



February 3, 2020

To: Resource Conservation District Board Members

Subject: New State-Level Memorandum of Agreement between NRCS, CARCD and individual Resource Conservations Districts

We are excited to report our joint efforts to finalize a new state-level Memorandum of Agreement between CA-NRCS, the California Association of Resource Conservation Districts (CARCD) and each individual Resource Conservation District (RCD) has been completed. The original national MOA template has been reviewed and edited by the CARCD board members after which, a draft copy was distributed to all RCDs in July/August 2019 for their review and concurrence. Attached is the final RCD-MOA, MOA attachments and a MOA fact sheet.

NRCS District Conservationists across the State will present this MOA to the RCD Directors with the appropriate RCD name in the agreement for signature. After the RCD signs the MOA, we will provide the agreement to Don Butz, President, CARCD, for signature and he will return the agreement to Carlos Suarez, State Conservationist. A copy of the final signed agreement will be returned to each RCD. The original copy of each agreement will be kept at the CA-NRCS state office.

For the board's information, attached is a MOA fact sheet which includes the following:

- Background information;
- Why a new agreement is necessary;
- Why a name change;
- What's in the new agreement, and are there any negative impacts;
- History of our partnerships;
- What we can do together, and the intent.

If you have any questions please contact Gayle Barry, Special Assistant to the State Conservationist at 530-792-5661 or gayle.barry@usda.gov.

Thank you so much for your continued partnership.



Carlos Suarez
State Conservationist

with attachments:
RCD-MOA
MOA Attachments
MOA Fact Sheet

MEMORANDUM OF AGREEMENT
BETWEEN THE
United States Department of Agriculture, Natural Resources Conservation Service
AND
San Mateo Resource Conservation District, State of California
AND THE
California Association of Resource Conservation Districts

I. PURPOSE

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (hereafter referred to as NRCS) and the San Mateo Resource Conservation District (hereafter referred to as Resource Conservation District), and the California Association of Resource Conservation Districts.

The NRCS and San Mateo Resource Conservation District (referred to jointly as the Parties) have common objectives of delivering technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands. The Parties recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. This agreement is made and entered into with the objectives of:

- Continuing to support the delivery of excellent and innovative customer service;
- Recognizing conservation planning as foundational to our work and working together to meet the conservation planning assistance needs of our cooperatives/customers.
- Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- Continuing and broadening our outreach to existing and new customers and partners;
- Supporting science-based decision making as close to the resource issue/opportunity as possible;
- Encouraging a voluntary approach with landowners as the primary means of accomplishing conservation goals; and
- Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation.

II. BACKGROUND

The NRCS and San Mateo Resource Conservation District share a rich history of collaborating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources.

The Soil Conservation Service was established in 1935 (renamed NRCS in 1994 to reflect its broader conservation mission). NRCS is committed to “helping people help the land.” It provides assistance and resources for conservation practices that improve water and air quality, prevent erosion, restore wetlands, and enhance wildlife. NRCS’s approach to mission delivery and customer service is deeply rooted in the notion that locally-led, voluntary efforts yield the most effective and productive outcomes. Locally-led conservation is the principle that farmers, ranchers, and forest stewards know their lands better than anyone else based on their personal knowledge and experience with those lands. As such, they are best positioned to make optimal decisions for the benefit of their operations, their natural resource conditions, and their communities.

The first Conservation District was established in 1937 to provide local leadership in natural resources management. Resource Conservation Districts serve as the link between federal and state agency resources with the local farmers, ranchers, and forest stewards. They are responsible for promoting and carrying out their conservation programs by assisting communities and its members develop, apply, and maintain appropriate conservation practices and resource management systems. They are authorized to provide broad area planning and implementation assistance to units of government. They are a focal point for coordinating and delivering conservation technical assistance and funding to their respective communities.

III. STATEMENT OF MUTUAL BENEFIT

In conjunction with the NRCS, the San Mateo Resource Conservation District coordinates and implements locally led conservation plans because of to their connections to Federal, State, Tribal, and local governments; private resources; and the public. The Parties agree to facilitate cooperation, collaboration, and agreement between agencies, landowners, and other stakeholders; develop comprehensive conservation plans; and bring those plans to the attention of landowners and others within the district.

In addition, the Parties recognize the importance of working together to broaden strategic assessment and planning under the authority of the Soil and Water Resources Conservation Act of 1977 for the conservation, protection, and enhancement of soil, water, and related natural resources. The Parties further recognize that natural resources are finite and under increasing pressure from a variety of impacts and demands. Soil, water, air, plants, animals, and energy are all addressed under the programs, initiatives, and partnership efforts of the Parties.

In order to deliver the necessary technical and financial assistance to enable locally-led, voluntary conservation, the Parties agree to adhere to the principles, roles, and responsibilities outlined in this Section of the MOA. This MOA does not affect or modify existing regulations or agency responsibilities and authorities. Moreover, this MOA does not commit either party to activities beyond the scope of its respective mission and statutory authorities.

A. Locally-Led, Voluntary Conservation

The Parties agree that locally-led, voluntary conservation must be driven by natural resource conservation needs, rather than by funding. Its primary focus is to identify natural resource concerns, along with related economic and social concerns. Locally-led conservation consists of a series of activities and phases that involve community stakeholders in natural resource planning, implementation of solutions, and evaluation of results:

As funding and other resources allow, the Resource Conservation District agrees to:

- Assist NRCS in promoting USDA programs by participating in outreach and community education activities.
- Advocate for a strong natural resource conservation program by keeping appropriate boards, landowners, legislators, county agricultural commissioners, and other key stakeholders apprised of District conservation activities.
- Assemble and chair the USDA local working group, as chartered under the State Technical Committee and authorized by 7 CFR 610, Part C to encourage public participation.
- ❖ Refer to MOA Attachments, Appendix B, which is a full text of 7 CFR 610, Part C and available upon request. The language for the State Technical Committee authorized by 7 CRF 610, Part C may change, in the future, with a new farm bill. To see the latest State Technical Committee authorization, go to:

<https://www.law.cornell.edu/cfr/text/7/part-610/subpart-C>

*Legal Information Institute; Electronic Code of Federal Regulations; Title 7. Agriculture; Subtitle B. Regulations for the Department of Agriculture; Chapter VI NRCS, Subpart B, Conservation Programs; NRCS 7 CFR Subpart C-State Technical **Committees.***

- Encourage diverse participation in local working groups through community outreach and education, to include stakeholders from historically underserved communities.
- Open local working group meetings to the public and provide public notice of meetings to federal, state, Tribal entities, local agencies and community stakeholders, including using Tribal publications if they exist in the district, including historical lands.
- Develop the agenda and associated materials/information for local working groups and distribute at least 14 calendar days prior to the meeting.
- Develop and file local working group meeting records at the local NRCS office within 30 calendar days of the meetings.
- Adhere to local working group responsibilities and standard operating procedures, as documented in NRCS policy, Title 440, Part 500 - Conservation Programs Manual, Locally Led Conservation.
 - ❖ Refer to MOA Attachments, Appendix C, which is a full text of Title 440, Part 500- Conservation Programs Manual: Locally Led Conservation and is available upon request. Title 440, Part 500 -Conservation Programs Manual, Locally Led Conservation may be revised in the future. To see the latest Title 440, Part 500 - Conservation Programs Manual, Locally Led Conservation go to:

<https://directives.sc.egov.usda.gov/RollupViewer.aspx?hid=27712>

- Develop a conservation needs assessment through broad-based community participation and in accordance with NRCS policy and procedures. This will provide a basis for making decisions about local priorities or policies in all local conservation programs.
- Recommend local natural resource priorities and criteria for NRCS conservation activities and programs based on the conservation needs assessment and public input.
- Develop a Long-Range Plan every three (3) to five (5) years and an Annual Plan of Work and/or Plan of Operations each year, or as specified in state statute. These documents must incorporate local and community inputs.
- Identify NRCS program resources, develop and implement conservation plans and work with NRCS to evaluate/measure the technical and community impacts.
- Update NRCS on conservation activities of local and state advisory committees and community groups attended by resource conservation district board members and staff.
- Cooperate and collaborate across other resource conservation districts, as appropriate and as permitted by state statute.

NRCS agrees to:

- Support outreach activities and ensure the Resource Conservation District is kept informed of NRCS activities and programs on at least a monthly basis. This includes bringing technical and financial assistance opportunities (including matching fund strategies) to the attention of the Resource Conservation District.
- Work cooperatively to solicit and leverage community recommendations to inform priorities that guide the delivery of NRCS conservation programs.
 - Designate a NRCS representative to participate in Resource Conservation District meetings and events, including local working group meetings. Alternatively, NRCS will chair the local working group should the Resource Conservation District be unable or unwilling to.
 - Develop and transmit written notifications to the local working group members as to the decisions made in response to their recommendations within 90 days.
- Respond to requests from the Resource Conservation District for technical guidance and assistance.

- Partner with local and Tribal entities and agencies, as well as community groups where possible, to further Resource Conservation District natural resource conservation goals and objectives.
- Attempt to align program priorities within the resource conservation district with the natural resource concerns identified by the local working group.
- Provide an annual summary of NRCS accomplishments to the Resource Conservation District.
- Work with resource conservation districts to identify NRCS program resources, develop and implement conservation practices/plans and to measure the technical and community outcomes of conservation efforts.

B. Adherence to Technical Standards

The Parties agree to the use of science-based decision-making to address local natural resource issues. Implementation of sound conservation plans and practices will strengthen each party, as well as their roles in the delivery of soil and water conservation.

The Resource Conservation District agrees to:

- Adhere to Federal, State, Local, and Tribal laws and regulations.
- Utilize NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and/or other science-based technical standards as applicable to the local conservation priorities and activities.
- Leverage and promote use of USDA technologies and software applications, as appropriate.
- When implementing NRCS conservation practices on behalf of, or in partnership with NRCS, assign conservation practice job approval authority to its personnel based on employee knowledge, skill, and ability level, and within applicable laws and guidelines. Obtain NRCS concurrence for job approval for practices involving USDA authorities or programs.
- As funding and other resources allow, participate in local, state, and national opportunities for policy, program, and project development.

NRCS agrees to:

- Develop, update, and disseminate technical standards, policies, and procedures.
- Seek input and comment from communities on natural resource conservation policies and issues.
- Inform the Resource Conservation District and communities when pending NRCS statutes, laws, regulations, policies, or procedures may have a significant impact on the community.
- Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
- Evaluate non-NRCS employees and assign job approval authority in accordance with NRCS policy and consistent with State laws when districts are implementing NRCS conservation practices in partnership with, or on behalf of, NRCS.
- Provide engineering job approval, when Resource Conservation Districts are implementing NRCS conservation practices in partnership with, or on behalf of NRCS, as based on job class and in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
- Provide conservation planning certification for Resource Conservation District employees, as requested, and in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
- Create and promote opportunities for the Resource Conservation District board members and staff to participate in NRCS policy, program, and project development.

- Provide technical or other training for Resource Conservation District employees in conjunction with its own training, or as separate events. Training must be consistent with and in support of NRCS’s mission objectives. As such, the principal emphasis will be on the support and delivery of field-based conservation technical assistance.

C. California Association of Resource Conservation Districts (CARCD)

The California Association of Resource Conservation Districts (CARCD) serves as a strong advocate, technical resource, and partner to RCDs in achieving the vision for the RCD field. CARCD builds the network and local impact of RCDs in California, strengthening locally-led conservation and stewardship of natural and agricultural resources. CARCD believes Resource Conservation Districts have greater impact working collectively than working alone and a strong State Association provides a powerful voice for their needs.

CARCD agrees to:

- Participate in State level work groups, committees, and public venues to educate partners and funders about the critical role RCDs play across communities in California.
- Work with State and Federal Agencies to define the potential for CARCD to serve as lead funding recipient in a model where partnerships with one or more RCDs will enhance strategic or program outcomes.
- Develop tools for all RCDs that want to explore the potential for greater conservation involvement and input to conservation efforts.
- Conduct surveys as needed of RCDs to identify partnership needs.
- Plan and host a state-wide Annual Conference with content driven by the conservation needs of California.
- Identify existing resources (NACD, CSDA, NRCS) for webinars and trainings focused on conservation.
- Host an online RCD-exchange portal to include an RCD directory, event calendar, communication and capacity building tools, message boards, and a Resource Library for all RCDs to provide information that can be posted.
- Develop management training series to build the capacity and competencies of District Managers to implement local conservation priorities and chair local work group meetings.
- Develop a board training series to support board effectiveness.
- Provide targeted support to regional networks.
- Develop and disseminate tools for engagement and relationship-building with government decision-makers.

D. Data and Information Sharing

Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552). Cooperators providing technical or financial assistance under USDA programs may have access to information that must not be subsequently disclosed and may only be used for the purpose of providing that assistance. The parties also acknowledge that resource conservation districts are subject to the California Public Records Act.

See Appendix A, “ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS.” The signatory agrees to abide by these requirements as a condition of receiving access to such information.

IV. GENERAL PROVISIONS

A. Period of Performance

This MOA takes effect upon the signature of the Parties and shall remain in effect until mutually modified or terminated.

B. Amendments

This MOA may be extended or amended upon written request of either Party and the subsequent written concurrence of the other. Either of the parties may terminate this MOA with a 60-day written notice to the other.

This state-level MOA may be supplemented by a local-level MOA, if desired and mutually agreed to by the parties. The local-level MOA reflects locally developed detailed working arrangements, to include NRCS's and Resource Conservation District's Annual Workplan and/or Plan of Operations. These may include, but are not limited to, documenting specific goals and objectives, action items, provision for documentation of accomplishments, schedule of planned events, and assignment of responsibilities.

C. Transfer of Funding or Non-Monetary Resources

This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:

- Office spaces and equipment/supplies
- Vehicles and associated expenses (e.g., fuel, maintenance)
- Computers, software, and technical equipment

The transfer of funding or other resources of value among the Parties requires execution of a separate agreement. The appropriate instruments include:

- Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose authorized by law of the United States.
- Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
- Reimbursable Agreement (31 USC 686; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

D. Other

This MOA is not intended to, and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.

All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance from the Department of Agriculture or any Agency thereof.

All activities, funded by the NRCS, shall be in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).

V. SIGNATURES

SAN MATEO RESOURCE CONSERVATION DISTRICT

Signature: _____ **Date:** _____
Barbara Kossy, President

CALIFORNIA ASSOCIATION OF RESOURCE CONSERVATION DISTRICTS

_____ **Date:** _____
Don Butz, President

USDA NATURAL RESOURCES CONSERVATION SERVICE

_____ **Date:** _____
Carlos Suarez, State Conservationist

Appendix A

Acknowledgement of Requirements for Protection of Privacy of Personal and Geospatial Information Relating to Natural Resources Conservation Service Programs

SEC. 1619. INFORMATION GATHERING. (Appendix C – Section 1619 of the 2008 Farm Bill)

- (a) GEOSPATIAL SYSTEMS. — The Secretary shall ensure that all the geospatial data of the agencies of the
- (b) Department of Agriculture are portable and standardized.

(b) LIMITATION ON DISCLOSURES. —

(1) **DEFINITION OF AGRICULTURAL OPERATION.** — In this subsection, the term “agricultural operation” includes the production and marketing of agricultural commodities and livestock.

(2) **PROHIBITION.** — Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) **AUTHORIZED DISCLOSURES.** —

(A) **LIMITED RELEASE OF INFORMATION.** — If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) when providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) when responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) **EXCEPTIONS.** — Nothing in this subsection affects—

(A) the disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) the disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) individual owner, operator, or producer; or

(ii) specific data gathering site; or

(C) the disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) **CONDITION OF OTHER PROGRAMS.** — The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph

(6) **WAIVER OF PRIVILEGE OR PROTECTION.** — The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.



Memorandum of Agreement Fact Sheet

Background Information:

NRCS is in the process of replacing the current State Level Cooperative Working Agreement (CWA) (signed in 1999), with each Resource Conservation District, with a new **Memorandum of Agreement (MOA)**.

- Currently NRCS has a state level Cooperative Working Agreement with each Resource Conservation District. These Cooperative Working Agreements will be replaced with a new Memorandum of Agreement.
- The Memorandum of Agreement is between California-NRCS, California Association of Resource Conservation Districts, and each Resource Conservation District.
 - The Memorandum of Agreement documents the relationship and basic framework for the cooperation between NRCS, and the Resource Conservation District on a statewide basis.
 - Neither funding nor things of value can be transferred through the Memorandum of Agreement.
 - The Memorandum of Agreement is not a legally or financially binding document.

Why New Agreements with Resource Conservation Districts:

- NRCS now falls under a new branch of USDA called Farm Production and Conservation (FPAC). The administrative functions of the component Agencies (NRCS, FSA and RMA) have been merged. Thus, numerous supporting documents are being looked at with fresh eyes, including the Agreements that Soil Conservation Service (SCS) and NRCS have operated under with conservation districts for the last 80 years. Now we are being directed to reformat and re-sign these documents to bring them up-to-date and make them consistent with the language used across FPAC.

Why a Name Change:

- The reason to change the name from Cooperative Working Agreement to Memorandum of Agreement is to ensure the correct and legal use of the partnership agreement.
 - The state level Cooperative Working Agreement was previously improperly used as a Memorandum of Agreement, which documents the working relationship between NRCS and RCD's but is not legally or financially binding
 - Memorandum of Agreements are very different from Cooperative Agreements, which are used for securing agreements of monetary

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value or imply transfer of funds. Memorandum of Agreements cannot be used in exchange of monetary value or transfer of funds.

- Cooperative Agreements are legally or financially binding and imply there is some type of monetary transfer and is a legal or financial binding document.

What's in the New Memorandum of Agreement:

- Several additions have been made to the Memorandum of Agreement which were highlighted in the 2018 Farm Bill and subsequently prompted NRCS to review the Cooperative Working Agreement for quality assurance. The Memorandum of Agreement has been updated nationally with a statement of mutual benefit. The following language additions have been made:
 - Emphasis on locally-led voluntary conservation has been added;
 - Specific language on what NRCS and the RCD's shall do regarding locally-led voluntary conservation and adherence to technical standards;
 - To include language on data and information sharing; and
 - A section on general provisions that address period of performance, amendments and transfer of funding or non-monetary resources.

Are there any negative impacts?

- *We do not expect this to have any negative impacts* on our relationship with the California Association of Resource Conservation Districts, or individual Resource Conservation Districts. In fact, this is a positive thing that we will be codifying in current terms the historic relationship between NRCS and our District partners. It's not surprising that across 50 states, 2 territories and 85 years our many agreements have gotten a bit "individualized." FPAC is developing a standard template and now our agreements will be similar from Alabama to Wyoming.

History of Partnerships:

- The Brown Creek Soil Conservation District in North Carolina signed the first Memorandum of Understanding, (currently called a Cooperative Working Agreement and soon to be replaced by a new Memorandum of Agreement) with USDA in 1937. The acreage in districts topped the two billion mark in 1973. Beginning in 1980, Native Americans organized districts and began receiving assistance from NRCS as well.
- Partnerships expand the reach and depth of conservation on the land. It is our duty to provide quality assistance to farmers, ranchers and landowners to ensure protection of our nation's lands. Individually the federal and state agencies, nonprofit groups, and Resource Conservation Districts that comprise our conservation partnerships have a diversity of expertise in discipline,

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location/area, and focus. As partners in conservation, these groups share their unique areas of expertise and conservation work to put more conservation on the land.

What we can do together:

- Approve conservation plans, in accordance with conservation policy;
- Provide technical assistance;
- Provide administrative support;
- Lead the locally led process;
- Provide input on local natural resource concerns and recommendations to NRCS for Conservation Technical Assistance programs;
- Lead local communication and public participation;
- Assist with outreach programs;
- Convene the USDA local working group; and,
- Become a certified TSP.

The intent is:

- Continued support of customer service;
- Strengthen and modernize conservation delivery;
- Outreach to new and existing farmers and partners;
- Encourage a voluntary approach; and,
- Practical approach to conservation of water, soil and environment

If there are any questions concerning the new state-level Memorandum of Agreement, please contact the local District Conservationist or the Area Assistant State Conservationist. Assistant State Conservationist contact info:

- Area 1, Tony Sunseri, 530-737-5217 or tony.sunseri@usda.gov
- Area 2, Kay Joy Barge, 831-975-7763 or kay.joybarge@usda.gov
- Area 3, Sharon Nance, 559-490-5218 or Sharon.nance@usda.gov
- Area 4, Curtis Tarver, 951-684-3722 or Curtis.tarver@usda.gov

MEMORANDUM OF AGREEMENT ATTACHMENTS
Which Include
The Full Text of Appendix B and Appendix C

Appendix B and C are available upon request to the California NRCS State Office or can be downloaded at the following source/link

- ❖ **Appendix B:** 7 CFR 610, Part C: The language for the State Technical Committee authorized by 7 CFR 610, Part C may change, in the future, with a new farm bill. To see the latest State Technical Committee authorization, go to:

<https://www.law.cornell.edu/cfr/text/7/part-610/subpart-C>

Legal Information Institute; Electronic Code of Federal Regulations; Title 7. Agriculture; Subtitle B. Regulations for the Department of Agriculture; Chapter VI NRCS, Subpart B, Conservation Programs; NRCS 7 CFR Subpart C-State Technical Committees.

- ❖ **Appendix C:** Title 440, Part 500 - Conservation Programs Manual., Locally Led Conservation may be revised in the future. To see the latest Title 440, Part 500 - Conservation Programs Manual, Locally Led Conservation go to:

<https://directives.sc.egov.usda.gov/RollupViewer.aspx?hid=27712>

Appendix B

7 CFR 610, Part C

610.21 Purpose and scope.

This subpart sets forth the procedures for establishing and using the advice of State Technical Committees. The Natural Resources Conservation Service (NRCS) will establish in each State a Technical Committee to assist in making recommendations relating to the implementation and technical aspects of natural resource conservation activities and programs. The Department of Agriculture (USDA) will use State Technical Committees in an advisory capacity in the administration of certain conservation programs and initiatives. Pursuant to 16 U.S.C. 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).

610.22 State Technical Committee membership.

- a. State Technical Committees will include agricultural producers, nonindustrial private forest land owners, and other professionals who represent a variety of disciplines in soil, water, wetlands, plant, and wildlife sciences. The State Conservationist in each State will serve as chairperson. The State Technical Committee for each State will include representatives from among the following, if willing to serve:
 - 1. NRCS, USDA;
 - 2. Farm Service Agency, USDA;
 - 3. State Farm Service Agency Committee, USDA;
 - 4. Forest Service, USDA;
 - 5. National Institute of Food and Agriculture, USDA;
 - 6. Each of the Federally recognized Indian Tribes in the State;
 - 7. State departments and agencies within the State, including the:
 - i. Fish and wildlife agency;
 - ii. Forestry agency;
 - iii. Water resources agency;

- iv. Department of agriculture;
 - v. Association of soil and water conservation districts; and
 - vi. Soil and water conservation agency;
8. Agricultural producers representing the variety of crops and livestock or poultry raised within the State;
 9. Owners of nonindustrial private forest land;
 10. Nonprofit organizations, within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986, with demonstrable conservation expertise and experience working with agriculture producers in the State;
 11. Agribusiness; and
 12. The State Cooperative Extension Service and land grant universities in the State.
- a. The State Conservationist will invite other relevant Federal, State, and regional agencies, organizations, and persons knowledgeable about economic and environmental impacts of natural resource conservation techniques and programs to participate as needed.
 - b. To ensure that recommendations of State Technical Committees take into account the needs of the 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; i.e., minorities, women, persons with disabilities, socially and economically disadvantaged groups, and beginning farmers and ranchers.
 - c. In accordance with the guidelines in paragraphs (a), (b), and (c) of this section, it is the responsibility of the State Conservationist to seek a balanced representation of interests among the membership on the State Technical Committee. Individuals or groups wanting to participate on a State Technical Committee within a specific State may submit a request to the State Conservationist that explains their interest and outlines their credentials which they believe are relevant to becoming a member. Decisions regarding membership are at the discretion of the State Conservationist. State Conservationist decisions on membership are final and not appealable to any other individual or group within USDA.

[74 FR 66912, Dec. 17, 2009, as amended at 84 FR 19702, May 6, 2019]

610.23 State Technical Committee meetings.

- a. The State Conservationist, as Chairperson, schedules and conducts the meetings, although a meeting may be requested by any USDA agency or State Technical Committee member.
- b. NRCS will establish and maintain national standard operating procedures governing the operation of State Technical Committees and Local Working Groups in its directive system. The standard operating procedures will outline items such as: The best practice approach to establishing, organizing, and effectively utilizing State Technical Committees and Local Working Groups; direction on publication of State Technical Committee and Local Working Group meeting notices and agendas; State Technical Committee meeting summaries; how to provide feedback on State Conservationist decisions regarding State Technical Committee recommendations; and other items as determined by the Chief.
- c. In addition to the standard operating procedures established under paragraph (b) of this section, the State Conservationist will provide public notice and allow public attendance at State Technical Committee and Local Working Group meetings. The State Conservationist will publish a meeting notice no later than 14 calendar days prior to a State Technical Committee meeting. Notification may exceed this 14-day minimum where State open meeting laws exist and provide for a longer notification period. This minimum 14-day notice requirement may be waived in the case of exceptional conditions, as determined by the State Conservationist. The State Conservationist will publish this notice in at least one or more newspaper(s), including recommended Tribal publications, to attain statewide circulation.

§ 610.24 Responsibilities of State Technical Committees.

- a. Each State Technical Committee established under this subpart will meet on a regular basis, as determined by the State Conservationist, to provide information, analysis, and recommendations to appropriate officials of the U.S. Department of Agriculture (USDA) who are charged with implementing and establishing priorities and criteria for natural resources conservation activities and programs under Title XII of the Food Security Act of 1985 including, but not limited to, the Agricultural Conservation Easement Program, Conservation Reserve Program, Conservation Security Program, Conservation Stewardship Program, Environmental Quality Incentives Program, Conservation Innovation Grants, Conservation of Private Grazing Land, Grassroots Source Water Protection Program, the Voluntary Public Access and Habitat Incentive Program, and the Regional Conservation Partnership Program. The members of the State Technical Committee may also provide input on

other natural resource conservation programs and issues as may be requested by NRCS or other USDA agency heads at the State level as long as they are within the programs authorized by Title XII. Such recommendations may include, but are not limited to, recommendations on:

1. The criteria to be used in prioritizing program applications;
 2. The State-specific application criteria;
 3. Priority natural resource concerns in the State;
 4. Emerging natural resource concerns and program needs; and
 5. Conservation practice standards and specifications.
- a. The role of the State Technical Committee is advisory in nature, and the committee will have no implementation or enforcement authority. The implementing agency reserves the authority to accept or reject the committee's recommendations. However, the implementing USDA agency will give strong consideration to the State Technical Committee's recommendations.
 - b. State Technical Committees will review whether Local Working Groups are addressing State priorities.

[74 FR 66912, Dec. 17, 2009, as amended at 79 FR 44639, Aug. 1, 2014]

610.25 Subcommittees and Local Working Groups.

- a. ***Subcommittees.*** In some situations, specialized subcommittees, made up of State Technical Committee members, may be needed to analyze and examine specific issues. The State Conservationist may assemble certain members, including members of Local Working Groups and other knowledgeable individuals, to discuss, examine, and focus on a particular technical or programmatic topic. The subcommittee may seek public participation, but it is not required to do so. Nevertheless, recommendations resulting from these subcommittee sessions, other than sessions of Local Working Groups, will be made only in a general session of the State Technical Committee where the public is notified and invited to attend. Decisions resulting from recommendations of Local Working Groups will be communicated to NRCS in accordance with the standard operating procedures described in § 610.23(b).
- b. ***Local Working Groups.***
 1. Local Working Groups will be composed of conservation district officials, agricultural producers representing the variety of crops and livestock or poultry raised within the local area, nonindustrial private forest land owners, and other professionals representing relevant agricultural and conservation interests and a variety of disciplines in the soil, water, plant, wetland, and wildlife sciences who are familiar with private land agricultural and natural resource issues in the local community;
 2. Local Working Groups will provide recommendations on local natural resource priorities and criteria for conservation activities and programs; and
 3. Local Working Groups will follow the standard operating procedures described in § 610.23(b).

Appendix C

Title 440, Part 500 – Conservation Programs Manual Locally Led Conservation

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- 500.11 NACD Guidance Document, "Conservation District Board Member Recruitment"

[M_440_500__TOC - Amend. 70 - September 2010]

Subpart A - Locally Led Conservation Defined

500.0 Executive Summary

Locally led conservation consists of a series of phases that involve community stakeholders in natural resource planning, implementation of solutions, and evaluation of results. Locally led conservation begins with the community itself, working through the local conservation district. It is based on the principle that community stakeholders are best suited to deal with local resource problems. Generally, the locally led process will involve the phases listed in figure 500-A1.

Figure 500-A1

Phase	Activity	Further Information
1. Public Involvement and the Conservation Needs Assessment	The conservation district leads the effort to gather public input from a broad range of agencies, organizations, businesses, and individuals in the local area who have an interest in natural resource conditions and needs. These community stakeholders evaluate natural resource conditions in a conservation needs	Section 500.3.

	assessment and establish broad conservation goals to meet those needs.	
2. Conservation Action Plan	The conservation district involves community stakeholders developing and agreeing on a conservation action plan that documents decisions and time schedules, identifies priorities, sets goals, and identifies Government and nongovernment programs to meet those needs. Community stakeholders, under conservation district leadership, identify which Government and nongovernment programs are needed to address specific natural resource concerns. Note: USDA conservation programs are just some of the many programs that can be used to satisfy the community's goals and needs.	Section 500.4.
3. Implementation of the Conservation Action Plan	Community stakeholders, under conservation district leadership, obtain Government and nongovernment program resources and assist in implementing the programs that can satisfy the community's goals and needs, as identified in the action plan.	Section 500.5.
4. Evaluation of the Conservation Action Plan	The effectiveness of plan implementation should be evaluated to ensure that the community stakeholders' planned goals and objectives are achieved. An evaluation should be made to determine where the actual results differ from those anticipated. The difference may result in retracing one or more of the steps in the locally led conservation effort.	Section 500.6.

500.1 Locally Led Conservation Defined

A. Definition of Locally Led Conservation

- (1) Essentially, "locally led conservation" is community stakeholders performing all of the following:
 - (i) Assessing their natural resource conservation needs
 - (ii) Setting community conservation goals
 - (iii) Developing an action plan
 - (iv) Obtaining resources to carry out the plan
 - (v) Implementing solutions
 - (vi) Measuring their success
- (2) These actions have been grouped into four major activities for the purpose of this guidance:
 - (i) Conservation needs assessment
 - (ii) Conservation action plan
 - (iii) Action plan implementation
 - (iv) Evaluation of results

B. The Locally Led Principle

Locally led conservation is based on the principle that community stakeholders are best suited to identify and resolve local natural resource problems. Thus, community stakeholders are keys to successfully managing and protecting their natural resources. It challenges neighbors, both urban and rural, to work together and take responsibility for addressing local resource needs.

C. Definition of the Word "Local"

The word "local" can mean a county, a portion of a county, a watershed, a multicounty region, or whatever geographic area is best suited to address the resource conservation needs identified. Local may also include specific sectors of a county, watershed, region, or community with common resource concerns. This may include but is not limited to groups based on operational type (organic, specialty crop,

etc.), groups based on operator type (limited-resource, family-owned farms, retirees, etc.), or groups based on other mutual resource concerns.

D. Primary Focus: Resource Concerns

(1) It is important to keep in mind that locally led conservation must be driven by natural resource conservation needs rather than by programs. Its primary focus should be to identify natural resource concerns, along with related economic and social concerns. Once the natural resource concerns are identified, appropriate Federal, State, local, and nongovernmental program tools can be used, both individually and in combination, to address these resource concerns and attempt to meet the established goals of the community stakeholders.

500.2 Locally Led Leadership and Public Involvement

A. Locally Led Leadership

(1) While there is a wide range of groups that may be in a position to lead a local conservation effort, conservation districts, under State or Tribal law, are charged with facilitating cooperation and agreements between agencies, landowners, and others; developing comprehensive conservation plans; and bringing those plans to the attention of landowners and others in their district. Thus, conservation districts are experienced in assessing resource needs, determining priorities, and coordinating programs to meet those needs and priorities.

(2) Conservation districts are the logical group to coordinate locally led conservation due to their connections to Federal, State, Tribal, and local governments; private resources; and the public. Therefore, further discussion of the locally led effort presumes that districts will provide primary leadership; however, leadership can come from any willing and interested group.

(3) Refer to section 500.10 for the National Association of Conservation Districts (NACD) guidance document, "Locally Led Conservation: An Overview for Conservation Districts."

B. Public Involvement

(1) Input from a broad range of agencies, organizations, businesses, and individuals in the local area that have an interest in natural resource management and are familiar with local resource needs and conditions is an essential element of locally led conservation. These representatives should reflect the diversity of the residents, landowners, and land operators in the local area.

(2) The NACD documents "Locally Led Conservation: An Overview for Conservation Districts" and "Conservation District Board Member Recruitment and Community Outreach Guide" provide suggested guidelines for public outreach efforts and ways to reach out to underserved communities.

C. NRCS Role and Responsibilities

NRCS will support the locally led conservation effort by—

- (i) Providing assistance in identifying conservation needs.
- (ii) Providing technical and program advice to the community stakeholders throughout the effort.
- (iii) Assisting in developing and implementing strategies to include socially and economically disadvantaged groups in the locally led effort.

Note: It is not the responsibility of the designated conservationist to lead the locally led effort. NRCS's task is to support the process and provide technical information upon request.

500.3 The Conservation Needs Assessment

A. Introduction

A conservation needs assessment is the first step and a critical element of locally led conservation. With input and resource data from all interested parties, this assessment should provide a comprehensive evaluation of the condition of the area's natural resource base and will be the platform for making decisions about local priorities and policies for conservation programs delivered at the local level.

B. Definition of a Conservation Needs Assessment

(1) The conservation needs assessment is a comprehensive analysis of the work that needs to be done to achieve broad conservation goals set by community stakeholders and to solve natural resource problems. This assessment should be based on public input and science-based information. It should include a detailed analysis of natural resource concerns within the area. To ensure versatility in all program areas, it is important that this needs assessment be resource-based, not program-based.

(2) The conservation action plan that results from the conservation needs assessment will identify the tools that can be used to satisfy the needs.

C. Purpose of the Conservation Needs Assessment

(1) The purpose of the conservation needs assessment is to ensure that conservation efforts address the most important local resource needs. The assessment will be the basis for selecting the type and extent of needed conservation systems and practices. It will also be the basis for making recommendations on funding priorities and priority areas to be addressed by the various conservation programs available.

(2) The conservation needs assessment is the foundation for carrying out Federal programs such as the USDA Environmental Quality Incentives Program (EQIP). From a resource concern identification standpoint, this conservation needs assessment may also be used to assist localities in implementing the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, as well as many State, Tribal, and local programs that provide assistance to private land owners and managers.

D. NRCS Roles and Responsibilities

(1) The NRCS designated conservationist will support, where requested, the development of the conservation needs assessment by—

- (i) Providing assistance in assembling natural resource inventories and data.
- (ii) Assisting in analyzing the data and other information.
- (iii) Providing information on socioeconomic factors involved in determining the conservation needs.

(2) For specific guidance on resource assessment, consult steps one through four of the areawide planning process in the National Planning Procedures Handbook (NPPH).

500.4 The Conservation Action Plan

A. Introduction and Identification of Leadership

Using the conservation needs assessment, the conservation district involves community stakeholders to develop and agree on an action plan, generally referred to as a “conservation action plan.”

B. The Conservation Action Plan

This plan will—

- (i) Identify natural resource conservation priorities.
- (ii) Set measurable conservation goals and objectives.
- (iii) Identify conservation technology needed to achieve these goals and objectives.
- (iv) Identify responsibility for action and create a time schedule for completion of elements.
- (v) Identify Federal, State, Tribal, local, and nongovernment programs and services needed to address specific conservation needs.
- (vi) Identify a need to develop new programs or processes to address those problems not covered by existing programs.

C. NRCS Roles and Responsibilities

(1) The NRCS designated conservationist will support the development of the conservation action plan by—

- (i) Providing overall planning assistance.
- (ii) Identifying non-USDA programs that may be of assistance.
- (iii) Explaining appropriate USDA conservation programs and services.

(2) For specific guidance on planning assistance, consult steps five through seven of the areawide planning process in the NPPH.

500.5 Implementing the Conservation Action Plan

A. Introduction

(1) Implementation of the conservation action plan means that the community stakeholders, with the leadership of the conservation district, obtain the needed programs and services to address the problems identified by their conservation needs assessment.

(2) In this step, they coordinate existing assistance, available through private organizations, Federal, State, Tribal, and local agencies, including USDA; ensure that appropriate program application processes are followed; develop detailed proposals for new programs; and seek financial, educational, and technical assistance as necessary.

B. NRCS Roles and Responsibilities

(1) The NRCS designated conservationist will support the implementation of the conservation action plan by—

- (i) Explaining, interpreting, and clarifying USDA rules, regulations, and procedures.
 - (ii) Providing input on other potential sources of assistance from Federal, State, Tribal, and local government or private sources.
 - (iii) Implementing designated roles and responsibilities as defined in Part 502, "USDA Conservation Program Delivery."
- (2) For specific guidance, see step eight of the areawide planning process in the NPPH.

500.6 Evaluating Results

A. Introduction

Locally led conservation does not end when the conservation action plan has been implemented. The effectiveness of plan implementation should be evaluated to ensure that the community stakeholders' planned goals and objectives are achieved. An evaluation should be made to determine where the actual results differ from those anticipated. This difference may result in retracing one or more of the steps in the locally led conservation effort.

B. NRCS Roles and Responsibilities

- (1) The NRCS designated conservationist will support the conservation district and the community stakeholders in evaluating the results of their locally led conservation efforts by—
- (i) Assisting in the evaluation process.
 - (ii) Providing updated natural resources information and assessments.
 - (iii) Keeping them aware of changes in the USDA programs and the program delivery process.
 - (iv) Assisting in interpreting the impact of conservation action plan implementation on the condition of the natural resources.
- (2) Refer to step nine of the areawide planning process in the NPPH for specific guidance.

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Subpart B - Exhibits

500.10 NACD Guidance Document, "Locally Led Conservation: An Overview for Conservation Districts" for a copy of this document go to:

<https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=27918.wba>

500.11 NACD Guidance Document, "Conservation District Board Member Recruitment" for a copy of this document go to:

<https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=27714.wba>

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