems developed using other sheet and rill erosion soil loss prediction technology as documented in the FOTG for HELC purposes will be recalculated using the current version of RUSLE to establish the new soil loss value for the conservation system.

USLE factor values must not be used in RUSLE calculations; RUSLE estimates must not be compared to USLE estimates.

RUSLE soil-loss estimates must be used to make comparisons with actual RUSLE soil losses determined during a conservation system review or a Compliance Status Review. (See NFSAM, Part [518](#).)

Where maximum USLE or RUSLE1 CP values have been used to establish an acceptable HEL conservation system, a corresponding current version of RUSLE soil loss must be established for the same system.

All new conservation systems will be developed and/or evaluated using the current version of RUSLE.

All systems planned, approved, installed, and documented in a conservation plan meeting the criteria of the FOTG prior to July 3, 1996, will meet the HELC/WC requirements.

No system revisions will be required as a result of RUSLE implementation. For optional revisions, see NFSAM, Section [512.04](#).

System revisions, for any reason, will use the RUSLE-based systems included in the FOTG. Implementation of RUSLE will not lessen the compliance standards specified in the current FOTG.

Using RUSLE to develop or revise conservation systems shall involve the use of site specific factor values rather than any default values used in establishing the system. In cases where the RUSLE soil loss for a previous system falls below the T value, the planned system will include only practices necessary to reduce soil losses to T unless the producer is willing to apply more.

b Recalculations for Determining Compliance of Systems

Soil loss levels for systems developed using USLE technology and documented in the FOTG for conservation compliance purposes will be recalculated using the current version of RUSLE. The new RUSLE value will establish the acceptable the standard for the soil loss value of the conservation system based on the current version of RUSLE.

- Universal Soil Loss Equation (USLE) factor values are not to be used in RUSLE calculations nor are RUSLE estimates to be compared to USLE estimates.
- RUSLE1 factor values are not to be used in RUSLE 1 calculations nor are RUSLE2 estimates to be compared to RUSLE1 estimates.

Use the current version of RUSLE and current standards in the FOTG to evaluate systems actually applied, systems that were applied differently from those specified in the conservation plan adopted by the producer, or where a conservation plan was not developed.

c Compliance Reviews and RUSLE

The current version of RUSLE must be used to calculate sheet and rill erosion for all compliance reviews. Before any person is found “not applying” (NA), the current version of RUSLE will be used to evaluate the system soil loss.

Current RUSLE technology will be used to determine if the system meets the FOTG criteria to compare the predicted RUSLE erosion level with the actual RUSLE soil loss level of the system as applied.

d Residue Measurements for RUSLE

RUSLE takes into account residue incorporated into the top two inches of the soil as well as the effects of the growing crop and surface residues on soil erosion.

512.04 Revising HEL Conservation Systems

a Providing Assistance For Revisions

NRCS may provide technical assistance in revising a conservation system included in a conservation plan at the request of the owner or operator. Priorities for revising conservation plans will be determined locally with oversight provided by the second-level supervisor.

b When To Revise a Conservation System

An existing HEL conservation system shall be revised at the request of the owner and/or operator or because of substantial farm changes, such as the following:

- Farm and/or field size
- Farm enterprise
- Conservation system
- Farm owner
- Farm operator
- As a requirement of an exemption or variance

A system revision cannot occur during the status review. However, if an approved conservation system other than the one documented in the plan is found during a compliance status review and it is the basis for a “UA,” it must be documented in a conservation plan.

Revisions may include provisions for other conservation programs and for the consolidation of all conservation planning decisions into one document.

c Technical Requirement

The revised HEL conservation system must meet current requirements of this manual, and the FOTG. (See NFSAM, Part 512, [Subpart A](#)).

d Revision Signatures

A copy of the most recent plan revision, including the signature page, will be maintained in the case file. It shall be approved and signed by the person, DC, and CD any time changes or corrections are made.

e Revised Systems for a New Operator

When revising an existing conservation system for a new operator all of the following items are required—

- The minimum level of protection for the new system must be the level of protection provided by the previously applied conservation system.
- All previously established conservation practices including treatment for ephemeral gully erosion must be maintained by the new operator.
- The previous level of soil protection constitutes the “before treatment” soil-loss levels.

The present conservation treatment system must be evaluated using the current version of RUSLE.

f Revising HEL Conservation Systems Due to an NRCS Technical Error

If an NRCS technical error has been found, the USDA participant will remain eligible for USDA benefits during the current program participation year. However, to maintain USDA program benefit eligibility, the participant must develop and begin to implement, a revised HEL conservation system before the next crop year.

If an NRCS technical error is found resulting in an incorrect HEL conservation system—

- Immediately contact the USDA participant(s).
- Work with the participant in revising the HEL conservation system to fully comply with the HELC provisions.
- Schedule conservation practices for implementation as soon as possible. Full HEL conservation system implementation must be completed not later than one year following the revision due to the NRCS technical error.

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512.10 Requirements of an HEL Conservation Plan

a Definition of a Conservation Plan

An HEL conservation plan contains a USDA participant's decisions regarding the conservation system being used when producing agricultural commodity crops on highly erodible cropland. A conservation plan is a document that—

- Describes the conservation system to be applied.
- Documents the status of system application.
- Describes the decisions of the person with respect to location, land use, tillage systems, and conservation treatment measures and schedules.
- Is approved by the local soil conservation district.

b Conservation Plan Goals

All USDA participants will be encouraged to develop a conservation plan to document the decisions made about and the application of a conservation system. At the request of the participant, NRCS shall provide technical assistance to develop a conservation plan for the purposes of documenting the decisions about an HEL conservation system. Available workload priorities and staffing limitations shall be considered.

c Requirements of a Conservation Plan

When required, a conservation plan that will meet the HELC requirements in the provisions will be developed according to the policy and procedures in the following NRCS policy documents:

- [GM-180, Part 409](#) Conservation Planning Policy.
- [National Planning Procedures Handbook](#) (NPPH)
- [GM-450, Part 401](#)
- NFSAM, Part 512, [Subpart B](#)

HEL conservation plans will meet the FOTG requirements of the FOTG in use at the time the plan is developed.

d Working with the Landowner

Whenever possible, the conservation plan or system should be developed with both the owner and the operator. This will ensure continuity of the plan as tenants or operators change.

e Contents of a Conservation Plan

The HEL conservation plan document will contain as a minimum the following:

- Statements documenting the USDA participant's decisions regarding erosion reduction treatment for all forms of erosion identified on the HEL fields, including treatments described in Section III of the FOTG.

- Documentation of required treatment that will result in substantial reduction in the following types of erosion and meet FOTG requirements:
 - Sheet and rill
 - Wind
 - Ephemeral gully
- Maps and other information to meet the requirements of the NPPH and this manual.

f Existing Conservation Plans

Use an existing conservation plan or system to the extent possible when providing technical assistance to develop an HEL conservation plan.

g Details and Documentation

The following table provides specific guidance on the documentation required in an HEL conservation plan.

Item	Subject	Details and Documentation Needed
1	Aerial Photocopy	Field numbers, tract number, field acres, HEL and wetland symbols if applicable, and show location of structural practices.
2	HEL Fields	Identify each highly erodible cropland field by number. Use the field numbers and acres assigned by FSA to the extent possible. Note: Conservation systems included in the FOTG will indicate that all HEL fields will have erosion reduced to the required level of erosion. (See NFSAM, Section 512, Subpart A, Section 512.01(e) .)
3	Scheduled Application of Practices	Ensure that each practice is scheduled to be applied in a logical sequence. Conservation practices and management measures will be scheduled and will be applied within one year for those conservation plans developed for— <ul style="list-style-type: none"> • Highly erodible cropland fields not previously covered under an approved conservation plan. • Conservation plans developed as a result of a potential violation discovered while providing technical assistance. • Conservation plans developed by the responsible person as a result of a good-faith determination provided by FSA. Note: On land coming out of a CRP contract where the newly developed conservation system requires structural conservation practices or measures, an installation period not to exceed two years from the plan date will be provided in order to ensure that

Item	Subject	Details and Documentation Needed
		adequate outlets have been established.
4	NRCS Practice Code Number	Only practices listed in Section IV of the FOTG or local treatments described and approved in Section III of the FOTG will be used.
5	Purpose of the Practice	Describe the natural resource problem to be solved or reduced by the planned practice or conservation system.
6	Practice Narrative	Will contain— <ul style="list-style-type: none"> • Official practice name. • Specifications for proper implementation. Criteria NRCS will use to determine when the practice is satisfactorily implemented.

512.11 Developing and Approving HEL Conservation Plans

a Newly Acquired Land

When a USDA participant acquires land previously covered by an existing HEL conservation plan or conservation system, the level of soil erosion control established through implementation of that conservation system sets the maximum allowable soil loss for any new or revised HEL conservation plan or conservation system.

In order to maintain compliance with the HELC requirements, a producer must—

- Use an HEL conservation system that meets both FOTG criteria and the soil loss reduction criteria previously established. (See NFSAM Paragraph [512.01\(e\)](#).)
- Use the existing HEL conservation system by formally adopting, applying, and maintaining the existing HEL conservation system included in the conservation plan for the newly acquired land.

Systems documented in an official conservation plan will meet the requirements of the FOTG in use at the time the system was developed.

b FSA - Farm Credit Inventory Farms

The 1985 Act, as amended, requires FSA Farm Credit to secure the services of NRCS on all farms held in FSA Farm Credit inventory. After determinations are completed, FSA - Farm Credit will request NRCS assistance in developing a conservation plan for inventory farms, or prepare a set of recommendations that, as a minimum, will protect the highly erodible cropland fields and wetlands.

NRCS will include the following requirements in the recommendations:

- Where highly erodible cropland fields are currently in permanent protective vegetation, maintaining the vegetation will be a part of the lease or a condition of the sale.
- Where highly erodible cropland fields are currently being cropped, the fields will be seeded to permanent vegetation and the cover maintained to provide protection from erosion.
- Where it is necessary to produce crops on highly erodible cropland fields, the land will be cropped according to an approved HEL conservation system.

c Planning Guide for FSA Farm Credit Properties

This table provides information on providing planning assistance for FSA-Farm Credit Inventory properties.

IF the land...	THEN the decisionmaker is...
Will not be sold or leased in the current year,	FSA Farm Credit
Is or will be leased,	FSA Farm Credit and lessee jointly.
Is sold,	The new owner.

d FSA Farm Credit Borrower Farms

After determinations are made and if there is not sufficient time to develop a conservation plan for the HEL cropland, NRCS will provide information to the FSA Farm Credit County Supervisor that indicates whether the implementation of the anticipated conservation plan relative to other conservation plans in the county will be—

- Low in cost
- Moderate in cost
- High in cost

Note: The conservation plan will become part of the terms of FSA-Farm Credit long-term loans.

e Acceptance of the HEL Conservation Plan

A conservation plan developed at the request of the USDA participant and used to document decisions pertaining to an HEL conservation system will be signed as accepted by the USDA participant and the NRCS representative and approved by the local conservation district.

If there is no conservation district, a statement to indicate that NRCS is providing the approval in the absence of the conservation district will be included.

f Conservation District Approval Process

Conservation District officials shall review and recommend conservation systems for inclusion in the local FOTG. In addition, a conservation district representative shall have an opportunity to review and approve or disapprove new and revised HEL conservation plans.

Exception: In areas where there is no conservation district, NRCS will approve the conservation plans. If the Conservation District—

- Takes no action to approve or disapprove HEL conservation plans submitted within 45 days, then NRCS shall approve the plan if all HEL and FOTG requirements have been met.
- Approves the HEL conservation plan, upon signature of the CD official, the HEL conservation plan is final.
- Disapproves the HEL conservation plan, the USDA participant may either—
 - Prepare an amended plan and resubmit that HEL conservation plan for approval.
 - Request reconsideration of the original conservation plan by the CD.
- Does not approve a specific category or group of HEL conservation plans after NRCS has determined that all HELC and FOTG requirements have been met, NRCS will approve the plans without requiring the USDA participant to use the informal administrative appeals process.

g Conservation District Cooperator

There is no requirement for persons requesting HELC/WC assistance to become conservation district cooperators. However, when working with persons, NRCS shall encourage them to consider becoming conservation district cooperators.

h FSA Notification of Conservation Plan Implementation

FSA does not require notification that the USDA participant has completed the application of all practices in an HEL conservation system or conservation plan, unless specifically required for any of the following reasons:

- Reinstatement following a “not actively applying determination.”
- As a condition of a “good-faith exemption.”

FSA will consider the USDA participant to be in compliance with the HELC provisions through the participant’s certification of item 13, on the AD—1026 unless NRCS informs FSA of a violation by requesting and submitting an FSA—569.

512.12 Retaining and Filing HEL Conservation Plans

a Introduction

A case file is used to maintain records of conservation activities including HEL and wetland determinations for each tract. It may also include records of other activities such as CRP, EQIP, WRP, FIP, and other conservation programs applicable to the tract.

b Establishing a Case File

Field offices shall establish and maintain case files in for all tracts for which HELC/WC determinations and HEL conservation system planning, application, or other related materials have been developed. Case files shall be established and maintained as set forth in GM-120, Part 408.

c Documents To Include in the Case File

A case file provides the location of all information and documentation related to NRCS assistance on the tract. The case file document should include the following:

- HEL and wetland determinations made for each tract.
- The conservation system for the tract.
- The status of application of the conservation system and whether the system meets the HELC requirements.

d HEL Conservation Plan Retention

The official signed copy of the plan is always retained in the case file. All documents relating to HELC/WC shall be retained according to the schedule set forth in [GM-120, Part 408](#).

e New Plan Document

A new plan prepared at the request of the person must be printed and signed when a revision occurs.

f Revised Plan Documents

A copy of the most recent plan revision, including the signature page, will be maintained in the case file. Revised HEL conservation plan documents shall be—

- Stored in the case file as the official plan.
- Approved and signed by the person, the NRCS representative, and the CD representative any time changes or corrections are made.

g Disposition of Obsolete Plans

NRCS should archive these case files. The HEL and wetland determinations that may have been made are permanent and remain with the land. Other information collected about the tract will likely be useful in the future.

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512.20 Actions To Take in the Event of a Natural Disaster

a General

In situations where a significant area is affected by a natural disaster that has severe adverse effects upon the ability of persons to apply, use, or maintain conservation practices, the State Conservationist shall—

- Provide general guidance to the potentially effected persons relative to HELC/WC.
- In consultation with the State Technical Committee, develop guidance specific to the type of disaster including, but not limited to, any of the following:
 - Standards and specifications for alternative conservation practices to apply in lieu of the current system requirements (e.g. haying and grazing plans on CRP acreage).
 - Specific guidance relative to granting widespread variance for a weather-related disaster.
 - Operation and maintenance guidance.
 - Identification of the conditions resulting from the natural disaster and the expected effect on existing or new conservation practices;
 - Specific actions expected to be taken with regard to conservation practice repair, use, and maintenance to ensure that continued eligibility for USDA benefits will be maintained.
 - Practices for which variances will be granted where appropriate. (See NFSAM, [Part 518](#) or NFSAM [Part 520](#).)
 - Specific actions that NRCS will take when conducting reviews and providing assistance.

b Public Information

NRCS shall provide guidance to the public and to USDA participants in a form and manner that will make it available to all persons who may have been affected by the natural disaster.

512.21 Conservation Plan Operation and Maintenance

a Introduction

Once a practice is applied, HELC provisions require maintenance so that the practice controls erosion as originally intended. The functional life of a practice starts with construction and ends when it fails to provide the benefits it was designed to provide.

Between the time the practice is first built and when replacement is required, the practice will not always be at 100 percent of the design requirement and will periodically require maintenance. At some point, the maintenance need is so great the practice must be rebuilt to FOTG standards and specifications. The amount and type of maintenance required depends on a number of factors, including the condition and age of the practice, storm events, and so forth.

The FOTG lists the following:

- Expected maintenance problems.
- Likely maintenance needs for most practices.
- Specific methods for proper operation and maintenance of some practices.

b Policy

Operation and maintenance (O&M)—

- Is required for all conservation practices included in a conservation plan or used in a conservation system regardless of their complexity.
- Is discussed with the producer during the planning process.

Job sheets or maintenance sheets may be included as part of the plan to explain maintenance requirement details.

Practice O&M requirements shall be included in the HEL conservation plan. It is recommended that practices with complex O&M requirements be referenced to maintenance job sheets and/or practice-specific required O&M plans.

c Typical O&M Requirements

Typical O&M requirements include the following:

- An annual O&M inspection. NRCS may have an appropriate check list available.
- Repair of any significant damage to the structure and/or vegetation.
- Replacement of any failed practice components.
- Replacement of any settled or eroded fill areas.
- Removal of any accumulated sediment from waterways, and so forth.
- Re-seeding of acreages as needed.

d Procedure for Notifying of O&M Needs

If conditions are found that indicate the practice needs maintenance and is not functioning as intended, or the practice applied does not meet the specifications in the FOTG, the following policy shall apply:

- Identify practice(s) deficiencies and maintenance needs.

Note: The deficiencies should quantify amounts such as percent of waterway and terrace washouts, row grade of the planned and applied contour system, etc.

- Document the conservation practice repairs needed.
- Within 10 days, notify the USDA participant in writing of the following:
 - Required corrective action must be completed in order to meet the FOTG and HELC requirements.
 - NRCS assistance is available if needed.
 - The tract/field will be placed on the following year's compliance review list to ensure that the O&M item has been completed.

512.22 Updating HELC Records

a Responsibilities

Establishing, maintaining, and updating HELC records is the responsibility of the USDA participant and FSA. NRCS is not required to take action to update NRCS records until notified by the person of any changes requested.

When this occurs, NRCS will provide technical assistance as requested to develop and/or revise an HEL conservation plan or conservation system on a tract as workload permits.

b Reconstitution

FSA reconstitutes a farm when there is a change in any of the following:

- Ownership of a tract or a part of a tract
- Addition of land
- Sale of a part of the tract or farm
- Combination of all land ownership

c FSA Notification of Person

FSA has agreed to notify new tract owners and operators of—

- Existing HEL and wetland determinations made for the tract.
- The current status of the conservation plan for the tract.
- Their responsibility to contact NRCS regarding plan adoption or revision.

d Information from FSA on Reconstituted Farms

FSA will report changes resulting from a reconstitution to NRCS by:

- Data share, when available
- Form FSA-156EZ
- Aerial photocopies with previous tract and reconstituted tract information.

e When To Update Plans

When the person signs an AD-1026, he/she—

- Accepted the existing conservation plan or system.
- Has accepted the treatment level designated in the plan.
- Has agreed to apply a conservation system for the tract.

The existing conservation plan or system stays in effect until the current operator or owner requests and prepares a revised conservation plan.

Conservation plans and systems will not be revised without the concurrence of the person(s).

f When To Update HELC Records

Update the case file to reflect changes in conservation plans or systems requested by the producer or, if needed, changes resulting from a farm reconstitution.

