Part 530 – Working Lands Conservation Programs Manual

Subpart A – General Information

530.0 General

A. Purpose and Use of This Manual

(1) This manual contains NRCS policy and administrative procedures to implement conservation on working lands through programs authorized under the Food Security Act of 1985, as amended by the Agriculture Improvement Act of 2018 (the 2018 Farm Bill), section 524(b) of the Federal Crop Insurance Act (7 U.S.C.1524(b)), or as otherwise authorized. In the event guidance in this manual conflict with statute or regulation, statute or regulation prevails.

(2) Subparts A through O of this manual include policy applicable to the following programs unless otherwise stated:

(i) Agricultural Management Assistance (AMA)

(ii) Conservation Stewardship Program (CSP)

(iii) Environmental Quality Incentives Program (EQIP)

(vi) Regional Conservation Partnership Program (RCPP) (2014 Farm Bill)

Note: Subparts A through O of this manual only apply to covered program contracts associated with a 2014 Farm Bill RCPP agreement.

(v) Wildlife Habitat Incentives Program (WHIP)

Note: Initiatives implemented under the authority of the programs listed above will follow the policy in this manual.

(3) Subparts P through R of this manual include program-specific policy for AMA, CSP, and EQIP.

(4) This part is effective for—

(i) New enrollments during fiscal year 2020 and forward until superseded.

(ii) Administration of all contracts for the programs listed above in accordance with the regulations in effect on the date of obligation unless otherwise noted in this manual. Refer to subpart K of this manual for guidance on the appropriate use of legacy manuals when part 530 is not applicable.

(5) Employee Knowledge.—NRCS personnel assigned program responsibility must have working knowledge of this manual and all applicable regulations.

B. State Supplements to this Manual

State supplements to this manual must be submitted to the Deputy Chief for Programs for review and approval. State supplements must not conflict with or be less restrictive than national policy and statutory or regulatory program provisions.

530.1 Definitions

A. Refer to Title 440, Conservation Programs Manual (440-CPM), Part 502, "Terms and Abbreviations Common to All Programs," for the definition of terms related to conservation program contracts.

B. Refer to subpart O, exhibit 530.143G, "Crosswalk of Terminology," of this manual for a list of redefined terms.

530.2 Responsibilities

A. The NRCS Chief has overall leadership for conservation programs that deliver financial and technical assistance to eligible producers. NRCS is responsible for establishing policies, guidelines, and priorities for financial and technical assistance. As identified in this section, the NRCS Chief delegates responsibilities related to the programs identified above in section 530.0A(2) to National Headquarters (NHQ), State office, and field office staffs.

B. NHQ

(1) The Chief and Associate Chief provide national leadership for—
  (i) Program policy and regulatory decisions.
  (ii) Implementing the policies and procedures explained in this manual.
  (iii) Modifying or waiving nonstatutory, discretionary provisions if the Chief determines the application of that provision to a particular limited situation to be inappropriate and inconsistent with the purposes of the program.
  (iv) Making fund allocation and reallocation decisions.

(2) The Regional Conservationists provide national leadership for—
  (i) Implementing the policies and procedures explained in this manual.
  (ii) Overseeing the State conservationist's implementation of the programs at the State level.
  (iii) Managing allocations and State spending limits.
  (iv) Other responsibilities delegated by the Chief.

(3) The Deputy Chief for Programs provides national leadership for—
  (i) Developing and implementing policy and procedures for all programs covered by this manual.
  (ii) Coordinating landscape-scale special initiatives.
  (iii) Overseeing rulemaking and policy guidance development.
  (iv) Making fund allocation and reallocation recommendations.
  (v) Waiving discretionary program policy and procedures.
  (vi) Supporting the development of business tools to facilitate program delivery.
  (vii) Other responsibilities delegated by the Chief.

(4) The Deputy Chiefs for Science and Technology and Soil Science and Resource Assessment provide national leadership for—
  (i) Developing technical criteria for conservation practices, enhancements, and other activities to support implementation of the programs.
  (ii) Supporting program implementation as explained in this manual.
  (iii) Providing technical training.
  (iv) Other responsibilities delegated by the Chief.

(5) The Deputy Chief for Management and Strategy provides national leadership for—
  (i) Managing the payment schedule development process.
  (ii) Managing and tracking audit-related activities.
  (iii) Policy review.

(6) The Director, Financial Assistance Programs Division (FAPD), provides national leadership for—
  (i) Providing management and operational activities to assist the Deputy Chief for Programs to implement programs.
  (ii) Maintaining a working relationship with national Farm Service Agency (FSA) program leaders, other NRCS division directors, NRCS national technical support centers, and partnering agencies.
  (iii) Providing program training.
  (iv) Providing overall program evaluation and assessment, including program accountability.

(v) Supporting the development and maintenance of business tools to facilitate program delivery.
(vi) Other responsibilities as assigned by the Deputy Chief for Programs.

C. State Office

(1) The State conservationist provides State program leadership for—
(i) Managing and implementing the programs as explained in this manual at the State level.
(ii) Maintaining program and fund integrity and accountability.
(iii) Delegating authority and assigning business tool roles for program implementation, processing applications, and managing contracts, including contract approval, obligation, modification, and quality assurance to the appropriate staff.
(iv) Ensuring a second-level review occurs prior to all obligations and payments according to section 530.3, "Delegation of Authority," below; subpart E, "Contract Development and Requirements," of this manual; and subpart F, "Payments," of this manual.
(v) Establishing State program management policies and procedures as applicable.
(vi) Participating in the appeal process, as appropriate.
(vii) Establishing State policies, priority resource concerns, and other priorities using recommendations of State technical committee and Tribal conservation advisory council according to provisions of 440-CPM, Part 501, "USDA Conservation Program Delivery."
(viii) Establishing the locally led process and ensuring that conservation needs assessments are developed per 440-CPM, Part 500, "Locally Led Conservation," and that local working group recommendations are considered by the State technical committee.
(ix) Granting waivers, as authorized, within regulatory and program policy. Refer to section 530.7, "Policy Waivers" below.
(x) Reviewing and concurring with waivers that require national-level approval prior to submitting to NHQ.
(xi) Developing applicable State supplements to conservation practices or activities.
(xii) Entering into agreements with Federal or State agencies, Indian Tribes, conservation districts, units of local government, public or private organizations, and other individuals that may assist NRCS with implementation of the programs.
(xiii) Other responsibilities as indicated by policy and assigned by the Chief including section 1619 of the Food, Conservation, and Energy Act of 2008 (FCEA) to identify information that the Government may or must withhold from disclosure.

(2) The Assistant State conservationist for programs has responsibility for—
(i) Managing and implementing programs described in this manual as delegated by the State conservationist.
(ii) Oversight and evaluation of State program implementation.
(iii) Elevating requests for assistance to NHQ when an issue cannot be resolved at the State level.
(iv) Providing support and serving as a point of contact for business tools at the State level.
(v) Developing and providing program training.

D. Field Office

Designated conservationists will provide local program leadership for activities in their areas of authority as delegated by the State conservationist, including—

(i) Managing and implementing program activities explained in this manual as delegated by the State conservationist.
(ii) Participating in appeal processes, as appropriate.
(iii) Conducting quality assurance activities.
(iv) Serving as a member of the local working group, as outlined in 440-CPM-501.

(v) Fulfilling the responsibilities of the conservation district, as outlined in 440-CPM-501, where a conservation district is not present or chooses not to fulfill those responsibilities.
(vi) Providing recommendations to the State conservationist, considering the advice of the local working group on program delivery as outlined in 440-CPM-501.
(vii) Maintaining an effective working relationship with the servicing FSA county office.
(viii) Preparing information in support of requested programmatic waivers or other requests for assistance.
(ix) Maintaining the case file in accordance with Title 180, National Planning Procedures Handbook, Part 600; subpart E, "Contract Development and Requirements," of this manual; and State procedures.
(x) Certifying and approving payments to participants when conservation practices or activities are completed and meet NRCS standards and specifications in accordance with 450, General Manual (450-GM), Part 407, "Documentation, Certification, and Spot Checking."
(xi) Other responsibilities as indicated by policy and delegated by the State conservationist.

E. Responsibilities of Other Agencies and Indian Tribes

(1) FSA.—FSA establishes and maintains farm records and eligibility certifications including—
(i) Form AD-1026, "Highly Erodible Land Conservation and Wetland Conservation."
(ii) Adjusted gross income certifications.
(iii) Member information of legal entities and joint operations.
(2) Other Federal, State, and local agencies, Indian Tribes, and Tribal conservation advisory councils, including local and Tribal conservation districts and associations, may have the following opportunities:
(i) Serving as a member of the State technical committee, local working group, or both.
(ii) Identifying local conservation needs, resource concerns, and priorities in order to provide recommendations regarding program administration and implementation.
(iii) Providing input and recommendations to NRCS for developing program guidelines.
(iv) Providing leadership for the conservation of soil, water, and other natural resources within the conservation district or Tribal boundaries.
(v) Assisting NRCS with information and outreach activities.
(vi) Providing technical assistance where appropriate.
(vii) Entering into agreements with NRCS, where appropriate, to assist with the implementation of the programs.
(viii) Developing the conservation needs assessment and conservation action plan according to 440-CPM-500.
(ix) Where a conservation district is not present or chooses not to fulfill the responsibilities outlined in 440-CPM-501, the NRCS designated conservationist will have these responsibilities.

530.3 Delegation of Authority

A. NRCS officials may further delegate responsibilities on items for which they have delegated responsibility above, unless specifically prohibited by statute, regulation, this manual, or other agency directive. No delegation of authority by an NRCS official contained under this part shall preclude the NRCS official from exercising any of the authority so delegated.

B. When delegating responsibilities not listed above in section 530.2 or when making changes to those delegations, each State conservationist is required to delegate in writing the responsibilities for developing, approving, and administering contracts; obligating funds; making payments; and

assigning appropriate roles in the business tools. Refer to subpart O, exhibit 530.143K, "Business Tools Quick Reference," of this manual for a list of applicable business tools.

(1) State conservationists may use subpart O, exhibit 530.143N, "Delegation of Authority" of this manual, letters, memos, State directives, Form AD-1143, "Corporate System Access Request Form," or other written documentation to record the appropriate delegations.
(2) State conservationists may delegate roles differently by program.

Note: When delegating responsibilities, the State conservationist must ensure a separation of duties for obligating funds and the second-level review of obligations in the applicable business tools. Employees who are authorized to obligate funds and approve payment applications must not perform the second-level obligation review on contracts for which they have made these approvals.

Note: An employee who provides second-level obligation review cannot be a State vendor coordinator; these roles are exclusionary.

C. The State delegations of authority must be within individual program regulations and national policy including Title 130, General Manual, Part 400, Subpart B, "Delegations of Authority."

(1) Refer to subpart O, exhibit 530.143N, of this manual for responsibilities the State conservationist may delegate.
(2) The State conservationist cannot further delegate the following responsibilities:
  (i) Approval of a control of land waiver for Tribal land and other unique cases. Refer to subpart C, section 530.22D(2)(iii) of this manual.
  (ii) Extension of NRCS-CPA-153 for one additional year. Refer to subpart I, section 530.82C(5) of this manual.

D. Only NRCS employees with delegated authority may sign (obligate) contracts or approve modifications. NRCS prohibits non-NRCS employees from performing these functions.

E. Refer to subpart E, "Contract Development and Requirements;" subpart F, "Payments;" and subpart G, "Modifications," of this manual for additional guidance related to delegation of authority and separation of duties.

530.4 Historically Underserved Individuals and Groups

A. Historically underserved individuals and groups include those who have not participated in, or who have received limited benefits from, USDA or NRCS programs. The 2008, 2014, and 2018 Farm Bills recognize producers who are socially disadvantaged, have limited financial resources, or who are beginning farmers or ranchers as eligible for special considerations for program participation. The 2014 and 2018 Farm Bills also included veterans meeting certain conditions in the historically underserved category. Special considerations may include increased payment rates, advance payments, evaluation under special ranking pools, and priority for funding as specified in the individual program regulations and policies.

B. Refer to 440-CPM-502 for the specific definitions of each group included under the historically underserved category.

C. Refer to subpart C, "Application for Assistance," of this manual for additional information regarding historically underserved individuals and groups.

530.5 Information, Outreach, and Training

A. Information, outreach, and training activities ensure that NRCS customers and potential program participants are aware of, understand, and have access to conservation programs and services. These activities deliver facts, details, and news about the programs to broad audiences.

B. Procedures for program information and outreach must adhere to public information policy guidance in Title 260, General Manual, Part 400, "Public Information Policy," and Title 230, General Manual, Part 406, "National Outreach Policy."

C. Information and outreach include developing, producing, and delivering general news, knowledge, and facts about the programs. NRCS must include the official USDA nondiscriminatory statement on all information and outreach provided to the public. The following provides guidance for information, outreach, and training:

(1) Information is delivered to a wide audience while outreach targets a specific audience. NRCS uses all available media to provide basic program information including ranking period information, assessment and ranking criteria, eligible conservation practices or activities, payment rates, and program descriptions.

(2) Outreach and special emphasis activities make targeted producers aware of program opportunities and help increase program participation. Outreach activities completed at the Farm Production and Conservation (FPAC) Business Center (BC) and NRCS national, State, and local levels may include—

(i) Ensuring that diverse residents, landowners, and land operators in an area are represented in the locally led process to provide input into natural resource management.

(ii) Providing special accommodations to the extent possible, such as native language interpretation, sign language interpretation, or braille materials.

(iii) Posting information through appropriate media sources to reach the intended audience.

(iv) Direct mailings to historically underserved producers, including—

- Limited-resource farmers and ranchers.
- Socially disadvantaged farmers and ranchers.
- Veteran farmers and ranchers.
- Beginning farmers and ranchers.
- Tribal members, Alaska Natives, and Pacific Islanders.
- Producers with disabilities.
- Organic and transitioning-to-organic producers.
- Any other producers with historically low participation rates in conservation programs.

(v) Ensuring outreach is provided so as not to limit participation because of size or type of operation, or based on production system, including specialty crop and organic production.

(3) Training includes developing, producing, and delivering technical information, knowledge, and facts to individual producers to help them identify and understand their natural resource and environmental conditions, and to know how to develop, implement, and maintain a conservation practice or system.

(4) NRCS is committed to providing consultation, outreach, and services to Indian Tribes and is taking actions to expand outreach activities that will include—

(i) Working with the Intertribal Agriculture Council to provide onsite outreach and training to American Indians and Alaska Native producers, farmers, land users, and their Tribal Governments.

(ii) Expanding consultation efforts to be more inclusive of USDA conservation programs and services to Indian Tribes. Consultation will—

- Be open and candid so that all parties may evaluate for themselves the potential impact.
- Be conducted among designated USDA officials and designated Tribal officials.
- Operate within a Government-to-Government relationship with federally recognized Indian Tribes.
- Consult, to the greatest extent practicable and permitted by law, with Indian Tribal Governments before taking actions that affect federally recognized Indian Tribes.
- Remove procedural impediments to working directly with Tribal Governments on activities that affect trust property or governmental rights of the Tribes.
- Work cooperatively with other agencies to accomplish these goals.

530.6 Access to Data

A. Program contract data

(1) Information about applicants and participants is generally not released to the public to protect individual privacy rights. The Freedom of Information Act (FOIA), the Privacy Act of 1974, section 1244 of the Food Security Act of 1985, and section 1619 of the Food, Conservation, and Energy Act of 2008 (FCEA) identify information that the Government may or must withhold from disclosure. Refer to Title 120, General Manual, Part 408, Subpart C, "Freedom of Information Act and Privacy Act," for NRCS policy regarding FOIA and the Privacy Act. The following information about contract applicants must not be released:
(i) Names
(ii) Addresses
(iii) Telephone numbers
(iv) Social Security or tax identification numbers
(v) Amount of Federal funds requested
(vi) Bank account information

(2) FCEA does not prohibit the sharing of information between and among USDA agencies. However, information may only be shared with Federal agencies outside USDA or others for specific purposes under a cooperative agreement or program, and not for general regulatory or enforcement purposes.

(3) Contract Applicant Information

Aggregate or statistical information about contract applications may be described in news releases, web sites, and other tools used to inform the public.

(4) Contract Participant Information

When a contract applicant becomes a participant (the applicant and NRCS approving official having signed the contract), additional information may be available for release through a properly submitted FOIA request:

- Name
- Limited address (State, city, county)
- Contract obligation amount

Note: Additional restrictions about the release of address information apply to some corporate and nonprofit business types. Consult 120-GM-408 or the State NRCS FOIA officer for more guidance.

(5) Contract Information

To ensure consistent and well-documented responses to requests for official NRCS program data, all requests for data that will be shared outside of NRCS must be directed to the FPAC-BC, Economic Policy and Analysis Division.

B. Release and Receipt of Information to and from a Designated Third Party

(1) Consistent with 120-GM-408-C-408.47F(7), NRCS may disclose information to or receive information from a third party, including a technical service provider, when the landowner, producer, or program participant provides written authorization specifying the information to be disclosed or received (subject to NRCS discretion).

(2) NRCS will make Form NRCS-CPA-1270, "Consent to Release or Receive Information for NRCS Program Participation," available to landowners, producers, and program participants for this purpose. (Refer to subpart O, exhibit 530.144E, "Consent to Release or Receive Information for NRCS Program Participation" of this manual.

(3) In lieu of Form NRCS-CPA-1270, NRCS will also accept a written request from the landowner, producer, or program participant that includes all the following—

(i) Application or contract number, if known
(ii) Applicable program
(iii) Identification of specific third party to whom NRCS may release or from whom NRCS may receive information
(iv) Detailed description of the specific information NRCS may release to or receive from the identified third party, and how that information will be utilized
(v) Time period under which NRCS may release or receive information
(vi) Signature of the person authorizing release or receipt
(vii) Contact information for person authorizing release or receipt

Note: Refer to subpart C, 530.25(B) "Digital signatures," of this manual for guidance on proper submission of documents with signatures.

530.7 Policy Waivers

A. The Deputy Chief for Programs (DCP) may waive conservation program policy or procedure unless prohibited by statute or regulation. In addition, the DCP has delegated waiver approval authority to the FAPD director and branch chiefs when the waiver request meets the following two criteria:

(1) The request is contract or application specific; and
(2) The request addresses an administrative issue.

B. A policy waiver request may include multiple producers, applications, or contracts for which the policy waiver sought is for the same set of facts and circumstances. States must specifically identify the producers, applications, or contracts in the waiver request.

Note: NHQ will not approve broad or blanket policy waivers.

C. The State must provide justification for the waiver request that does not defeat the purposes of the applicable program or any other conservation program administered by USDA. This waiver authority is in addition to equitable relief and appeals provisions that may be authorized through the programs. Refer to the following sections of this manual for guidance on some specific waivers:

(1) Subpart C, 530.23B, "Early Start Waiver"
(2) Subpart C, 530.23C, "Adjusted Gross Income (AGI) Waivers"
(3) Subpart I, 530.85, "Recovery of Costs and Liquidated Damages"
(4) Subpart R, 530.402C (2), "Irrigation History Requirements"

Note: A memorandum for the record (MFR) may be used to correct a minor administrative error that does not conflict with policy in this manual. State conservationists may use an MFR for situations where NRCS did not follow procedural guidance or other administrative processes provided the rights and responsibilities of an applicant or participant are not affected by such administrative error. For example, NRCS failed to certify technical adequacy of the contract documents before obtaining participant signature but such contract documents were actually technically adequate. The MFR must clearly document any corrective action taken and the basis for the decision. It will be signed by the decision maker and recorded in the case file for future reference. The State conservationist may delegate this authority no lower than an assistant State conservationist or area conservationist.

D. State conservationists must review and concur with all waiver requests submitted to NHQ. States are responsible for documenting this concurrence based on State policy.

E. States must provide a detailed justification; identify the specific producer, application, contract, and policy for which the waiver is sought; and identify any pertinent supporting documentation when submitting a waiver request

F. Once the approving official makes the final decision and signs the waiver response letter, States must retain the response letter in the applicable case file according to subpart E, "Contract Development and Requirements," of this manual. States will then take appropriate action to notify participants of the waiver decision and provide applicable appeal rights for adverse decisions according to subpart I, "Contract Violations," of this manual.

Note: Refer to National Instruction, 440-311, "Submitting and Processing State Requests using the Financial Assistance Programs Division (FAPD) SharePoint Site," for instructions regarding waiver submission.

530.8 Environmental Service Credits for Conservation Improvements

A. Program participants may achieve environmental benefits that qualify for an environmental credit trading program. NRCS asserts no direct or indirect interest in these credits and retains authority to ensure all program purposes are met. Participants who enroll in both a program covered by this manual and an environmental credit trading program must ensure the requirements of the market program are compatible with the purposes and requirements of the program contract.

B. The participant must meet all operation and maintenance requirements for program-funded activities consistent with the specific program statute, regulation, and contract. Where activities required under an environmental credit agreement may affect the land and conservation activities under a program contract, NRCS recommends that the participant request assistance with the development of a compatibility assessment from the credit trading program prior to entering into any credit agreement. The program contract may be modified in accordance with policies outlined in subpart G, "Modifications," of this manual, provided the modification meets the program purpose and complies with the program regulations.

530.9 Changes to Hard Copies of Documents

NRCS may make pen-and-ink changes to documents when necessary to address minor information gaps or errors provided that the changes do not affect the contract terms. NRCS must adhere to these requirements when making pen-and-ink changes to documents:

(1) NRCS and the applicant/participant must initial and date the change.
(2) NRCS must include a note in the case file indicating the reason for the change.