

HIGHLY ERODIBLE LAND JOB APPROVAL AUTHORITIES



Background

In Part 510.20 of the National Food Security Act Manual (NFSAM) NRCS personnel are responsible for the following activities under the HELC (Highly Erodible Land Conservation) provisions:

1. Provide technical assistance for conservation planning and applying conservation systems to the land.
2. Make determinations for highly erodible soil map units and predominance of HEL (Highly Erodible Land) in a field.
3. Application of a conservation system that meets the soil reduction and/or improvement criteria.
4. Qualifications for temporary variances from the requirements of a conservation system.
5. Identification of NRCS error or misinformation.
6. Completing compliance reviews on regularly scheduled reviews, response to an FSA-569, and response to a whistleblower complaint.
7. Provide FSA information on an AD-1026B for making tenant exemption determinations and provide conservation planning assistance to the tenant.
8. Provide FSA information on an AD-1068 for making good faith waivers.
9. Provide assistance for conservation system revisions for USDA participant reinstatement.

NRCS personnel that are assigned to make HEL determinations, complete the HEL portion of compliance reviews, and address the other activities listed above are required to have appropriate knowledge, skills, and abilities. Acknowledgement of knowledge, skills, and abilities is conveyed to NRCS personnel by way of Job Approval Authority (JAA) for many of these activities. JAA to conduct HEL determinations, compliance reviews, responses to FSA-569s, etc., is based upon successful completion of required training, such as on-the-job training (OJT) and State or Area sponsored workshops, and demonstrated proficiency in one or more of the JAA Activities defined in Table 1.

HEL Activities and Levels of Authority

HEL Activities for which JAA is required in Florida include:

1. Determine presence of highly erodible lands according to the Food Security Act Manual procedures.
2. Conduct highly erodible land reviews for compliance review tracts in accordance with Part 518 of the NFSAM.
3. Respond to whistleblower complaints in accordance with Part 520.3 of the NFSAM.
4. Respond to requests for exemptions and variances in accordance with Part 520 of the NFSAM.
5. Conduct activities for reinstatement in accordance with Part 520.2 of the NFSAM, including development or evaluation of conservation plans as described in the NFSAM Part 512.

Levels of authority for HEL Activities include:

1. Level 1 – Level assigned to employees who have completed the required training and have the knowledge, skills, and abilities to accurately perform preliminary HEL determinations in their Area, i.e., those referred to the Field Office on Form AD-1026 or Form FSA-569 by Farm Service Agency staff.
2. Level 2 – Level assigned to employees who have completed Level 1 requirements and have demonstrated proficiency in applying the principles to conduct HEL determinations and process other non-routine HEL compliance requests and FSA Compliance Reviews for their Area as determined by the

SRC. Since there are few HE or PHE soils in Area 3, HEL assistance that requires separation of duties may necessitate assistance from the State HEL Compliance Specialist. All activities conducted for a reconsideration or appeal or other decisions that immediately affect producer eligibility will be documented by individuals holding Level 2 JAA.

Job Approval Authority Requirements

Knowledge and proficiency requirements to meet JAA Levels are described in Table 1. An individual’s proficiency for each HEL Activity will be reviewed based upon this criteria and Food Security Act Compliance review criteria in the Florida Quality Assurance Review (QAR) Action Plan. Proficiency requirements may be waived by the State Resource Conservationist (SRC) with written justification, e.g., if the employee has multiple years of determination experience with NRCS in another state, or within their work area prior to the adoption of this policy.

Level 1 (Preliminary HEL Determination) is conferred to all District Conservationists (as outlined in the RAC memo, June 14, 2014) after completion of formal training by staff holding Level 2 JAA. Level 2 will be conferred after the successful completion within the 12 month period prior to requesting Level 2 JAA of two (2) HEL determinations and Compliance Reviews as outlined in Table 1 that demonstrate a sound working knowledge of the technical and administrative procedures involved in the HEL Activity. Requests to change an employee’s JAA will be made to the SRC in writing by the Assistant State Conservationist for Field Operations (ASTC-FO) and/or staff holding Level 2 JAA.

TABLE 1 – JOB APPROVAL AUTHORITY REQUIREMENTS			
JAA Level	Activity	Knowledge, Skills & Abilities	Proficiency Requirements
Level 1	Preliminary Highly Erodible Land (HEL) Determination	Knowledge of procedures in the NFSAM Parts 511 and 512 including: <ul style="list-style-type: none"> • application of erosion factors as of January 1, 1990 to the USLE equation. • Highly Erodible Soil Map Unit List in Section II of the FOTG. • Application of the 33% or 50 acre rule • Procedures for PHEL Map Units 	Successful completion of at least two preliminary HEL determinations* on land uses and soil types typical to their geographic area of responsibility within the last year.
Level 2	Other Highly Erodible Land (HEL) Determinations and Compliance activities (e.g., Compliance Reviews, reconsideration requests, Final Technical Determinations, reinstatement decisions)	Level 1 - knowledge, skills & abilities Knowledge of procedures in the NFSAM Parts 518 and 520.	Successful completion of at least two HEL determinations and two FSA Compliance Review tracts * on land uses and soil types typical to their geographic area of responsibility within the last year.
	Response to whistleblower complaints	Level 1 - knowledge, skills & abilities Knowledge of procedures in the NFSAM Part 520.	Reserved for Area HELC Coordinators and State HEL Specialist

*As determined by the State HEL Specialist (currently the State Agronomist). Includes both the field review and administrative tasks such as issuing the proper determination documents to the client or uploading the review to the Compliance Database within required timeframes.

Maintenance of JAA

Maintaining Level 2 JAA for HEL Activities will be made by retaining the Knowledge, Skills and Abilities and

performing the tasks as described in Table 1 and successfully completing two (2) HEL determination or compliance reviews each year. It is the responsibility of the employee to ensure that they receive formal or OJT necessary to maintain their HEL JAA(s) and to document this training for future reference. The ASTC-FO or SRC may revoke or reduce an individual's Level of JAA for HEL Activities based upon written justification.

Training

State and/or Area Office staff will provide formal training, OJT, and workshops for NRCS staff seeking JAA and those holding JAA to maintain their abilities to perform HEL Activities as needed.

List of Certified Personnel in Florida

Those seeking JAA for HEL Activities will follow this guidance in order to obtain and maintain their JAA. Any questions related to this policy may be addressed to the State HEL Compliance Specialist (State Agronomist). The State Conservationist (STC) will maintain a current list of NRCS staff within the state that have JAA for HEL Activities in Table 2, Section III (D) (3) of the FOTG.

Table 2 - -LIST OF CERTIFIED AGENCY PERSONNEL with JAA for HEL ACTIVITIES		
NAME	ADMINISTRATIVE AREA	JAA LEVEL
Bruce Turnbull (Area HEL Coordinator)	1	2
Brian McGraw	1	2
Greg Nolin	1	2
Jason Hayford	1	2
Darryl Williams	1	2
Dennis Hall	1	2
Trent Mathews	1	2
Josh McElhaney	1	2
Area and FO staff not listed above	1	1
Cesar Jusino (Area HEL Coordinator)	2	2
Area and FO staff not listed above	2	1
Ken Lackmann (Area HEL Coordinator)	3	2
Area and FO staff not listed above	3	1
Maelo Reyes (Area HEL Coordinator)	4	2
D'Andre Yancey	4	2
Area and FO staff not listed above	4	1