

Memorandum of Understanding (MOU) – National Wetland Adverse Determination Cadre

This MOU supports the National Food Security Act Manual (NFSAM), Title 180, NFSAM, Part 519 – Quality Assurance. The purpose of this MOU is to clarify the relationship that exists between the employee serving on the National Wetland Adverse Determination Cadre (NWAD Cadre), the employee's supervisor, and the cadre administrative lead while the employee is performing collateral duties as a cadre member.

It is understood and agreed that these collateral duties will require approximately 15 percent of the employee's official time, and that the employee will serve a term of three years on the cadre. It is further understood and agreed that:

While administrative supervision will remain the same in the primary assignment, the cadre member will receive work assignments from the cadre leader for the purpose of reviewing adverse wetland determinations of converted wetlands or converted wetland plus year (hereafter referred to as “CW”) prior to a State Office-issued Final Technical Determination (FTD).

The purpose of the NWAD Cadre is to provide technical review of adverse CW determinations, in cooperation with the State Office. The role of the cadre is to provide technical advice to the State in order to issue a technically defensible decision. It remains the authority of the State Conservationist to issue the FTD.

Each cadre member will be expected to complete their assigned review within 2 weeks. If a cadre member requests additional information from the state (e.g., the AR was incomplete or the documentation received was insufficient to support the adverse determination, etc.), states are to work with the cadre member to ensure that their review is completed within the 2-week timeframe. In certain more complex situations, an additional 2 weeks may be allowed for coordination between the cadre member and state-level staff. This 2-week extension will be coordinated between the cadre member, state-level staff and the cadre leader. Any need for additional information during the review will be communicated between the assigned cadre member and the pertinent state-level staff.

Due to the nature of adverse wetland compliance reviews, out of respect for the privacy of the referring state and any persons involved in the determination, all NWAD Cadre work assignments and information contained within them are strictly confidential and will not be shared amongst anyone other than National Headquarters Ecological Sciences Division and National Technology Support Center staff. Any information shared with the cadre member's supervisor for the purpose of reporting duties and time must be general in nature.

The cadre member is responsible for recording all determinations reviewed, time spent on the review, any missing information from the AR, and any issues that needed correction. This information will be entered into a workflow spreadsheet within the NWAD Cadre Teams channel as described below.

Upon completion of a review, the cadre member will communicate directly with the originating State Office.

The cadre member's duties regarding the NWAD Cadre will become a performance element for the employee. The cadre leader will appraise the cadre member's performance of cadre duties annually to ensure the employee is participating in an equitable manner and providing timely and thorough assistance to the States. The following statement will be added to the cadre member's performance plan in the Mission Results Performance Element:

Employee is assigned to a collateral duty requiring approximately 15 percent of the employee's official time. Responsibility of the duty is to provide technical review of assigned adverse converted wetlands determinations, in cooperation with the State Offices across the Nation. The technical advice provided will allow States to issue technically defensible final technical determinations.

Performance measures include:

- Provides timely assistance to the requesting State by completing assigned reviews within 2 weeks with an additional 2-week period if needed.
- Protects personally identifiable information (PII) and holds in confidence State and agency information involved in the reviewed determination.
- Completes timely reporting and accounting of the review process.
- Conducts reviews in an equitable manner without bias.
- Communicates effectively with the cadre leader, cadre members, and state-level contacts by providing timely, constructive and proactive technical assistance.

Before performing these collateral duties, the employee will notify his or her immediate supervisor before leaving the primary assigned duties and will keep the supervisor informed of his or her assignment schedule and estimated time of return to primary duties.

An Outlook inbox folder has been created (SM.RC.NWAD.Reviews@usda.gov) to which States will submit the Agency Record (AR) of the adverse determination for review. There is a workflow tracker spreadsheet on the NWAD Cadre Teams channel, to which only cadre members have access. The cadre leader will sort records from the States into the Teams channel, and link the review into the workflow tracker, and send a notice to the cadre member that they have a pending assignment. Relevant information/date received/assigned cadre member, etc. will be populated into the workflow tracker, and cadre members will update the spreadsheet as reviews are completed.

Technical support to the cadre will be provided by the National Technology Support Centers (NTSC).

Office facilities and/or clerical support will be provided from the cadre member's normal duty station and normal chain of command. This cadre position does not require addition facilities or clerical support.

In case of any disagreement between the employee and immediate supervisor as to the priority of these collateral duties, the cadre leader will work with the supervisor to resolve the disagreement.

Acknowledgment and understanding of this memorandum are attested to by affixing my signature below.

NWAD Cadre Member Name

Position/Title

Signature

Date

Supervisor Name

Position/Title

Signature

Date

Cadre Leader Name

Position/Title

Signature

Date