

PART 409 – Conservation Planning Policy

Subpart A – General

Amended August 2024

409.0 General

A. Purpose

1. This general manual establishes policy for NRCS-designated conservation planners providing conservation planning assistance to clients. It also describes the process for achieving the conservation planner designation levels and specializations.
2. States may supplement this policy to provide specific guidance and comply with state, territorial, tribal, and local laws and regulations. State supplements must fit within the scope of this policy. Send a copy of the state supplement to the Conservation Planning and Technical Assistance Division (CPTAD) director for review and approval.

B. Responsibilities

1. The CPTAD director has national responsibility for the conservation planning policy.
2. The state conservationist is responsible for ensuring the conservation planning policy is implemented. This may be delegated to a designee.
 - a. All references within this policy to state conservationists include the Pacific Islands and Caribbean area directors.

C. References

1. Title 180 National Planning Procedures Handbook, Part 600 (180 H Part 600), provides procedures and guidance on implementing the NRCS conservation planning process.
2. Title 190 General Manual, Part 410 “Compliance with NEPA” (190 GM Part 410) covers compliance with the National Environmental Protection Act (NEPA).
3. Title 190 National Environmental Compliance Handbook, Part 610 (190 H Part 610) provides agency procedures and policy on compliance with NEPA and the Endangered Species Act.
4. Title 340 General Manual, Part 404 “Compliance Internal and External” (340 GM Part 404), provides policy on internal and external compliance, including state quality assurance and spot checks.

5. Title 390 National Watershed Program Manual, Parts 500 to 506 (390 M Parts 500–506), provides guidance on developing watershed project plans.
6. Title 400 General Manual, Part 400 “Public Participation Policy” (400 GM Part 400), establishes NRCS policy and objectives for public participation in NRCS programs and related responsibilities and activities.
7. Title 440 Conservation Programs Manual, Part 500 “Locally Led Conservation” (440 M Part 500), conveys NRCS policy for supporting locally led conservation efforts.
8. Title 440 Conservation Program Manual, Part 501 “USDA Conservation Program Delivery” (440 M Part 501), conveys NRCS policy for the role of local work groups and state technical committees in applicable conservation program delivery.
9. Title 440 Conservation Programs Manual, Part 504 “Technical Service Provider Assistance” (440 M Part 504), contains NRCS policy guidance and operating procedures for the administration and implementation of technical service provider program assistance.
10. Title 440 Conservation Programs Manual, Part 525 “Conservation Technical Assistance Program” (440 M Part 525), conveys policy and procedures for implementing the nine-step conservation planning process in the delivery of the Conservation Technical Assistance Program.
11. Title 450 General Manual, Part 407 “Documentation, Certification, and Spot Checking” (450 GM Part 407), provides policy and guidance on documentation, certifying completed work, and spot checking.

409.1 Conservation Planning Overview

- A. The objective in conservation planning is to help each client achieve sustainable use and management of soil, water, air, plant, animal, and energy resources based on related human considerations. The purpose is to prevent the degradation of resources and ensure their sustained use and productivity while considering the client’s economic and social needs. The conservation planning process may be applied at the scale of an individual’s land and across larger geographic areas. Conservation planning assistance is based on ecological, economic, and social considerations relative to the resources. The procedures and guidance for implementing the conservation planning policy are provided in 180 H Part 600.
- B. When programs, provisions, or initiatives exist (e.g., highly erodible land conservation provisions) that define other specific levels of planning for a resource issue, clients will be offered alternatives that, at a minimum, meet the criteria of those programs, provisions, or initiatives.
- C. Conservation planning assistance can be provided by NRCS staff, conservation district staff, conservation partners, technical service providers, or other appropriate conservation professionals.

1. In cases where NRCS is assisting or is assisted by other agencies, tribes, or groups such as conservation districts, plan formats may be modified to meet those specific client needs, provided that all applicable federal environmental and compliance requirements are met.
- D. Areawide conservation planning is voluntary, comprehensive planning for a community, watershed, landscape, or other large geographic areas and considers all the natural resources and social and economic factors affecting the local communities within the planning area.
1. Areawide plan development follows the established nine-step planning process to assist clients and stakeholders through a voluntary locally led effort that assesses their resource conditions and needs; sets goals; and identifies alternative actions, programs, and other resources to solve those needs. Where an areawide conservation planning effort is underway without authorized decision makers available, the product of step six is an areawide conservation assessment.
 2. A locally led effort considers all pertinent federal, state, tribal, territorial, and local conservation programs and private sector programs as tools to solve resource concerns on a broad scale. See 440 M Parts 500 and 501.
 3. Sponsoring local organizations may request areawide conservation planning assistance for developing or implementing a watershed project plan needed to participate in the Watershed Program. See 390 M Parts 500 to 506 for guidance on developing watershed project plans.
- E. The Conservation Assessment Ranking Tool (CART) is recognized as the NRCS business tool to document the resource concern assessment process consistent with the NRCS conservation planning process used with individuals. CART is required to be used across all agency conservation efforts for field scale conservation planning and financial assistance programs.

409.2 Conservation Planning Assistance Delivery

- A. Conservation planning assistance provided to clients for NRCS purposes must comply with all civil rights acts, nondiscrimination statutes, executive orders, and regulations of the Secretary of Agriculture and meet all applicable federal, state, territorial, tribal, and local laws, program rules, policy statements, and international agreements.
- B. NRCS traditionally provides conservation planning assistance on a request basis with conservation districts and tribal governments.
1. NRCS may enter into working agreements with other organizations and units of government to provide conservation planning assistance as mutually agreed upon.
 2. The state conservationist will assess and determine the level of NRCS assistance to be provided in areas without conservation districts. NRCS may

provide assistance for programs mandated by Congress independent of a working agreement with a conservation district.

- C. As a federal agency, NRCS recognizes and acknowledges its trust responsibilities to Indian tribes and is committed to Government-to-Government relationships. It is NRCS's policy to ensure that tribal rights and concerns are taken into account to remove impediments to working directly and effectively with tribes, and work with tribes to achieve self-sufficiency. Based on its commitment to the Government-to-Government relationship and its trust responsibilities, NRCS will:
 - 1. Operate within a Government-to-Government relationship with federally recognized Indian tribes.
 - 2. Consult, to the greatest extent practicable and permitted by law, with Indian tribal governments before taking action that affects federally recognized Indian tribes.
 - 3. Assess the impact of agency activities on tribal trust resources and ensure that tribal interests are considered before action.
 - 4. Remove procedural impediments to working directly with tribal governments on activities that affect trust property or governmental rights of the tribes.
 - 5. Work cooperatively with other agencies to accomplish these goals established by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments.
- D. If assistance on federal or state lands requires a significant amount of NRCS resources beyond the scoping process completed early in the planning process, an agreement that provides for reimbursement of NRCS services must be executed. All tribal lands are excluded from this requirement. The state conservationist will determine when an agreement is required. See 440 M Part 525 for additional policy.
- E. Areawide conservation planning assistance can be initiated by NRCS based on local, state, or national priorities, programs, or initiatives or can be delivered to clients based on specific requests. In complex situations, NRCS will employ an early scoping process to determine expected needs for NRCS services and other resources before committing to planning assistance.
- F. All NRCS-designated conservation planners will develop conservation plans that contain conservation practices that meet all NRCS standards and specifications as documented in the Field Office Technical Guide (FOTG).

409.3 Providing Conservation Planning Assistance

- A. General
 - 1. Conservation planning assistance provided on behalf of NRCS must be done by a conservation planner who possesses the necessary skills, training, and experience to implement the NRCS planning process to meet client objectives in solving resource concerns.

2. Conservation planners must have a basic understanding of agricultural production systems, economics, plant and animal sciences, ecological systems, natural resources, state and local environmental laws and regulations, and conservation practices common to the region where they work.
3. A conservation planner must have demonstrated skill in assisting clients in identifying resource concerns, expressing the client's short- and long-term objectives, proposing feasible solutions to resource problems, and encouraging the client to choose and implement an effective alternative system that treats resource concerns and meets the client's objectives and all federal policies, as well as state and local laws.

B. Conservation Planner Designations

1. There are four NRCS conservation planner designation levels that individuals can achieve to demonstrate the necessary knowledge, skills, and abilities. These levels build on each other. They are as follows:
 - a. Level 1 Conservation Planner
 - b. Level 2 Conservation Planner
 - c. Level 3 Certified Conservation Planner
 - d. Level 4 Certified Conservation Planner
2. Candidates must possess and demonstrate the core competencies identified in Subpart E for the specific conservation planner designation they attain.
3. Specializations are available as a subset of conservation planning roles and can be added to level 2, 3, or 4 designations. These specializations may be designated at the national or state level.
4. Both NRCS employees and partners (acting on behalf of NRCS) who independently assist customers through the nine-step conservation planning process (described in 180 H Part 600, Subparts B and C) are required to obtain the level 1, 2, 3, or 4 conservation planner designations.
 - a. Those acting on behalf of NRCS include cooperative and contribution agreement employees (as specified in the partnership agreement) and partner employees covered under the County Soil and Water Conservation Distribution Memorandum of Agreement.
5. State conservationists will determine the specific planner designation an individual must earn and maintain based on the individual's position, affiliation, and duties.
6. Tribal members or private sector service providers may be designated to any of the four planner roles based on agency need and approval by the state conservationist, as long as the designation requirements are met.

409.4 Planning on Units That Cross a State, County, or Field Office Boundary

- A. NRCS assistance on an individual planning area that crosses a state, county, or field office boundary is the responsibility of the field office where the majority of the land is located, unless otherwise agreed to by the client and respective state conservationists (see 180 GM 409.6 for work along international borders). Conservation planning will be consistent with the FOTG covering the area where the land is located.
- B. For assistance to groups or units of government on a planning area that crosses a state boundary, the state conservationists, in consultation with the client, will determine by mutual consent which state will have the lead responsibility for providing planning and other technical assistance.

409.5 Conservation Plan Documentation and Signature Requirements

A. Signing Conservation Plans

- 1. All conservation plans developed for NRCS purposes must be signed by an NRCS-designated level 3 or 4 certified conservation planner. This applies to all plans, regardless of the planner's affiliation.
 - a. The signature certifies that the conservation plan meets the needs of the client; NRCS conservation planning policy, procedures, and standards; and any applicable program or provision requirements.
- 2. When a conservation plan is being used to meet specific USDA program requirements under the authority of NRCS, such as highly erodible land compliance, it must also be approved by the NRCS official required by that program.
- 3. Conservation plans will be signed as indicated below in the order listed.
 - a. The plan must be signed by the NRCS-designated level 3 or 4 certified conservation planner.
 - b. The plan must be signed by the decision maker, indicating acceptance of the conservation system alternative. Other associated customers may sign based on the wishes of the decision maker.
 - c. The plan may be signed by the conservation district, per NRCS and conservation district policy as specified under mutual, cooperative working, operational, and contribution agreements, and in accordance with the confidentiality provisions of Section 1619 of the Food, Conservation, and Energy Act of 2008.
 - d. The plan may also be signed by level 1 or 2 conservation planners when appropriate to indicate who conducted the planning process and developed the conservation plan.
 - e. Some federal, state, tribal, or local program requirements may call for additional signatures. These additional approvals are not required by

NRCS but may be necessary to meet the client's objectives. Therefore, it is the client's responsibility to obtain these additional signatures.

409.6 Conservation Planning Assistance That May Have International Impacts

- A. Assistance provided must comply with Title 280 General Manual, Part 400, "International Conservation Programs." State conservationists will contact the CPTAD director for guidance when conservation planning assistance is outside of the 50 states and U.S. territories, such as on land or property located on both sides of the U.S. border.

409.7 Freedom of Information Act (FOIA) of 1966 and Privacy Act (PA) of 1974

- A. NRCS policy and procedures on FOIA and PA are in National Instruction Title 120 Part 300, "Processing Freedom of Information Act (FOIA) and Privacy Act (PA) Requests," and Title 120 General Manual, Part 408 "Records," Subpart C "Freedom of Information Act and Privacy Act."

409.8 Public Participation in the Planning Process

- A. Public participation is an integral part of the NRCS planning process used by the locally led process and areawide planning and is described in 400 GM Part 400.
- B. Opportunities for public participation and involvement will be provided throughout the planning process to provide for a full partnership when working with groups (not acting as individuals), communities, and units of government.
- C. Individual conservation plans do not normally require public participation except when required by state, tribal, or local laws or when they include public lands. For conservation plans involving public lands, the client will work with the public land management agency.
- D. Every areawide conservation planning effort will include a public participation component to the extent determined by the state conservationist. Requirements for public participation are specified in NEPA, executive orders, departmental memoranda, and NRCS policy.
- E. In its public participation activities, NRCS will:
 - 1. Provide opportunities for the public to contribute information and express opinions at various stages of the planning process, decision-making process, or both.
 - 2. Inform the public early and throughout the process regarding NRCS policy, program development, and NRCS-assisted resource planning.
 - 3. Evaluate and carefully consider all information presented and views expressed.

4. Acknowledge written comments (when applicable) and report decisions to the public.