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On April 19, 1999, Pearlie Reed, Chief of the Natural Resources Conservation Service, provided notice of the agency decision to adopt the Revised Nutrient Management Technical Assistance Policy.

The revised policy will apply to all NRCS employees, as well as to Third Party Vendors and others who provide nutrient related assistance under programs for which NRCS has national technical responsibility.

State Conservationists have been given 2 years to adopt the revised policy and conservation practice standards in their respective states. It is anticipated that NRCS Colorado will adopt these changes effective October, 2000.

The revised policy and standard for nutrient management will:

- ❖ Define the required technical content of plans for nutrient management
- ❖ Establish procedures for determining the recommended and planned nutrient application rates which consider both production and environmental protection goals
- ❖ Impose a phosphorus based standard for manure utilization under certain field specific conditions

- ❖ Require the use of the Phosphorus Index (PI) or equivalent site vulnerability assessment tools when animal manures are applied to the land
- ❖ Require the certification of persons who review or approve plans for nutrient management
- ❖ Require site risk assessments for nitrogen and/or phosphorus in watersheds identified or designated as having nutrient related water quality impairments
- ❖ Encourage producers to maintain records which will demonstrate implementation of plans for nutrient management
- ❖ Encourage periodic review to insure that the plan is current and meeting the needs of the producer
- ❖ Require a thorough review at least once every 5 years
- ❖ Be implemented over a period of 2 years throughout the agency
- ❖ Provide existing animal operations the opportunity to use the progressive planning process as a vehicle to reach the requirements of the revised policy and conservation practice standard
- ❖ Will not deny Producers access to NRCS assistance, even when nutrient management cannot be achieved

If you have questions, comments, or concerns, please give me a call at 303-236-2886 ext. 208, or email jsharkof@co.nrcs.usda.gov.

Jim Sharkoff

July 1999

MOU Information

The Information provided below has been taken from the national Memorandum of Understanding (MOU) between the American Society of Agronomy, Certified Crop Advisers (CCA), and the US Department of Agriculture, Natural Resources Conservation Service (NRCS). The memorandum was signed on April 22, 1998. NRCS has also signed similar national MOUs with four other 3rd party vendor organizations. Questions regarding Colorado NRCS and the 3rd party vendor process should be directed to Jim Sharkoff, NRCS State Agronomist, at 303-236-2886 ext.208, or jim.sharkoff@co.usda.gov.

I. Background

The NRCS is assigned responsibility to provide conservation planning and technical assistance to agricultural producers under the provisions of the Soil Conservation and Domestic Allotment Act and other applicable legislation. This assistance is provided in cooperation with various Federal agencies, State and local governments, non-governmental organizations, and individuals. NRCS has staff expertise to provide assistance relative to natural resource policy and technology.

The Food Security Act of 1985, as amended, permits agricultural producers to secure conservation planning and technical assistance from approved sources in addition to those services available from NRCS. Private consultants and employees of agribusiness or natural resource agencies who hold appropriate certifications through a recognized certification organization can be designated as "approved sources" of technical assistance.

The CCA has expertise in providing landusers with specific types of conservation assistance.

II. Purpose

The purpose of this memorandum is to provide a mechanism for registering members of the certifying organization as approved sources of conservation assistance. It is the intent of both parties that this cooperative effort shall be for the benefit of both parties and their customers.

This memorandum will benefit CCA by providing it and its members with the opportunity to render services to a new clientele and expand the scope of services offered to present customers.

This memorandum will benefit NRCS by having members of the certifying organization empowered to provide conservation assistance to agricultural producers in addition to that which is available from the agency. It will also assist the agency in carrying out its mission of providing quality conservation assistance to its customers.

III. Responsibilities

CCA will --

1. Provide a statement (see Attachment A) of categories of services it certifies its members can provide as approved sources of conservation assistance.
2. Certify that its members meet appropriate minimum NRCS standards for providing conservation technical assistance in the areas of nutrient and pest management and crop production.
3. Establish a registry of CCAs as an electronic, searchable database on the American Society of Agronomy website. This registry will contain each registrant's name, organization,

mailing address, phone number, fax number, E-mail address, certification expiration date, and a list of services each individual is qualified to perform.

4. Require that each CCA must obtain 40 hours of continuing education every two years to remain a certified third party vendor. A minimum of 5 of these hours must be soil and water management. Vendors must also meet any additional requirements established by individual state conservationists.
5. Include the dates of recertification and expiration on its registry.
6. Upon request, provide NRCS with a list of courses and individual CCA used to fulfill his or her continuing education requirement.
7. Update the registry annually, or more frequently as necessary, and provide this information to NRCS in a timely manner.
8. Remove individuals who do not maintain required levels of training or who are found to be providing substandard assistance from its registry and immediately notify the individual and NRCS.
9. Provide certified members with technical and programmatic materials received from NRCS in a timely manner so that these individuals can provide the highest quality of conservation technical assistance.
10. Inform certified members that their work is subject to the same NRCS annual quality reviews as that performed by NRCS employees.

11. Inform certified members that they cannot legally certify completed cost shared practices for payment. Only NRCS employees have the legal authority to do this.

discuss methods of improving the certification process.

IV. Period And Terms Of Agreement

A. The project period for this agreement begins on the date of the last signature and continues indefinitely unless canceled by either party. NRCS and CCA will jointly review this agreement at least once every five years.

B. This agreement may be terminated by either party by written notice to the other party at least 30 days in advance of the effective date of termination.

C. Upon termination of this agreement, those individuals on CCAs registry will no longer be considered certified.

V. Technical And Administrative Contacts

A. See attachments A and B for information on organizational contacts.

VI. Provisions

A. In accordance with NRCS Property Management Regulation, Temporary Regulation A-2, "The program or activities conducted under this memorandum of understanding will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (Public Law 100-259); and other nondiscriminatory 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. They will also be in accordance with regulations of the Secretary of Agriculture (7CFR 15, Subparts A & B), which provide that no person in the United States shall on the grounds of race, color, national origin, age, sex, religion, marital status, or handicap be excluded from participation in, be denied

benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Agriculture or any agency hereof."

VII. Authority

This agreement is entered into under the authority of the Soil Conservation and Domestic Allotment Act, as amended (Public Law 74-46, 49 Stat. 163, 16U.S.C. 590a-f).

Attachment A

List of Categories of Services Provided

Technical assistance for:

Nutrient Management
Pest Management
Residue Management

Attachment B

Record of Technical Materials Provided to the American Society of Agronomy Certified Crop Advisers

Practice Standards for:

Nutrient Management (590)
Pest Management (595)
Residue Management (329 A-C)
Residue Management Seasonal (344)

Manuals for:

Environmental Quality Incentives Program
Locally Led Conservation

Designated National Office
Technical Leader:

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12. Inform certified members that landowners or operators must not proceed with implementation of conservation plans until they have received approval from the appropriate USDA agency.

NRCS will --

1. Provide CCA with appropriate technical reference documents for use by its certified members. such documents will include manuals and standards for appropriate conservation practices. (See Attachment B for details)

2. Provide CCA with updated program information in a timely manner.

3. Distribute registry information to appropriate NRCS field offices and conservation district offices.

4. Assist CCA in training vendors providing conservation technical assistance.

5. Assist CCA in providing training as requested and as resources are available.

6. Have the ability to remove individuals or certifying organizations from its "approved" list if these individuals or organizations do not meet appropriate minimum standards.

7. Provide, or encourage other appropriate USDA agencies to provide, assistance to producers in a timely manner so implementation of conservation assistance can proceed on schedule.

Agreed that both parties will --

1. Meet as requested by either party to review progress and

Attachment C

Minimum Standards for Third Party Vendors or Agencies and Their Certifying Organizations

Providers of Conservation Technical Assistance Will –

1. Meet minimum standards for conservation assistance established by NRCS. Vendors will also be responsible for meeting any additional standards established by State or local governments.
2. Demonstrate the ability to provide assistance in conservation practice design and installation, as well as other phases of conservation technical assistance such as practice layout, modification, and inspection. Being listed on the CCA Registry will satisfy this requirement. An equivalent requirement may be allowed and approved by the state conservationist.
3. Be aware that technical assistance being provided must conform to the overall conservation plan of the recipient that was prepared by NRCS. This will require contact with the local NRCS conservationist before final recommendations are provided to the producer. The signature of the authorized NRCS representative conveys approval that practices planned conform to the overall conservation plan of the recipient.
4. Be aware that recipients of technical assistance must obtain approval to proceed from the local NRCS conservationist or other approved USDA agency contact before beginning installation of conservation practices recommended by the third party vendor. The signature of the authorized local NRCS representative conveys approval that the practices to be installed are designed according to appropriate NRCS and USDA program and practice standards.
5. Be aware that their work is subject to an annual quality assurance/quality control review to determine whether it meets appropriate NRCS and USDA program and practice standards.
6. Provide information covering the memorandum of understanding with NRCS and the requirements of USDA programs under which technical assistance will be provided.
7. Be listed by CCA on the registry provided to NRCS as being an "approved" provider for specific categories of conservation technical assistance.

The CCA requirement to obtain 40 hours of continuing education every two years covering the areas of nutrient management, soil and water management, integrated pest management, and crop production will meet the NRCS requirement for each vendor to maintain his or her skill level.

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