
TITLE 180 – IOWA INSTRUCTION

Part 180 – Conservation Planning and Application

Subpart 396 – Standard Operating Procedure for the Highly Erodible Land Conservation and Wetland Determination Process

3rd Edition March 2026

396.0 Purpose

This instruction provides the Standard Operating Procedure (SOP) for the Highly Erodible Land Conservation (HELC) and Wetland Determination process and related conservation compliance technical assistance workflow.

1. Consistent statewide process for referring and routing HELC and Wetland Conservation (WC) compliance requests,
2. Reduce redundancy in completing compliance determinations,
3. Digital backup for such requests,
4. Uniform nomenclature for compliance-related referral documents,
5. Single-shared access point for retrieving, tracking, and forwarding requests for staff with HELC and WC responsibilities, and
6. Consistent process for ensuring accountability with current policy timeframe obligations.

396.1 References

Title 180 National Food Security Act Manual (NFSAM)

Title 440 Conservation Programs Manual (CPM), Part 510 “Appeals and Mediation”

Title IA180 Iowa Manual Part 516

Iowa Instruction Title 180 Part 385 “Designated Conservationist”

Title 7 Code of Federal Regulations (CFR) Part 12 and Title 7 CFR, Chapter VI, Part 614
“Natural Resources Conservation Service (NRCS) Appeal Procedures”

Iowa Compliance Memo 16-04

Iowa Compliance Memo 23-05

Field Office Technical Guide (FOTG)

396.2 Background

Iowa NRCS receives technical assistance and referral requests for HELC and WC determinations from local FSA and NRCS offices via forms AD-1026, FSA-569, and CPA-038. These referral request forms, accompanying maps, all relevant historical documents (see **Exhibit 1 – WC and HELC Compliance Historical Documentation Importance and**

Examples), and/or written requests from the participant provides information and authorizes NRCS to complete HELC and Certified WC determinations, reviews, service appeals and provide technical assistance. This document provides instructions and nomenclature for NRCS staff to forward compliance documents, appeals, and referrals of requests for technical assistance to staff members with compliance responsibilities. These determinations are to be done in a timely manner per NFSAM. NFSAM 510.12 C states: All requests for HELC/WC determinations shall be made as follows:

1. In-office determinations shall be issued within **15 working days of receipt** of the Form AD-1026 or CPA-038.
2. Determinations that require an onsite review shall be issued **within 60 working days of receipt** of the forms AD-1026 or CPA-038. AD-1026 determinations will be completed in request date order with the oldest ones being completed first. All Historical Documents should be considered as PII and handled/redacted according to policy.

Note: Onsite determinations may be delayed for the following reasons (a) until site conditions are favorable for the evaluation of soils, hydrology, or vegetation (7 CFR Section 12.6(c)(7)), (b) When an unusually large number of requests for determinations have been submitted by FSA or USDA program participants, NRCS employees at the local level and, if necessary, the State level shall coordinate completion of the requests so that timely determinations can be made.

396.3 Responsibilities

Iowa NRCS staff, Partners, and Contractors must follow this Iowa Instruction upon receipt of each compliance request(s). HELC/WC determinations will only be completed as assigned in 396.4. The ASTC-Compliance will answer any questions pertaining to this instruction.

396.4 Request Referral Procedure

A. AD-1026

Iowa NRCS staff, Partners, and Contractors will follow the process outlined below.

For Preliminary and Final Technical Determinations of HELC and WC

Note: Prior to referral, FSA should verify whether a previous determination exists for the geographic scope of the area of interest. FSA refers the Form AD-1026 or Form FSA-569 (discussed further in section 396.5b) when initiated by FSA or public whistleblower, with a quality map that includes the Section, Township, and Range, relevant historical documentation and provides the Producer Farm Data report that contain all the addresses of all affiliated owners, operators, or other tenants as explained in Iowa Compliance Memo 23-05.

1. Referral from FSA

- a. FSA staff scans the referral documents and physical file records found in Iowa Compliance Memo 23-05, Step 2(3) as double-sided, in color, to a PDF and uploads to HELC/WC Tracking Tool using the following file naming convention:

IAFIPS_FXXXX_TXXXX

Note: When the document refers to CD, please use the most recent business tool for

the application.

- b. Based on the request type for the Form AD-1026 or Form FSA-569 (farm number and tract number in the X's) the FIPS code is the county the tract is **administered in, and not physically located in.**

Note: Designated Conservationist (as defined in 7 CFR 614.2) are required to have JAA to complete wetland determinations as defined by NFSAM 514. The official JAA roster for compliance is maintained on the IA FOTG. Designated Conservationist will complete requests for determinations physically located in the counties they are assigned.

- (1) Every CLU/tract has an admin county code by FSA. The land units are entered where the CLU is physically located. FSA uploads CLU to where the land is physically located into CD/Business Tool. If physically located in another county or state, make a note stating the physical location in the subject line of an email and send it to the correct designated conservationist.
 - (2) FSA-569 forms will be handled with **569 Procedure in 396.5b** and will need a map with a red X clearly showing location of potential violation.
- c. Designated Conservationists assigned to the county where the request is physically located retrieves referral from CD Document Management or relevant Business Tool. If the request is administered in the designated conservationist's county but physically located somewhere else, they will forward to person covering the physical area. This includes area without FSA offices and other states. To find the documents associated with the referral follow current instructions for Document Management within CD Help.
- d. NRCS FO can download reports from CD showing what the workload is in their counties for AD-1026's and FSA-569s.

Note: NRCS will use the date the request was uploaded to CD as a date-stamp for the referral received by NRCS. NFSAM 510.12(B)(2)(i).
- e. Designated Conservationist checks the referral request for validity by verifying the following:
 - (1) Correct Producer, Farm, tract, field number(s), and pertinent highlighted project area information is included.
 - (2) Respective items in Part B of Form AD-1026 (questions 6, 7A, or 7B), are checked "YES" by the person, or if Form FSA-569, Part B is appropriately checked for applicable circumstance.

Note: If AD-1026 request marked no for questions 7A, 7B and/or 7C, and it does not match the activity in Part C. Designated conservationist may need to request further information from FSA and/or evaluate relevant paperwork and assistance notes from NRCS FO documentation.
 - (3) In Part C of Form AD-1026, Specific activity/activities pertaining to question(s) in Part B as applicable is/are clearly documented.
 - (4) In Part D of Form AD-1026, signature and date of both the person and FSA representative are completed.
 - (5) Legible current CLU map, in color, which clearly identified area of interest.
 - (6) Producer Farm Data Report with all affiliates of the tract, including all mailing addresses.

Note: A determination request will not be considered final until all associated (owner, operator, and other tenant) have a copy of a technical determination based on NFSAM. (for HELC reference NFSAM 511.11(G) - Notify all USDA

- participant signatories on Form AD-1026, including all primary owners and tenants, as well as FSA, and for WC reference NFSAM 514.1(G)(1) - NRCS will notify the person affected by the certification and provide an opportunity to appeal it.)
- f. If FSA has questions about validity of wetland determination certification and they submit requests into CD with a possible completed determination. Designated conservationist reviews the referral request and the NRCS physical file records for prior determination(s), applicable drainage information, and/or other relevant information.
 - a. Designated Conservationist puts CPA-6 notes in the file explaining why it is or is not certified.
 - (a) If a certified determination is completed for the entire project area requested per NFSAM 514.1,
 - Designated Conservationist follows internal process to return the previous CWD to the participant. Refer to **Exhibit 2 – Existing Wetland Determination Template Letter**.
 - CSS enters the existing wetland determination into CD.
 - CSS mails out letters.
 - (b) If not certified, continues to step 2(d).
 - (c) If any of the above items are missing, the NRCS Designated Conservationist returns the referral to FSA to correct the deficiencies.
 - g. Designated Conservationist will verify all known historical documentation relevant to request.
 - h. If any historical documents are missing from the request the Designated Conservationist will follow a tiered request structure to obtain necessary documents to complete the request. Refer to **Exhibit 3 – WC and HELC Technical Request Historical Documentation Retrieval**
 - i. Designated Conservationist completes the WC and/or HELC referral based on the physical county they are assigned.
 - (1) For WC - If the determination is adverse, the Designated Conservationist notifies the producer and District Conservationist of the decision prior to mailing per IA 440-510-M, 1st Ed., Amend. 1, Aug 2019. This policy only applies to WC and does not apply to HELC.
 - (2) For HELC – determinations will be completed based on current tools for HELC using internal compliance process. See SO compliance team for training material.
 - j. Designated Conservationist uploads the agency record, including all information used in rendering the decision, into the F:\DATA\IA<firstthreeletterssofoffice>\NRCS-CPA-026 county folder directory and to CD Document Management in. See **Exhibit 4 – CD Document Management Uploading Guidance**.

Note: Use the most current guidance if business tool is updated

 - (1) FIPS county is the county where the tract is administered by FSA. (Example: IA017 F3521 T9696) Every CLU/tract has an admin county code entered by FSA. NB190-19-10 ECS – Farm Service Agency (FSA) Division of Tracts by Physical Location.
 - (2) The current certification map will be used as page one of all HELC and WC Technical Determination PDFs saved to F:\NRCS-CPA-026.

Directions for this are found in **Exhibit 5 – Downloading the current tract certification map for NRCS CPA-026 PDFs.**

- (3) If there are existing documents in the F:\DATA\IA<firstthreelettersoffice>\NRCS- CPA-026 with signatures use **Exhibit 6 - Instructions for Appending a PDF.**
- (4) Delete any blank pages in the PDF document before uploading.
- k. Designated Conservationist emails the agency record of the decision to all the following: shared email SM.NRCS.IA.Compliance@usda.gov (addressed to assigned CSS), with a CC to NRCS DC, and FSA CED. If the referral request is in a different administrative county both counties should get a copy of the determination.
- l. Designated Conservationist develops an MTP that includes the decision notice letter, map, and Form NRCS CPA-026-WC and/or Form NRCS CPA-026-HELC as a PDF.
- m. CSS prints the MTP from Step 6.
- n. CSS mails MTP to respective person(s) as listed on the Farm Data Report.
 - (1) Non-Adverse decision letters and carbon copy mailings are sent regular mail to all associated with the tract.
 - (2) Adverse decision notices are mailed certified–return receipt requested to all associated with the tract per regulation located at Title 7 CFR, Chapter VI, Part 614, Section 614.6(b).
 - (3) Tract number and county are written on the U.S. Postal Service Certified Mail Receipt (Green Card).
 - (4) Use the NRCS county where the physical county tract is located as the return address on Green Card. See attached **Exhibit 7 - Certified Mail Return Receipt Guidance.**
Note: NRCS offices that don't have an FSA office should get the Green Card, e.g. Union County.
Note: This can be opened in USPS tracking for further information on when determination was mailed and received by the producer.
- o. CSS uploads the determination to Document Management in CD. See **Exhibit 4 – CD Document Management Uploading Guidance.**
 - (1) CSS uploads the MTP file to CD– Combined Client Product Final HELC or WC as shown on pg. 1 of Exhibit 3. The entire determination documentation is filed in CD or current business tools as Other-HELC or Other-WC.
 - (2) CSS will enter the Certified Receipt Number for the Green Card into CD Document Management in the comments section prior to uploading the PDF.
- p. CSS enters preliminary determination completion date into the CD HELC/WC Tracking Tool using current guidance.
- q. CSS enters the mailing date into the CD HELC/WC Tracking Tool.
- r. CSS assigns the request in CD as completed to the proper Designated Conservationist
Note: Determination must be completed before it is assigned to a person in CD or current business tool.

B. FSA-569 (HELC and WC)

All Iowa NRCS staff, Partners, and Contractors will follow the process outlined below. This instruction is for Preliminary and Final (only when applicable) Technical Determinations of HELC and WC. The Referral of an FSA-569 is in the event of potential noncompliance. These can be via a Whistleblower Complaint or Status Review. NRCS will respond to these requests per 7 CFR Section 12.30(a)(6).

1. Referral from FSA

- a. SA enters the FSA-569 referral into CD HELC/WC Tracking Tool and uploads documents to CD Document Management (National Bulletin 190-23-12).
- b. FSA may provide notification to NRCS that FSA-569 has been uploaded to CD,
 - (1) If no notification is provided by FSA, NRCS SO runs a monthly report from CD for a list of incomplete FSA-569.
- c. FSA-569 Request is received from FSA
- d. For HELC FSA-569s associated with compliance status reviews, follow the current Iowa Plan for Conducting Food Security Act Compliance Status Reviews. Designated Conservationist assigned to the county retrieves the FSA-569 referral packet from CD Document Management.
- e. NRCS will use the date the request was uploaded to CD as a date-stamp for the referral received by NRCS. NFSAM 510.12(B)(2)(i). (Note: To find the documents associated with the referral follow current instructions for Document Management within CD Help.)
- f. Designated Conservationist queries CD HELC/WC Requests for any outstanding incomplete AD-1026 requests for the Tract.
 - (1) AD-1026 is handled prior to completing the FSA-569.
- g. NRCS checks all files for a current or valid AD-1026 for the owner and or operator. If none, NRCS has no authority to complete the request or on-sight investigation and returns to FSA.
- h. Designated Conservationist reviews the referral documents included in the FSA-569 request to verify the following:
 - (1) Designated conservationist reviews FSA documents to ensure they include Farm, Tract, and crop year for the potential violation.
 - (2) A current Producer Farm Data Report is included for all producers associated with the Tract (FSA Handbook 6-CP Para 400 E, Revision 4)
 - (3) Current Operator and Owner must match those listed on the Producer Farm Data Report
 - (4) Form FSA-569 Part A and B are filled out by FSA.
 - (5) FSA-569 numbers 11 and 12 are signed and dated.
 - (6) An aerial FSA map is clearly marked with a red “x” indicating the area(s) of potential noncompliance.
 - (7) If any of the above items are deficient, the Designated Conservationist will contact the FSA representative that signed, or CED of the Administrative County for the Tract for correction.
 - (a) If the referral is returned, document in the NRCS-CPA-6 Conservation Assistance Notes covering the FSA-569 for reasons it was delayed in completion.
- i. Designated Conservationist will verify all known historical documentation relevant to request.

- (1) If any historical documents are missing from the request the Designated Conservationist will follow a tiered request structure to obtain necessary documents to complete the request. Refer to **Exhibit 3 – WC and HELC Technical Request Historical Documentation Retrieval**
- j. For 569 requests where an existing determination for the area is found:
 - (1) Wetland Compliance Determination (WC):
 - (a) Ensure the determination is indeed a Certified Wetland Determination. Ensure the determination is correct. Determine that the label for the area shows the area is labeled Prior Converted Cropland, Non-Wetland, or Artificial Wetland then process the FSA-569 as WC compliant and return to FSA as detailed below in 396.5b (14).
 - (b) If the area is labeled Wetland, Farmed Wetland or Farmed Wetland Pasture, review available imagery to see what changes have been made since the certified determination was completed.
 - (2) Highly Erodible Land Compliance Determination (HELCL):
 - (a) If no HEL determination exists, complete an HELC technical determination as detailed in the AD-1026 procedure.
 - (b) If the field(s) is/are NHEL then process the FSA-569 as HEL compliant and return to FSA as detailed below in 396.5b (16).
 - (c) If the field(s) is/are HEL, contact the affiliated producers to notify them they will receive an HEL determination in response to the FSA-569 referral. Can combine this contact to detail the WC process if applicable (See below). Email the Preliminary Technical Determination and FSA-569 referral packet to the District Conservationist, Area Resource Conservationist and EcoSci reviewer as needed
- k. Designated Conservationist will contact the producer/operator to notify them of the FSA-569 referral, schedule a field visit (onsite field visit is required for FSA-569s), and request supporting documentation.
 - (1) Designated Conservationist will document details of the conversation in the NRCS-CPA-6 Conservation Assistance Notes associated with the FSA-569.
 - (2) If access is denied, the Designated Conservationist checks the block in Part C, signs, dates and returns to FSA-569 to FSA.
- l. Designated Conservationist sends a letter of notification to the producer and operator to notify them of the FSA-569 **Exhibit 8 - 569-WC_Request Field Visit Letter** (required per NFSAM 518.12(A)(1&2))
 - (1) Designated Conservationist emails prepared letter to shared email SM.NRCS.IA.Compliance@usda.gov with carbon copy to NRCS DC and FSA CED to be mailed out.
- m. Designated Conservationist conducts a field visit. Document details of the field visit in the NRCS-CPA-6 Conservation Assistance Notes covering the FSA-569.
- n. Designated Conservationist completes a PTD if one is not already completed.
- o. Designated Conservationist contacts the producer with the PTD result and next steps.
- p. Designated Conservationist uploads the agency record, including all information used in rendering the decision, into the F:\DATA\IA<firstthreelettersoffice>\NRCS-CPA-026 county folder directory.
 - (1) FIPS county is the county where the tract is administered by FSA. (Example: IA017_F3521_T9696) Every CLU/tract has an admin county code entered by

- FSA. NB190-19-10 ECS – Farm Service Agency (FSA) Division of Tracts by Physical Location.
- (2) The current certification map will be used as page one of all HELC and WC Technical Determination PDFs saved to F:\NRCS-CPA-026. Directions for this are found in Exhibit XX – Downloading the current tract certification map for NRCS CPA-026 PDFs.
 - (3) If there are existing documents in the F:\DATA\IA<firstthreelettersofoffice>\NRCS- CPA-026 with signatures use **Exhibit 6 - Instructions for Appending a PDF.**
 - (4) It is recommended that the PDFs saved to F:\NRCS-CPA-026 first be compressed in Acrobat to improve the access speed when viewing the files on the Iowa Map Viewer for USDA Service Centers. To compress the PDF, select the Optimize PDF tool and select Compress PDF
- q. Designated Conservationist emails the agency record of the decision to all the following: shared email SM.NRCS.IA.Compliance@usda.gov (addressed to assigned CSS), with a CC to NRCS DC, and FSA CED. If the referral request is in a different administrative county both counties should get a copy of the determination.
 - r. After the 30-day appeal window of the PTD closes (if there is an appeal follow Appeal procedures), the Designated Conservationist completes Part C of the FSA-569 and returns to FSA:
 - (1) When completing the FSA-569 forms, NRCS will mark an X in the appropriate box that corresponds to the outcome of the determination. NRCS will list all affected field number(s) and include the total acres to correspond with the maps in the final determination. This is then signed and dated by the designated conservationist.
Note: Ensure that the FIPS number reflects where the tract is physically located and is entered in Part A.
 - (2) If non-compliance is determined, the FSA-569 should not be returned to FSA until after the NRCS technical decision is “Final”. (Final is defined as follows: once the final determination is issued and all informal appeal rights are exhausted.) Enter the final determination documents and the date the final determination was sent into CD. Then return the FSA-569 form signed and give the appropriate documentation to FSA.
 - s. CSS uploads the determination to Document Management in CD. See **Exhibit 4 – CD Document Management Uploading Guidance.**
 - (1) CSS uploads the MTP file to CD - Correspondence Determination Final or Final WC as shown on pg. 1 of **Exhibit 4– CD Document Management Uploading Guidance.** The entire determination documentation is filed in CD as Other-HELC or Other-WC.
 - (2) CSS will enter the Certified Receipt Number for the Green Card into CD Document Management in the comments section prior to uploading the PDF.
 - (3) Use the NRCS county where the physical county tract is located as the return address on Green Card. See attached **Exhibit 7 - Certified Mail Return Receipt Guidance.**
Note: NRCS offices that don’t have an FSA office should get the Green Card, e.g. Union County.

Note: This can be opened in USPS tracking for further information on when determination was mailed/received by the producer.

- t. Designated Conservationist will put this information in Compliance Internal Tracking Spreadsheet when appropriate.

Note: may need to refer to Iowa Plan

- u. CSS enters preliminary determination completion date into the CD HELC/WC Tracking Tool using current guidance.
- v. CSS enters the mailing date into the CD HELC/WC Tracking Tool.
- w. CSS assigns the request in CD as completed to the proper Designated Conservationist **Note:** Determination must be completed before it is assigned to a person in CD.

396.5 Appeals Procedure

- A. Request for informal appeals received by FO staff or Designated Conservationist.

Note: Request for appeals can include reconsideration, mediation, and/or FSA County Committee and **must be made in writing** per Title 7 CFR, Chapter VI, Part 614, Section 614.2.

- 1. FO staff or Designated Conservationist (if they received the physical request and green card) forwards the request for appeal and a scanned copy of the signed associated certified green card to SM.NRCS.IA.Compliance@usda.gov with a carbon copy to the respective Designated Conservationist.

Note: This step is to ensure that the green card is added to CD, and correct date stamp is given to the file per NFSAM.

- 2. Use physical county and “Informal Appeal Request” in subject line of the email.

- B. CSS retrieves referral from SM.NRCS.IA.Compliance@usda.gov shared email account.

- C. CSS enters the appeal date for the appropriate appeal type into the CD HELC/WC Tracking Tool.

- D. Designated Conservationist follows internal process to send acknowledgement letter of the request for appeal to the person requesting per Title 440 CPM, Part 510, Subpart B, Section 510.20(B)(3-4) and provides a copy of the agency record to appellant. See **Exhibit 9 – Appeal Acknowledgement Template Letter**.

- E. Designated Conservationist conducts the reconsideration per Title 440 CPM, Part 510, Subpart B, Section 510.21(B)

- 1. If the decision is no longer adverse, the record is amended accordingly, and the final technical decision is provided to the respective person(s) by following step 9 – 14a and 15 above in 396.5a.
- 2. If the decision remains adverse, the Designated Conservationist organizes a digital copy of the record using **Exhibit 10 - 6 Part folder Cover Sheet Guidance** for WC and **Exhibit 11 - Form NRCS-CPA-17 for HELC** and places it in SharePoint under folder Compliance Internal\Compliance Editable Files\Final Determination Folder using the following file naming convention: IAFIPS_FXXXX_TXXXX.

- F. Designated Conservationist sends email notification to the SM.NRCS.IA.Compliance@usda.gov with “Final after Reconsideration of **same file**

name as in 396.5 (9)(a) above” in the subject line for independent technical review as per Title 440 CPM, Part 510, Subpart B, Section 510.21(B)(6). Note: Labels associated with adverse decisions include but are not limited to CW, CW+yr, CWTE, FW, FWP, W, WX and HEL.

- G. WS completes the letter for the reconsideration in Word .Doc and includes that in the SharePoint under folder Compliance Internal\Compliance Editable Files\Final Determination Folder using the following file naming convention:
IAFIPS_FXXXX_TXXXX.
- H. SO Compliance staff reviews and forwards Form NRCS CPA-026-WC or Form NRCS CPA-026-HELC, Map, and Letter.
- I. SO Compliance staff will work with appropriate personnel to prepare formatted letter, MTP, and Agency Record to STC.
- J. STC sends Final Decision Notice and attachments to SO compliance staff.
- K. SO compliance staff send FTD to Designated Conservationist and CSS for mailing.
Note: Green cards are to be returned to the physical NRCS FO
- L. SO/CSS staff records the FTD into the HELC/WC Tracking Tool.
 - 1. Enters the FTD letter date into the “Date Final Determination Sent”
 - 2. Enters the Designated Conservationist that performed the reconsideration request into “Assigned To Final”**Note:** For CD (current tool as of FY25) this should be recorded under Request Details.
- M. Designated Conservationist will compile the new documents, add to Agency record, and include in the NRCS-CPA-026 Directory. Then Designated Conservationist will email the associated NRCS and FSA FO copies of the FTD to inform them that the files have been updated.
- N. The FO will staple the returned green card and certified mail receipt to a printed copy of the FTD including a letter, 026, and map, and place in file.
Note: If the FTD letter comes back undelivered; sign, date and scan the envelope showing it was returned to NRCS. Then local FO resends the letter regular mail, and sends an email to Designated Conservationist to add to file.
- O. Additions or amendments to the agency record are saved in the respective F:\DATA\IA<firstthreeletterssoffice>\NRCS-CPA-026 county folder directory and into CD Document Management.
 - 1. If there are existing documents in the F:\DATA\IA<firstthreeletterssoffice>\NRCS-CPA-026 with signatures use the Instructions for Appending a PDF (**Exhibit 6**).

396.6 Request for Review of Previous CWD Procedure

- A. NRCS Staff receives a written request from participant or has participant complete & sign Request for Review of Final Certified Wetland Determination Form (**Exhibit 12 – Request for Review Form**)

- B. Request should identify the natural event that altered the topography or hydrology of the subject land or identify the error that was made or what was not considered (i.e. drainage records) in the original determination. See NFSAM 514.1(F)(2)

Note: NRCS staff should be upfront with the producers to tell them that they are not guaranteed an outcome, and the process could be lengthy. Not liking the determination is not a reason to request a review. It must be well documented what the error was or what NRCS did not consider.

- C. NRCS or FO staff scans the request, all historical documentation, and any new information provided by the producer to the compliance shared email (SM.NRCS.IA.Compliance@usda.gov) with a cc to the wetland specialist that is assigned to the physical county where the request is located.
- D. Attached file name using the following file naming convention: IAFIPS_FXXXX_TXXXX
- E. Subject line should include Request for Review, participant name & Origin County (ex. Request for Review John Doe Polk County)
- F. SO Compliance staff enters the request for review into the SO Internal SharePoint Request for Review Tracking Spreadsheet
- G. SO Compliance staff notifies & assigns Designated Conservationist in Request for Review Tracking Spreadsheet
- H. Designated Conservationist assigned conducts the request for review according to policy and procedures.
- I. Designated Conservationist uploads the review documents to Compliance SharePoint within the Compliance Internal\Compliance Editable Files\Request for Review folder \Producer Name IAFIPS_FXXXX_TXXXX & sends (SO Compliance staff and Compliance Shared Mail) an email stating that the review documents have been uploaded.
- J. If Designated Conservationist does not concur as defined in NFSAM 514.1(F)(2), they can send the PTD for the Request For Review denied. The PTD will include:
1. Request for Review Denied letter signed by Designated Conservationist (**Exhibit 13 - Request for Review Denied Template Letter**)
 2. Original Determination MTP.
 3. Supporting documents used to make decisions of denial should be added to the file. Additions or amendments to the agency record are saved in the respective F:\DATA\IA<firstthreelettersofoffice>\NRCS-CPA-026 county folder directory.
 4. If there are existing documents in the F:\DATA\IA<firstthreelettersofoffice>\NRCS-CPA-026 with signatures use the Instructions for Appending a PDF (**Exhibit 6**).
- K. Designated Conservationist emails the Request for Review PTD to all the following: shared email SM.NRCS.IA.Compliance@usda.gov (addressed to assigned CSS), with a CC to NRCS DC, and FSA CED. If the referral request is in a different administrative county both counties should get a copy of the determination.

- L. If Designated Conservationist concurs as defined in NFSAM 514.1(F)(2), documents uploaded should include:
 - 1. Request for Review Accepted and Recission letter and without a signature as a Word document (**Exhibit 14 – Request for Review Recission Template Letter**)
 - 2. A summary of the review and reason for decision for STC review.
 - 3. PDF of MTP file (New CPA-026-WC signed and dated & Certified Wetland Determination Map)
 - 4. Designated Conservationist will compile additions or amendments to the agency record in a PDF of the complete review record (minus the signed letter). This will not be uploaded to the county F:Drive until after final signature.
- M. Designated Conservationist emails decision documents to SO Compliance Staff
- N. SO Compliance staff reviews recommendations and forwards Form NRCS CPA-026-WC, Map, and Letter to SO Administrative staff for formatting.
- O. SO Administrative staff sends formatted letter, MTP, and Agency Record to STC.
- P. STC sends signed recission letters and documents to SO compliance staff

Note: CPA-026 is signed by Designated Conservationist
- Q. SO compliance staff send recission letter and documents to Designated Conservationist and CSS for mailing.
 - 1. Designated Conservationist emails a copy of decision to FO District Conservationist, FSA CED

Note: Green cards are to be returned to the physical NRCS FO
- R. SO Compliance staff enters the mailing date into the SO Compliance Internal SharePoint Request for Review Tracking Spreadsheet
- S. Designated Conservationist saves this file in the respective F:\DATA\IA<firstthreelettersofoffice>\NRCS-CPA-026 county folder directory.
- T. If there are existing documents in the F:\DATA\IA<firstthreelettersofoffice>\NRCS-CPA-026 with signatures use the Instructions for Appending a PDF (**Exhibit 6**).

396.7 Voluntary Mitigation Request

- A. Written request for voluntary mitigation by the participant received for either option onsite mitigation or utilizing a mitigation bank.
- B. FO staff or Designated Conservationist provides **Exhibit 15 - Mitigation Checklist** to participant, if onsite is the preferred mitigation method.
 - 1. Designated Conservationist will verify all associated with the tract consent to the proposed onsite mitigation request.
- C. FO staff or Designated Conservationist scans as double-sided, in color, the written request and **all** CWD relevant documents to the request including but not limited to, mitigation request, any tile records, previously CWD, etc.

1. Sends email notification to the SM.NRCS.IA.Compliance@usda.gov with “Voluntary Mitigation of **same file name as in 396.5 (9)(a) above**” in the subject line.
- D. SO Compliance staff retrieves referral from SM.NRCS.IA.Compliance@usda.gov.
- E. SO Compliance staff tracks the request for Voluntary Mitigation by SO internal process.
- F. SO Compliance staff assigns Designated Conservationist with appropriate JAA and notifies Designated Conservationist with JAA level 2 or 3 of the request via email.
- G. Designated Conservationist completes Minimal Effect Procedures per 7 CFR 12.31.(e)(1) and NFSAM Part 515. Refer to current Iowa Minimal Effect Instruction for the process.

Note: If the entire area meets minimal effect, mitigation would no longer be needed. Refer to the minimal effect guidance in FOTG and contact producer. If the area only partially meets minimal effect, a conversation with the producer on the reduced size of the mitigation area would be needed and the minimal effect could be applied to the functional assessment for mitigation based on the conversation with the producer. Further guidance is found in the instruction for minimal effect in the FOTG.

- H. Designated Conservationist discusses and reviews **Exhibit 15 - Mitigation Checklist** or Mitigation Bank application with participant as per NFSAM 515.11(B).
 1. Notify the participant that voluntary mitigation is for Food Security Act purposes only, other agencies would need to be notified by the participant.
- I. Designated Conservationist works with participant to complete steps outlined in NFSAM 515.10(C), and NFSAM 515.12(A) for the Mitigation Plan.
- J. Designated Conservationist completes FA of the proposed mitigation area referring to regional guidance from the Central National Technology Support Center (CNTSC). Refer to current NRCS Wetland Functional Assessment and Mitigation Decision Procedures.
 1. Designated Conservationist sends email notification of recommendation to the SM.NRCS.IA.Compliance@usda.gov with “Mitigation FA of **same file name as in 396.5 (9)(a) above**” in the subject line for review by SO Compliance staff.
 2. SO Compliance staff reviews FA and Voluntary Mitigation Request with Designated Conservationist.
 3. Designated Conservationist includes the approved WFAM and ME letter as a single PDF to be mailed to the participant. **Exhibit 16 – Functional Assessment and Minimal Effect Completed Letter**
- K. Participant continues with **Exhibit 15 - Mitigation Checklist** or purchases mitigation credits.
- L. An approved Mitigation plan is signed by both the participant and ASTC-Compliance. This can be facilitated by the Designated Conservationist as needed.

Note: Mitigation Bank will contact ASTC-Compliance with approved mitigation credit purchase by requesting participant.
- M. Approved Mitigation Plan to be executed by the requesting participant. Designated Conservationist verifies all work was completed as specified in the plan document.
- N. ASTC-Compliance will contact appropriate Designated Conservationist to update CWD map, Form NRCS CPA-026-WC, and appropriate letter (See step 16 below).

- O. Designated Conservationist updates maps with new mitigation exemption label(s) once mitigation is completed or receives confirmation from the mitigation bank that credits have been purchased.
 - P. Designated Conservationist emails the updated CWD map, updated Form NRCS CPA-026-WC, and **Voluntary Mitigation Letter** (use **Exhibit 17A Voluntary Mitigation Template Letter- Wetland Restoration Agreement** or **Exhibit 17B Voluntary Mitigation Template Letter- Mitigation Bank** based on scenario) as a Mitigation Packet to CSS with a carbon copy to SO Compliance staff.
 - Q. CSS mails out Mitigation Packet to respective person(s) as listed on the Producer Farm Data Report, District Conservationist, and FSA CED.
 - R. All Mitigation Documents including FA are added or amended to the agency record and saved in the respective:\DATA\IA<firstthreelettersofoffice>\NRCS-CPA-026 county folder directory and business tool if applicable including mitigation dates.
 - 1. If there are existing documents in the F:\DATA\IA<firstthreelettersofoffice>\NRCS-CPA-026 with signatures use **Exhibit 6 - Instructions for Appending a PDF**.
 - S. SO ensures mitigation plan and accompanying documents are entered into National Easement Staging Tool as an OSL mitigation site.
- Note:** Mitigation Bank Purchases will not need to be added to National Easement Staging Tool

396.8 Participant Request for Scope and Effect (NFSAM 510.11(E)) or Lateral Effect

- A. FO receives request from participant for Lateral Effect and/or Scope and Effect (NFSAM 516.11), may use **Exhibit 18 – IA WC Technical Assistance Request**.

Note: FO gathers additional information from participants on intended activities. This information will include size, depth, grade, placement, and proximity of drainage proposal.
- B. FO directs participant to the lateral effect tool and website explaining the tool
<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/minnesota/lateral-effect-distances-for-the-prairie>
 - 1. Lateral effect equations can be used to determine whether existing or proposed drainage systems are sufficient to remove wetland hydrology from a site or determine the extent that a nearby drainage system will impact a wetland.
 - 2. Participants run the public facing lateral effect tool with technical assistance from the FO or compliance staff, as needed.
- C. FO would forward request for lateral effect for technical assistance to the local agency expert with appropriate JAA (see FOTG Section 3 Legislated Programs JAA Roster) only if it effects compliance to ensure we are answering questions about conversion of a wetland and USDA program eligibility questions with consistency.
 - 1. Iowa interpretation of how Lateral Effect effects specific certified wetlands does require JAA and is limited to Hydrology Engineer and State Office Compliance.
- D. Hydrology Engineer and State Office Compliance complete request and recommendation according to IA180 IAM Part 516.

- E. Hydrology Engineer or SO Compliance Staff forwards the lateral/scope and effect recommendation to the FO staff or Designated Conservationist for file or CSS for mailing directly to the participant.
- F. CSS mails to the participant and emails a copy to the District Conservationist.
- G. All Scope and Effect and Lateral Effect Documents are added or amended to the agency record and saved in the respective F:\DATA\IA<firstthreelettersoffice>\NRCS-CPA-026 county folder directory.
 - 1. If there are existing documents in the F:\DATA\IA<firstthreelettersoffice>\NRCS-CPA-026 with signatures use **Exhibit 6 - Instructions for Appending a PDF**.

396.9 Abbreviations

ASTC – Assistant State Conservationist
 CA – Conservation Assistant
 CC – Carbon Copy
 CD – Conservation Desktop
 CED – County Executive Director
 CFR – Code of Federal Regulations
 CLU – Common Land Unit
 CPM – Conservation Programs Manual
 CSS – Compliance Support Staff
 CWD – Certified Wetland Determination
 FA – Functional Assessment
 FIPS - Federal Information Processing Standard
 FO – Field Office
 FOTG – Field Office Technical Guide
 FSA – Farm Service Agency
 FTD – Final Technical Determination
 HELC – Highly Erodible Land Conservation
 JAA – Job Approval Authority
 NFSAM – National Food Security Act Manual
 ME – Minimal Effect
 MTP – Mail to Person
 NRCS – Natural Resources Conservation Service
 PTD – Preliminary Technical Determination
 SO – State Office
 SOP – Standard Operating Procedure
 STC – State Conservationist
 WC – Wetland Conservation
 WFAM – Wetland Functional Assessment and Mitigation

396.10 Exhibits

Exhibit 1 – WC and HELC Compliance Historical Documentation Importance
 Exhibit 2 – Existing Wetland Determination Template Letter
 Exhibit 3 – WC and HELC Technical Request Historical Documentation Retrieval
 Exhibit 4 – CD Document Management Uploading Guidance

Exhibit 5 – Downloading the current tract certification map for NRCS CPA-026
Exhibit 6 – Instructions for Appending a PDF
Exhibit 7 – Certified Mail Return Receipt Guidance
Exhibit 8 – 569 – WC Request Field Visit Template Letter
Exhibit 9 – Appeal Acknowledgement Template Letter
Exhibit 10 – 6 Part folder Cover Sheet
Exhibit 11 – Form NRCS-CPA-17 for HELC
Exhibit 12 – Request for Review Form
Exhibit 13 - Request for Review Denied Template Letter
Exhibit 14 - Request for Review Recission Template Letter
Exhibit 15 – Mitigation Procedure Checklist
Exhibit 16 – Functional Assessment and Minimal Effect Template Letter
Exhibit 17a – Voluntary Mitigation Template Letter – Wetland Restoration Agreement
Exhibit 17b - Voluntary Mitigation Template Letter – Mitigation Bank
Exhibit 18 - IA Technical Assistance Request