



Natural Resources Conservation Service  
375 Jackson Street, Suite 600  
St. Paul, MN 55101-1854

Phone: 651-602-7900 Fax: 651-602-7914

---

Transmitted via email

May 5, 2004

MINNESOTA BULLETIN NO. 330-4-3

SUBJECT: MGT – 2004 FOOD SECURITY ACT COUNTY COMPLIANCE REVIEWS

Purpose: To provide clarification and additional information and instructions on the 2004 National Food Security Act Manual (NFSAM) compliance review process and reporting requirements.

Expiration Date: December 1, 2004

This bulletin provides additional information for tracts determined to be “exempt” from a 2004 compliance review. In some cases these exempt tracts need to be replaced and the replacement process is also explained.

Conditions for Exempting Tracts on the Compliance List

**1. Exempted Tracts That Are Required to be Replaced**

Part 518.04 of the NFSAM Manual explains the conditions under which tracts on the compliance review list can be determined to be exempt from the review; however, they must be **replaced**. Exempted tracts on the 2004 compliance review list must be replaced if any of the following criteria are met:

- There are HEL fields but no annually tilled crops that are currently being produced on the HEL fields and no areas are determined to be a wetland.  
**For clarification use the following definitions:**
  - a. Tracts determined as having no annually tilled fields could include tracts with all HEL fields enrolled in CRP, RIM, or that have existing perennial vegetation.
  - b. Tracts with no areas determined to be wetlands include tracts where all areas are listed as either “NW” or “NW/PC”.
  - c. Tracts with “NI” (non-inventoried) areas will not count as “NW”. Field staff will complete compliance reviews for tracts with HEL fields but no annually tilled crops and “NI” areas to insure that wetland manipulation and conversion have not occurred.
- There are no HEL fields and no areas determined to be a wetland  
**For clarification use the following definition:**
  - a. Tracts with no areas determined to be wetlands include tracts where all areas are listed as either “NW” or “NW/PC”.
  - b. Tracts with “NI” (non-inventoried) areas will not count as “NW”. Field staff will complete compliance reviews for tracts with all NHEL fields and “NI” areas to insure that wetland manipulation and conversion have not occurred.
- No USDA benefits were received for the tract in the past cropping year.
- If the tract was previously determined as “NA” or “CW” and has not been through the reinstatement process.
- The tract has been reviewed at least once in the past two years and found to be entirely “AA” or “UA”.

## **Replacement Process**

Replacement tracts will be selected by choosing the next greater numbered tract. Continue with the replacement process until an eligible tract is identified (an eligible tract is one identified as having a HEL field or a labeled W, FW, FWP, CW, PC, or NI area). Through the add/edit tract process in the compliance review software only the eligible replacement tract will be added.

## **2. Exempted Tracts That Do Not Need to be Replaced**

Tracts that meet any of the following conditions are exempt from the compliance review process and do not need to be replaced:

- The participant's plan documents a fully applied RMS level system.
- Where crop residue management or crop residue use is the only practice in the conservation system for a specific field within the tract and the USDA participant has either self-certified or provided verification by a technical service provider that the residue levels meet the requirements of the conservation system as specified in the FOTG. Self-certification records shall become a part of the compliance review record in that person's case file.

If an entire tract meets the criteria for exemption from the HEL portion of the compliance review, then use code "EX" to show that no compliance determination was made on this tract. Code "EX" is not an option in the compliance review software, select an appropriate alternative and explain the exemption in the remarks section of the software. In-field tract verification for wetland provisions are not exempted through this process. All compliance review tracts will be reviewed for potential wetland violations.

## **EMPLOYEE ADD-ON TRACTS**

Attached to this bulletin is a spreadsheet listing the NRCS employee owned and/or operated tracts as reported on form NRCS-CPA-1. District Conservations will review the attached list and add on to their 2004 compliance review list the following tracts physically located in their county;

- Only add those tracts that do not qualify for an exemption, as explained above in this bulletin.
- Any employee-owned tract that does qualify for an exemption will not be added to the compliance list and will not be replaced by another tract.

After employee owned and/or operated tract additions have been made, the person assigned to do the compliance reviews will check the list of added tracts and identify any that may represent a personal conflict or potential conflict of interest. Personal conflict could include conducting a compliance review on a tract owned or operated by the employee, the employee's family members, personal friends, or others that might interfere with an impartial review. For tracts where personal conflicts are identified, contact the Area Office for assistance in completing these reviews.

Direct questions on the information contained in this bulletin to Paul Flynn, State Resource Conservationist at 651-602-7870.

WILLIAM HUNT  
State Conservationist

Attachment

DIST: AC  
FO  
ARC