

## **Part 401 – Technical Guides**

### **Subpart B – Conservation Practice Standards and Supporting Documents**

#### **401.10 Purpose**

This subpart sets forth NRCS policy for conservation practice standards (CPS), including developing new or revising existing national standards, obtaining variances to practice standards, establishing interim standards, adapting national CPSs to state conditions, archiving outdated standards, and obtaining public review and comment. It also contains policy for establishing and maintaining Handbook, Title 450, National Handbook of Conservation Practices (NHCP) and CPS data in the NRCS Reference Tables (NRT) through the Conservation Practice Data Entry System (CPDES).

#### **401.11 Conservation Practice Standards (CPS)**

- A. A CPS establishes the minimum acceptable level of quality required to plan, design, install, operate, and maintain a conservation practice.
- B. Each CPS contains these parts:
  - (1) Practice name, code, and unit of measure.
  - (2) Definition.
  - (3) Purpose.
  - (4) Conditions where practice applies.
  - (5) Criteria.
  - (6) Considerations.
  - (7) Plans and specifications.
  - (8) Operation and maintenance.
  - (9) References.
- C. Detailed information about each part of the CPS is provided in NHCP, Exhibit 1- CPS Template.

#### **401.12 National Handbook of Conservation Practices (NHCP) Contents**

The NHCP contains:

- (1) Chapter 1, General Practice Standards Information
  - (i) Preface
  - (ii) Exhibits that illustrate the layout and content for CPS and Conservation Practice Documents (CPD), establish procedures for national CPS development and review, documentation of changes, quality assurance; and support state issuance of Federal Register notice for CPS changes, when required.
- (2) Chapter 2, Published NHCP Notices
- (3) Chapter 3, National Conservation Practice Standards
  - (i) A table of national standards. The table has the following information:
    - The practice name and unit of measure.
    - The practice code.
    - The standards' current date of issuance.
    - The NRCS National Discipline Lead(s) (NDL) responsible for each practice, identified by discipline.

- The practice lifespan.
- (ii) The current national standard for each CPS listed in the table is:
  - Stored in the Conservation Practice Document-DocumentManagement System (CPD-DMS).
  - Made available on the NRCS public website.

#### **401.13 National Practice Standard Development and Maintenance**

- A. The Deputy Chief for Science & Technology approves and publishes changes to the NHCP. The National Technical Guide Committee (NTGC) may recommend proposed changes to the NHCP to the Deputy Chief for Science and Technology.
- B. The appropriate division director, based on the national discipline lead indicated in the NHCP Index, is responsible for the review and approval of the technical content of proposed changes in a CPS.
- C. NHCP, Exhibit 3 establishes the procedure for the review or development of national CPS.
- D. The National Conservation Practice Standard Subcommittee (NCPSS) chairperson establishes the code given to each CPS.
- E. The NDL assigned lead for a CPS establishes the unit of measure. Only one unit of measure may be used for each conservation practice.
- F. The CPD-DMS application is used for developing and revising national CPS and CPD.
- G. The NCPSS chairperson notifies the assigned NDL when a CPS is due for review. The NDL leads a formal review of each assigned national CPS at a minimum of every 5 years.
- H. The lead NDL maintains a documentation file for each assigned CPS. At a minimum, the documentation file contains the information in NHCP, Exhibit 5. The documentation file is created and stored in CPD-DMS.

#### **401.14 State Adoption and Modification of NHCP Standards**

- A. The CPD-DMS application is used for managing and maintaining state conservation practice standards and practice-associated documents that are included in the Field Office Technical Guide (FOTG), Section 4.
- B. A state can adopt a national CPS without modification, or a state can modify a CPS to include additional requirements that meet state needs. For example, a state may need to add content in their state CPS due to variations in soils, climate, topography, or state or tribal laws, local ordinances, or regulations.
- C. When making state modifications to a CPS:
  - (1) The nationally established Practice Name, Code, Unit, and Definition cannot be changed.
  - (2) Adding a purpose is permitted after obtaining a variance, as outlined in section 401.16. Deleting a purpose and its associated additional criteria is permitted, without a variance, when a state determines the purpose does not address a conservation need in the state.
  - (3) Changing criteria is permitted if the state-modified criteria are equal to, or more stringent than the national CPS. However, a state will obtain a variance a criteria change making

less stringent requirements than the national CPS. The variance process is outlined in section 401.16.

- (4) Considerations, Plans & Specifications, and Operation & Maintenance may be modified by a state without obtaining a variance.
- (5) References may be added by a state, but not deleted.
- (6) The footer will contain the state abbreviation and the month and year of the state CPS release.

D. States will maintain a documentation file memorializing state-level changes made to each CPS, in the CPD-DMS collection holding the CPS. At a minimum, a state documentation file will include:

- (1) A list of all substantive changes and the corresponding justification.
- (2) All approved variances, reports, and means of public review.

E. States will adopt the national version of a CPS included in their FOTG within 1-year of the NHCP Notice issue date that transmits the CPS revision, unless a state obtains a variance for extension of time to adopt the revision, as outlined in section 401.16.

F. When a NHCP notice issues a new national CPS states can adopt the new CPS when needed.

G. When a NHCP notice cancels a CPS, states will remove the cancelled CPS from their FOTG, Section 4 within 1-year and archive it in accordance with section 401.18.

## **401.15 Practice Lifespans**

A. The lead NDL establishes a lifespan for their assigned CPS. A CPS lifespan is the minimum time (in years) the implemented practice is expected to be fully functional for its intended purpose(s). The established conservation practice lifespan is based on an expectation that an operation and maintenance plan provided for the practice is followed.

B. Each state uses the national lifespan unless a variance is approved (see section 401.16).

## **401.16 Variances**

A. A state will request a variance from the national CPS to:

- (1) Add a purpose.
- (2) Establish criteria that are less restrictive than the national CPS.
- (3) Obtain an extension of time to adopt a practice.
- (4) Change a conservation practice lifespan.

B. A state will submit a request for a variance to the appropriate NDL, using the CPS variance request letter and workflow in CPD-DMS. The request will include the proposed text and supporting rationale for the change. The NDL will make a recommendation to the appropriate division director who will then provide approval or disapproval. The NDL will report the Director's decision to the state via CPD-DMS.

C. A variance will be effective for a specified period noted in the approval, or for one year after the national CPS the variance was given for has been revised.

D. The appropriate division director may require a variance to meet the same requirements for monitoring, evaluation, and reporting as an Interim CPS (see section 401.17).

## 401.17 Interim Practice Standards

- A. An Interim CPS (ICPS) serves as a mechanism for testing a new practice in a state.
- (1) Recommendations for an ICPS may be provided to State Conservationists by state Technical Committees.
  - (2) A State Discipline Lead (SDL) consults with the State Technical Guide Committee (STGC) and the State Conservationist (STC) before submitting an interim practice standard request letter to the NCPSS chairperson, using CPD-DMS.
  - (3) The appropriate division director assigns a NDL to review the request.
  - (4) The NCPSS chairperson consults with the appropriate NDL to ensure that the request cannot be addressed through an existing CPS. Both the NCPSS chairperson and the NDL must concur that development of the requested interim practice is needed.
  - (5) The NDL may utilize the national technology support center (NTSC) specialists to facilitate communication among states using similar ICPS.
  - (6) The appropriate division director provides the final decision regarding the requested written response.
  - (7) If approved, the NCPSS chairperson provides a practice code for the ICPS.
    - (i) The practice code will be a number between 700 and 899.
    - (ii) A state ICPS follows the same format as the national CPS (see NHCP, Exhibit 1).
    - (iii) If the state ICPS is similar to one in use by another state, the same code will be used for both.
    - (iv) States are encouraged to collaborate on standards for similar practices.
  - (8) An interim practice standard will be issued for a period not to exceed 3 years. Extensions to this time limit may be granted when data are insufficient to make the required evaluations, or as noted in section 401.17D.
- B. The SDL uses the evaluation plan to conduct and document annual evaluations of the performance and effectiveness of the interim practice using CPD-DMS. The report will include an evaluation of the methodology, materials, site preparation or protection, and other pertinent information learned about use of the interim practice. The SDL prepares a final report at the end of the evaluation period and submits it to the NDL using CPD-DMS. The final report will contain:
- (1) A description of the practice
  - (2) A summary of the annual evaluations
  - (3) Conclusions about the effectiveness of the practice
  - (4) A recommendation to:
    - (i) Make the interim practice a national practice and add it to the NHCP;
    - (ii) Incorporate the technology in the interim practice into an existing national CPS; or
    - (iii) Discontinue the use of the interim practice and delete the interim CPS from the FOTG.
- C. The NDL and the NCPSS chairperson review the recommendation based upon the report from the state. If there is no final evaluation report or the interim technology is found to be unacceptable or not needed as a national CPS, the interim CPS will be removed from the state FOTG.
- D. If the interim practice is accepted as a new national CPS or the technology will be incorporated into an existing national CPS, the state ICPS may be used until a state CPS is adopted from the new or revised CPS for that practice.
- E. The interim standards and evaluation reports will be maintained by the appropriate NDL in accordance with the procedures outlined in NHCP, Exhibit 5.

## **401.18 Archiving Standards**

- A. When a national CPS is superseded, the NDL permanently retains a copy of the superseded CPS in the documentation file (see NHCP, Exhibit 5). CPD-DMS maintains retrievable copies of archived national standards indefinitely.
- B. When a state CPS is superseded, archive the CPS by adding an end date to the practice document's metadata in CPD-DMS, transmitting the CPS to FileNet, and transmitting the CPS metadata to the NRT. CPD-DMS state user instructions explain this process in detail.
- C. CPD-DMS will maintain retrievable copies of the end-dated standards.
- D. The FOTG will display end-dated CPS and CPD in the Section 4 Archives.
- E. In the case where a conservation practice is planned with one version of a CPS and a state-revision to the CPS occurs before practice implementation, the state may allow conservation planners and their clients to choose which version of the CPS is used. However, the revised CPS will be used if it includes a new safety related criterion, or a major technical change.

## **401.19 Public Review and Comment**

- A. For each national CPS, the NTGC submits a notice for publication in the Federal Register (FR) announcing that it is available for review and comment. The comment period will be at least 30 days from the FR notice's date of publication.
- B. For state CPS that pertain to highly erodible land and wetland provisions of Title XII of the Food Security Act of 1985, as amended, and that have criteria more restrictive than the national CPS, the STC, in consultation with the State Technical Committee, will establish a policy and procedure to publish or otherwise distribute the revised CPS for public review and comment. If the STC chooses to use the FR as the method of public review, the state will follow the procedure described in NHCP Exhibit 6.

## **401.20 Practice Plans and Specifications**

Conservation practice plans and specifications are site-specific instructions that establish the technical details and workmanship required to install the conservation practice in accordance with the requirements of a CPS. The criteria in a CPS guide the development of the plans and specifications.

- (1) Plans and specifications are provided to the client in documents such as implementation requirements, construction plans, designs, drawings, or other document types.
- (2) Plans and specifications include items that are necessary and appropriate when applying a CPS at a site-specific location. Examples include the details of site preparation and protection, instructions for use of materials described in the standard, or guidance for performing installation. Statements in the plans and specifications must not conflict with the requirements of the CPS.
- (3) Specifications a CPS will be developed in consideration of the wide variations in soils, climate, and topography. The STC approves state-developed specifications in

consultation with the STGC. Specifications must meet the requirements of Federal, state, or local ordinances or regulations.

#### **401.21 Conservation Practice Data Entry System (CPDES) Application and NRCS Reference Tables (NRT)**

A. CPDES is used to maintain data about CPS, ICPS, conservation activity plans, conservation activities and enhancements, and conservation practice physical effects in the NRT. Other business systems read data from the NRT.

B. Responsibilities associated with maintaining conservation practice information in CPDES are as follows:

- (1) The NCPSS chairperson serves as the National Practice Data Steward for CPDES. This role's responsibilities include:
  - (i) Activating and ending CPS and ICPS.
  - (ii) Maintaining base information for each CPS and ICPS such as the code, unit, lifespan, national narrative, and the digitized shape type used conservation plan map symbology.
- (2) The NCPSS chairperson will designate a National Activity Data Steward. This role's responsibilities include:
  - (i) Maintaining base information about each conservation activity plans such as name and code.
  - (ii) Maintaining base information about each conservation activity and enhancement including authorizing states to use each, managing narratives, and the digitizing shape type.
  - (iii) Managing technical service provider technical assistance activities codes.
- (3) The Science and Technology Division Directors will designate National Discipline Data Stewards to maintain resource concern and practice purpose associations, and conservation practice physical effects for national CPS.
- (4) STGCs will designate State Data Stewards that are responsible for maintaining their state practice list, state resource concern and practice purpose associations, and conservation practice physical effects.