



Natural Resources Conservation Service
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Transmitted via Email

May 4, 2007

MINNESOTA BULLETIN NO. 330-7-5

SUBJECT: MGT – 2007 FOOD SECURITY ACT COMPLIANCE REVIEWS

CHANGES AND ADDITIONAL GUIDANCE FOR THE COMPLIANCE REVIEW PROCESS

Purpose. To provide information about several changes and additional guidance from NHQ for the compliance review process for 2007 that has occurred since the original bulletin was issued in April.

Expiration Date. December 30, 2007

I. Prior Year NA Tracts

All prior year NA tracts from **any** year must be added to the current year compliance review list. Prior year NA tracts can be identified from the “Determination Detail Report” located in the Reports tab of the FSA Compliance Review web application.

For prior year NA tracts, the following procedure will be followed:

1. Ask FSA for most current AD1026 and FSA-569
2. Determine if the tract is owned and/or operated by a current year program participant. (Ask FSA for a determination of the status of the tract and participant.) Where we have researched and determined that the tract is for a non-participant code the tract as NN. USDA employees are not authorized to have access to non-participant lands which means that no compliance review will be conducted.
3. If the participant is applying a conservation system that will meet the soil protection requirements (substantial reduction or no substantial increase) certify that person is in compliance with the HELC provisions using the appropriate compliance code.
4. If the participant is not applying a conservation system that will meet the soil protection requirements take the following actions;
 - inform FSA of the NA status via the existing or new FSA-569
 - notify your Area Compliance Coordinator

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- prepare and issue a Preliminary Technical Determination for the 2007 crop year following the normal procedure for adverse determinations in accordance with 7 CFR 614 (5/16/06 version).
 - enter the NA determination into the 2007 compliance review database.
5. For those tracts where the participant has not certified compliance with the provisions by executing a new AD-1026 following the previous year violation, but is determined to be a participant, NRCS will review the tract for compliance with the HELC provisions. If a conservation system is not being applied AND an annually tilled commodity crop is being produced on HEL field(s), request an FSA-569 and follow the procedures in Step 4 above. If there is no annually tilled commodity crop being produced on all HEL field(s), code the tract NN and provide the following note in the remarks section of the compliance review database: "Not participating in 2007 USDA". The FSA-569 should be returned to FSA showing that there is no violation because there are currently no annually tilled commodity crops being produced on that tract.

II. CRP Early Contract Termination (Cancellation)

CRP contracts that have early termination will be added to the current year county compliance status review list. Early termination is defined as the removal (cancellation) of all enrolled CRP land on the contract prior to the expiration date. This provision does **not** apply to the removal of a portion of the acreage enrolled in a CRP contracts **or** the transfer of ownership following the successor-in interest policy. Each District Conservationist will need to **explain** this provision to their FSA staff, do not simply ask for FY2007 early terminated CRP contracts as this wording has a different meaning in the CRP Manual.

Tracts undergoing early CRP termination in FY2007 will be added to the current year compliance list when the land or owner/operator will be a 2007 USDA participant AND, the tract contains a reviewable determination (HEL or wetland).

- If the tract only contains HEL field(s) AND at least one HEL field will be converted (restored) to cropland. No review is needed if **all** of the HEL fields will remain in perennial cover (including trees and pasture) and will not be used to produce to an annually tilled crop.

III. Most Recent Version of the Manual

The most recent version of the FSA compliance review manual is dated April 2007. This is newer than the version sent out with the original bulletin. This manual is located on the

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compliance review web site. The manual states that Part B - Locate Customer Data and Part C – Locate Plan Data are optional and are not required to be completed.

IV. Wetland Reviews to be done in the field

FSA will **not** be completing an aerial flight in 2007. Without a current year flight **all** compliance reviews for wetland provisions will include documentation using on-site procedures. For all tracts with wetlands present (including tracts without determinations or with non-inventoried areas), determine and document wetland compliance. The evaluation will include an in-field review. On tracts without wetlands (entire tract labeled “NW”, “PC”, or “NW/PC” and without non-inventoried areas) the aerial slide evaluation and in-field review is not required. Use the comments box in the software to make any necessary explanations.

Direct questions on the information contained in this bulletin through your Area Office to Paul Flynn, State Resource Conservationist.

/s/

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