

## Subpart A - General

### 405.0 Purpose

Part 405 establishes the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) national policy for Comprehensive Nutrient Management Plans (CNMP).

### 405.1 Background

- A. In 1999, the Unified National Strategy for Animal Feeding Operations directed the USDA and U.S. Environmental Protection Agency (EPA) to work together to address environmental and public health issues associated with animal feeding operations (AFO). The Strategy also defined CNMP elements and the relationship between voluntary and regulatory programs.
- B. The Clean Water Act (CWA) gives the EPA authority to regulate point source dischargers of pollutants into waters of the United States. Agricultural operations that discharge pollutants, via a point source, into waters of the United States must have a National Pollutant Discharge Elimination System (NPDES) permit or face the risk of regulatory action. Under the CWA, a concentrated animal feeding operation (CAFO) is defined as a point source.
- C. EPA considers the animal production area of a CAFO (manure storage facilities, animal confinement areas) as a point source.
- D. USDA's goal is for AFO/CAFO owners and operators to take voluntary actions to minimize potential air and water pollutants from storage facilities, confinement areas, and land application areas. The objective of a CNMP is to provide AFO owners and operators with a plan to manage manure and organic by-products by combining conservation practices and management activities into a conservation system that, when implemented, will control soil erosion and protect air and water quality. USDA has an associated goal of assisting CAFOs to develop CNMPs that can be used for NPDES permitting purposes.
- E. The CNMP shall not result in excessive air emissions and/or negative impacts to air quality resource concerns if it is feasible to mitigate these effects.
- F. The CNMP documents agricultural utilization of nutrients according to science-based management strategies and, thus, meets the criteria for the stormwater exemption of the CWA on fields receiving manure or organic by-products.
- G. USDA and EPA have agreed that the CNMP is acceptable documentation for those seeking an NPDES permit, with the addition of chemical handling provisions. The CAFO decisionmaker (principal controlling producer or landowner) can submit the CNMP as part of an NPDES permit application.
- H. The nationally recognized Manure Management Planner (MMP) is the only NRCS-supported technology software for use in developing CNMP output products. MMP uses national CNMP templates, as modified and adopted by each State, to generate CNMP output documents.
- I. Refer to General Manual (GM), Title 180, Part 409 for policy regarding conservation planning. GM-190, Part 405 contains policy for conservation nutrient management planning. GM-190, Part 405, Subpart B, Policy, Section 405.11, Minimum Technical Requirements Essential for Providing CNMP Technical Assistance Associated with Comprehensive Nutrient Management Plans, supersedes/replaces pertinent sections of GM-180, Part 409, Section 409.10.
- J. State Conservationists are allowed discretion in rare and specific cases. (see Section 405.31.) In these cases, the completed plan is not a CNMP, but is acceptable for technical and/or financial assistance. The completed plan is not sufficient documentation for an NPDES permit.

### 405.2 Authorities

General Manual, Title 130, Part 400, Subpart B, Delegations of Authority, Section 400.13, assigns functional responsibilities for CNMPs. (see GM-190, Part 405, Subpart C, Responsibilities.)

### 405.3 Definitions

- A. A CNMP is a conservation plan for an AFO that:
- (1) Must include the following:
    - (i) The production area, including the animal confinement, feed and other raw materials storage areas, animal mortality facilities, and the manure handling containment or storage areas.

- (ii) The land treatment area, including any land under control of the AFO owner or operator, whether it is owned, rented, or leased, and to which manure or process wastewater is, or might be, applied for crop, hay, pasture production, or other uses.
  - (2) Meets NRCS Field Office Technical Guide (FOTG) Section III quality criteria for water quality (nutrients, organics, and sediments in surface and groundwater) and soil erosion (sheet and rill, wind, ephemeral gully, classic gully, and irrigation-induced natural resource concerns on the production area and land treatment area).
  - (3) Mitigates, if feasible, any excessive air emissions and/or negative impacts to air quality resource concerns that may result from practices identified in the CNMP or from existing on-farm areas/activities.
  - (4) Complies with Federal, State, Tribal, and local laws, regulations, and permit requirements; and
  - (5) Satisfies the owner/operator's production objectives.
- B. The Producer Activity Document (PAD) is an abbreviated CNMP document for the producer's use that summarizes the day-to-day activities needed to implement the CNMP. The PAD provides a place for the producer to maintain records as part of a recordkeeping system. A template for a PAD is available in the MMP software.

## Subpart B - Policy

### 405.10 Comprehensive Nutrient Management Plans

- A. USDA's goal is for AFO/CAFO owners and operators to take voluntary actions to minimize potential water pollutants from storage facilities, confinement areas, and land application areas. The CNMP is also developed to assist an AFO owner/operator in meeting all applicable local, Tribal, State, and Federal water quality goals or regulations. In addition, this plan shall not result in excessive air emissions and/or negative impacts to air quality resource concerns if it is feasible to mitigate these effects.
- B. A CNMP shall be prepared when NRCS or NRCS-designated agents are providing technical or financial assistance to an AFO or CAFO to address manure or wastewater handling and storage/treatment and/or when providing technical or financial assistance for nutrient management that involves the application of manure and wastewater. Once developed, the CNMP shall be signed by the producer before the installation of any waste storage/handling facilities and nutrient management activities identified in the CNMP are initiated.
- C. Some data necessary to develop a CNMP will come from chemical analyses of soils, plant tissue, manure, water, and feed. Soil test analyses shall be performed by laboratories successfully meeting the requirements and performance standards of the North American Proficiency Testing Program (NAPT) Proficiency Assessment Program (PAP) <http://www.naptprogram.org/pap/> under the auspices of the Soil Science Society of America or a State-recognized program that considers laboratory performance and proficiency to assure accuracy of test results.
- D. Manure analyses shall be performed by laboratories successfully meeting the requirements and performance standards of the Manure Testing Laboratory Certification Program (MTLCP) <http://www.mda.state.mn.us/licensing/pestfert/manurelabs.htm> under the auspices of the Minnesota Department of Agriculture or a State-recognized program that considers laboratory performance and proficiency to assure accuracy of test results. States are encouraged to adopt the MTLCP or State Conservationists can establish State proficiency criteria that meet or exceed the MTLCP program criteria.
- E. A CNMP may be developed using custom fertilizer recommendations. Planners shall follow guidance found in the Nutrient Management conservation practice (code 590) and document the rationale for using custom recommendations in the CNMP.
- F. The CNMP shall be developed in accordance with all applicable local, Tribal, State, and Federal water quality goals or regulations. The CNMP shall require evaluation and documentation of compliance with the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, and other effects on the environment. Information on evaluation and documentation is found in the NRCS National Environmental Compliance Handbook and NRCS National Cultural Resources Procedures Handbook. The NRCS National Environmental Compliance Handbook is available at [http://directives.sc.egov.usda.gov/media/pdf/H\\_190\\_610.pdf](http://directives.sc.egov.usda.gov/media/pdf/H_190_610.pdf).
- The NRCS National Cultural Resources Procedures Handbook is available at [http://directives.sc.egov.usda.gov/media/pdf/H\\_190\\_601\\_a.pdf](http://directives.sc.egov.usda.gov/media/pdf/H_190_601_a.pdf). Use the key words "evaluation" or "documentation" to search for information.
- G. A PAD shall be prepared to assist with the producer's understanding and management of the CNMP. This document shall be readily available to the producer. The minimum criteria for the PAD are provided in Section III of the FOTG for Comprehensive Nutrient Management Plans under Section 3.2. Portions of the PAD national template not applicable to a specific CNMP will not need to be addressed.

### 405.11 Minimum Technical Requirements Essential for Providing CNMP Technical Assistance

- A. Applies to NRCS and conservation partners, NRCS agents, and/or Technical Service Providers (TSP). A CNMP that is developed by NRCS, conservation partner, or TSP will have the CNMP approved by an NRCS-approved CNMP Planner, as defined in GM-180, Parts 409 and 411. Per GM-180, the NRCS-approved CNMP Planner will assure that an appropriate planning process has been followed in the development of the CNMP and that all needed elements have been prepared by an appropriate NRCS Certified Conservation Planner and/or appropriate specialist(s). State Conservationists will establish the general requirements that must be included in a State-certification program for CNMP Planners.
- B. Relevant to the NRCS and conservation partners. Refer to GM-180, Part 409, Subpart B, Policy, Section 409.10 for the general requirements for CNMP planning. The FOTG Section III contains the CNMP technical criteria associated with the elements of a CNMP.

C. TSPs play an important role in the development of CNMPs. NRCS has developed criteria and qualifications needed to become a TSP. The criteria and qualifications needed to become a TSP are specified on the TechReg Web site at <http://techreg.usda.gov/>. The State Conservationist may also certify TSPs as NRCS Certified Conservation Planners. Prior to requesting certification, the TSP must meet minimum national and State training and proficiency requirements for the desired certification level. In addition, NRCS certification of TSPs will be contingent upon:

- (1) The State Conservationist identifying a critical need for TSP planning assistance in the State.
- (2) The availability of NRCS staff to provide technical oversight, evaluation, and review of the TSP during the certification process.

D. TSPs who are NRCS-approved CNMP Planners and/or Certified Conservation Planners are listed on the TechReg Web site.

E. Relevant to NRCS and conservation partners. In addition to the general requirements, the State Conservationist will establish certification requirements specific to elements of a CNMP. As a part of the certification process, the State Conservationist will determine how competency will be demonstrated or measured for the following elements:

(1) **Manure and Wastewater Handling and Storage.** This element addresses the planning of the components and activities associated with the production facility, feedlot, manure and wastewater storage and treatment structures, and any areas or mechanisms used to facilitate transfer of manure and wastewater. The following are required:

- (i) Skill to adequately inventory and evaluate the production site to identify resource concerns in the production area.
- (ii) Ability to plan the conservation treatment alternatives to treat the resource concerns identified in the inventory and evaluation.
- (iii) Ability to recognize needed expertise to identify appropriate conservation measures and treatments.
- (iv) Ability to apply the information contained in the [NRCS Agricultural Waste Management Systems Level 2 Course](#), or equivalent in a field setting.
- (v) Knowledge of the concepts and principles contained in the NRCS Air Quality, Climate Change, and Energy Course and the NRCS Air Quality Resource Concerns Course, or equivalents.

(2) CNMPs that include these components will be prepared and signed by a certified conservation planner in accordance with NRCS policy as described in GM-180, Parts 409 and 411.

(3) Structural practices included in CNMPs will be planned, designed, and approved by NRCS and/or partnership employees with an appropriate level of NRCS engineering job approval authority. Structural practices planned by TSPs will be designed and approved by a professional engineer licensed in the State where the CNMP is located.

(4) Land Treatment. This element addresses the land on which manure and wastewater from an AFO will be applied. The following are required:

- (i) Knowledge to identify natural resource concerns.
- (ii) Ability to plan conservation systems according to the NRCS conservation planning process.
- (iii) Skill in applying water and/or wind erosion prediction tools, as appropriate.
- (iv) Skill in using applicable site-specific nitrogen and phosphorus risk assessment tools.
- (v) Knowledge adequate to design and implement conservation practices common to the geographic area.
- (vi) Knowledge and skill to use the Customer Service Toolkit (CST).
- (vii) Knowledge of the concepts and principles contained in the NRCS Air Quality, Climate Change, and Energy Course and the NRCS Air Quality Resource Concerns Course, or equivalents.

(5) **Nutrient Management**

(i) This element addresses the requirements for planning land application of all nutrient sources. The following are required:

Ability to apply the concepts and principles contained in the NRCS Introduction to Water Quality Course, or equivalent.

Skill in using erosion and risk assessment tools commonly employed in planning and risk assessment activities (phosphorus risk assessment, nitrogen risk assessment, or Revised Universal Soil Loss Equation (RUSLE2)).

Skill in using planning and decision support tools commonly employed in planning manure management systems (MMP, nutrient application planning, and using appropriate setbacks).

Ability to apply the concepts and principles contained in the [NRCS Nutrient and Pest Management Considerations in Conservation Planning Course](#), as it pertains to nutrient management, or equivalent.

Ability to plan in accordance with the NRCS Nutrient Management conservation practice (code 590) criteria.

Certification in nutrient management planning, if established and required by the

State Conservationist to meet State requirements.

The nutrient management planning component of the CNMP will be prepared and signed by an individual who holds State Conservationist-approved certification for nutrient management in the State where the CNMP is located.

F. Applies to NRCS and conservation partners, NRCS agents, and/or TSPs. To maintain CNMP certifications refer to GM-180.

G. Relevant to NRCS and conservation partners, NRCS agents, and/or TSPs. The State Conservationist will include in the State Quality Assurance Plan the actions to develop and maintain a CNMP certification program.

H. The certified conservation planner will ensure that Feed Management and Other Utilization Options elements, when included, are developed by appropriate specialists as determined by the State Conservationist. When the Feed Management conservation practice (code 592) is included in the CNMP, diets and feed management strategies shall be developed by professional animal scientists, independent professional nutritionists, or other comparably qualified individuals. When required by State policy or regulation, animal nutritionists shall be certified through any certification program recognized within the State.

I. If it is determined that excessive negative impacts to air quality resource concerns arise from existing or planned land treatment and/or production area activities identified in the CNMP, then air quality impact mitigation is required in the CNMP. The certified conservation planner will ensure that air quality resource concerns are developed by appropriate specialists as determined by the State Conservationist.

J. A CNMP shall be signed by the producer, certified conservation planner, appropriate CNMP planning specialist(s), and other specialists, as required. The certified conservation planner signs the CNMP to ensure technical adequacy and that all included elements are technically compatible, reasonable, and can be implemented. The certified conservation planner must possess the knowledge, skills, and abilities to manage the development and coordination of all CNMP elements. The State Conservationist will ensure that the certified conservation planner obtains and maintains the needed training/certification(s) to ensure technical adequacy and compatibility of the CNMP.

#### 405.12 Agency-Supported CNMP Software

A. Planners are strongly encouraged to take advantage of the following software that is designed to streamline the CNMP development process, and improve the quality of CNMP output products.

##### B. MMP

(1) MMP is the only NRCS nationally supported software used to develop a CNMP and PAD. MMP is used to automate the CNMP development process. States can add additional items to the formatted template sections to meet local and State requirements.

(2) CNMP and PAD templates provided by the MMP software meet the criteria specified in Section III of the FOTG. States may adjust their CNMP templates to accommodate the additional requirements for State and local regulations. The national PAD template provides the basic format and content for an abbreviated CNMP document that summarizes the day-to-day activities the producer needs to perform to successfully implement the CNMP.

##### C. GeoSpatial Nutrient Management

(1) The GeoSpatial Nutrient Management Tool (GNT) is a key component of the automated CNMP development package, and makes possible the importation of CST plans. GNT can also be used as a geographic information system (GIS) "front-end" for MMP to lay out an operation's fields and setback areas spatially to automatically determine the following for each field:

- (i) Total field size.
- (ii) Setback area acres.
- (iii) Spreadable acres (total acres less any setback or other sensitive areas within a field).
- (iv) Soil types.
- (v) Water bodies.
- (vi) Hauling distances.

(2) Connectivity between GNT and MMP expands the number of map output options for inclusion in the CNMP document. Connectivity with CST allows older plans to be modified and used to generate a CNMP.

D. A CNMP may be developed by other means (alternative State-approved software), as long as Section III FOTG CNMP Technical Criteria requirements are followed and CNMP document format requirements are adhered to per Section III FOTG CNMP Technical Criteria.

#### 405.13 Technical Service Providers

A. TSPs shall follow CNMP policies as set forth in GM-190, Part 405, CNMPs.

- B. TSPs shall follow State-established certification criteria and qualification requirements as posted on the NRCS TechReg Web site: <http://techreg.usda.gov/>.
- C. MMP or alternative State-approved software and associated tools used in the development of CNMP output products shall be made available to TSPs.
- D. TSPs are encouraged to work with USDA Field Service Center staff throughout the comprehensive nutrient management planning process and in the development, review, and delivery of CNMP output products.



## Subpart C - Responsibilities

### 405.20 NRCS National Headquarters

A. The Deputy Chief for Science and Technology (S&T), under the direction of the Chief, shall provide leadership for continued implementation of technologies and processes that support CNMPs. GM-130, Part 400, Subpart B, Delegations of Authority, Section 400.13, assigns functional responsibilities for CNMPs to the Animal Husbandry and Clean Water Division (AHCWD). The below listed S&T organizational units have the following roles and responsibilities:

- (1) AHCWD, under the direction of the Deputy Chief for S&T, shall:
  - (i) Provide leadership for CNMP technology development, transfer, and training.
  - (ii) Provide leadership for maintaining and updating CNMP policy and technical documents.
  - (iii) Provide leadership for the coordination and implementation of the CNMP Technical Criteria.
  - (iv) Provide leadership in the coordination and cooperation with the United States Environmental Protection Agency (EPA).
  - (v) Provide leadership for the formulation and maintenance of minimum standards for TSPs associated with CNMPs.
- (2) Ecological Sciences Division (ESD), under the direction of the Deputy Chief for S&T, shall:
  - (i) Provide leadership for the development of the technical standards and other technologies to support the CNMP development and implementation.
  - (ii) Provide assistance with the training needs related to CNMP planning and implementation.
- (3) Director of the Conservation Engineering Division (CED), under the direction of the Deputy Chief for S&T, shall:
  - (i) Provide leadership for the development of the technical standards and other technologies to support the CNMP development and implementation.
  - (ii) Provide assistance with the training needs related to CNMP planning and implementation.
- (4) The Coordinator of the TSP Team, under the direction of the Deputy Chief for S&T, shall:
  - (i) Coordinate the TSP certification criteria with AHCWD, CED, and ESD.
  - (ii) Keep the TechReg certification criteria related to CNMPs current for TSPs.
  - (iii) Provide leadership to encourage the use of TSPs.
- (5) National Technology Support Centers (NTSC), under the direction of the Deputy Chief for S&T, shall:
  - (i) Provide technical assistance to the State Conservationist for the implementation of CNMP policy, CNMP development, and CNMP application.
  - (ii) Utilize the Technology Development Teams to acquire new technologies to address nutrient management concerns and facilitate their transfer to States (Manure Management Team, Soil Quality Team, Water Quality and Quantity Team, Air Quality and Atmospheric Change Team, and the Energy Team).
  - (iii) Facilitate the update of national conservation practice standards as needed to ensure that the latest technology is available to States, USDA Field Service Centers, conservation partners, designated agents, and/or TSPs that develop CNMPs.
- (6) The Director of the Resource Economics and Social Sciences Division, under the direction of the Deputy Chief for S&T, shall assist in the development of any economic analyses assessments related to manure management systems, as needed.

B. Deputy Chief for Programs, under the direction of the Chief, shall provide leadership for incorporation of CNMP policy into NRCS conservation planning policy and procedures.

C. Deputy Chief for Strategic Planning and Accountability, under the direction of the Chief, shall provide leadership for incorporation of CNMPs into the NRCS reporting system and provide oversight and evaluation functions associated with CNMP implementation.

### 405.21 NRCS Regions

Regional Assistant Chiefs shall work with State Conservationists to ensure consistent implementation of and compliance with CNMP policy on a national basis.

### 405.22 NRCS State Offices

State Conservationists shall:

- (1) Ensure that NRCS State policies are consistent with national CNMP policy.
- (2) Determines procedures to ensure that CNMPs are implemented according to FOTG standards.

- (3) Utilize available tools and technologies to implement CNMP policy.
- (4) Provide recommendations for improvement of CNMP technology development or implementation to AHCWD and/or Water Quality and Quantity Team (WQQT).
- (5) Ensure adequate acquisition of needed expertise and provide training to achieve quality CNMP planning and implementation.
- (6) Provide State leadership for the coordination and implementation of CNMP policy, criteria, and technical guidance.
- (7) Provide State leadership for the formulation and maintenance of State certification standards for TSPs associated with CNMPs.
- (8) Work with State regulatory agencies to clarify regulatory and technical requirements for AFOs.
- (9) Provide State leadership to coordinate CNMP strategies with regulatory agencies and other conservation partners.
- (10) Provide State leadership for the development and maintenance of the State's CNMP development support structure, including cooperation with State-based regulatory authorities and other appropriate agencies, entities, or individuals, to ensure that the most up-to-date nutrient management planning data is available and being utilized.
- (11) Establish or use a certification program that provides for NRCS-approved CNMP planners and certified CNMP specialists associated with the specific elements of a CNMP. Ensure that all pertinent State certification and licensing requirements are met as a part of any established CNMP certification program. Determine how competency will be demonstrated and measured as part of the certification process. Establish a procedure for revocation of certification, as well as recertification. Maintain a current list of NRCS-approved CNMP planners and certified CNMP specialists who are certified to develop specific elements of CNMPs.
- (12) Determine the type and minimum hours of training necessary to maintain the CNMP certified planning specialist designations. Develop or approve training to meet the training requirements for NRCS-approved CNMP planners and certified CNMP specialists.
- (13) Include CNMP products developed by NRCS-approved CNMP Planners and certified CNMP specialists in the State Quality Assurance Plan.
- (14) Review each NRCS-approved CNMP planner and certified specialist designation at least once every 3 years.

#### **405.23 NRCS Area Offices or Equivalent**

Area conservationists and equivalents shall:

- (1) Assist field offices with implementing the CNMP policy and technical criteria.
- (2) Report issues needed to be addressed with CNMP planning, and implement and recommend changes and needed improvements.
- (3) Adhere to State and local regulations and guidelines.

#### **405.24 NRCS Field Offices**

District Conservationists and equivalents shall:

- (1) Become knowledgeable of and implement the CNMP policy and technical criteria.
- (2) Report issues needed to be addressed with CNMP planning, and implement and recommend changes and needed improvements.
- (3) Adhere to State and local regulations and guidelines.



## Subpart D - CNMP Financial and Technical Assistance

### 405.30 Financial Assistance Programs

Once developed, the CNMP shall be signed by the producer before the installation of any waste storage/handling facilities and nutrient management activities identified in the CNMP are initiated.

### 405.31 State Conservationists' Discretion for Special Circumstances

A. There may be rare and specific cases where State Conservationists need to use discretion addressing the following circumstances. In these cases, the completed plan is not a CNMP, but is acceptable for technical and/or financial assistance; and the completed plan is not sufficient documentation for an NPDES permit. Special circumstances include:

#### B. Small animal operations.

At the discretion of the State Conservationist, an AFO may be eligible for technical and/or financial assistance without the development of a CNMP, if the AFO can document that sufficient preventive measures have been installed to prevent discharge, under wet conditions, of manure runoff from the production and land treatment areas. In lieu of a CNMP, a nutrient management plan for the application of manure and a job sheet would be provided to cover the O&M of the production area. Producers shall meet all of the following guidelines to be considered under this exception; and a nutrient management plan will address the application of manure to land treatment areas:

- (i) The AFO has less than 40 animal unit equivalents and adequate acreage to utilize the manure and wastewater generated, or imported, by the operation in accordance with Federal, State, Tribal, and local regulations.
- (ii) No livestock access to a stream or waters of the State, except for controlled access for watering or stream crossing by means of an adequately designed and constructed crossing.
- (iii) There is more than two times the amount of land/crop acres available to utilize the nitrogen, phosphorus, and potassium, based on the most restrictive nutrient, from the manure on a crop removal basis, and none of these fields have a phosphorus soil test in the high, very high, or excessive rating.
- (iv) The producer agrees to apply animal waste at agronomic rates in accordance with the State's Nutrient Management practice standard (code 590).

#### C. Quality Criteria for soil erosion.

- (1) At the discretion of the State Conservationist, an AFO may be granted an exception to the quality criteria for soil erosion (sheet, rill, wind, and irrigation induced) natural resource concerns if all of the following conditions are met:
  - (i) Acceptable conservation practices are planned, installed, and maintained to prevent the transport of manure and wastewater nutrients from production fields to adjacent waterways and/or water bodies, including field buffers. Installed practices must effectively prevent the degradation of water resources and meet Federal, State, Tribal, and local regulations.
  - (ii) For manure and processed wastewater application, a State-approved phosphorus risk assessment (P index, Phosphorus Threshold, or Soil Test Phosphorus) is used to determine the level of conservation needed to minimize the movement (surface or sub-surface) of phosphorus to adjacent waterways and/or water bodies. In all cases, the manure phosphorus application rates are based on Soil Test Phosphorus results. Guidance for developing these acceptable rates is found in the GM-190, Part 402, Nutrient Management, and the National Agronomy Manual, (to be developed).
  - (iii) There are no substantial increases in soil erosion from new cropland added to increase spreadable acreage available for manure/nutrient applications.
- (2) In these cases, the CNMP shall be based on local resource conditions, available conservation system technology, and the standards and guidelines contained in the local FOTG.
- (3) Documentation shall include a description of the system being applied, before and after soil loss calculations, including all factor values used to determine the soil loss; and the conservation practices necessary to meet the minimum system requirements of the FOTG.

### 405.32 Agency-Producer Interactions with Regard to CNMPs

A. Understanding working relations is very important to maintain the authorized role of NRCS when employees provide technical assistance to producers. As such, NRCS shall provide assistance to and work with producers. Producers interact directly with regulatory/permitting authorities. Producers decide and release farm-specific information to regulatory/permitting authorities.

**B. NRCS employees shall not release farm-specific information to regulatory/permitting authorities. When the CNMP is used for regulatory/permitting purposes (NPDES permit), the producer is responsible for follow-up and O&M of the CNMP, including recordkeeping. NRCS employees or USDA agents will provide guidance to producers to ensure that the producer knows which records they need to keep and how to maintain those records. This will ensure that producers are aware of their responsibilities regarding follow-up for CNMPs.**

**C. Specific written permission from the landowner and decisionmaker shall be required before the NRCS releases farm-specific information to USDA agents or nonregulatory entities (TSPs).**

**D. When USDA conservation program funds are used (Environmental Quality Incentives Program) to develop the CNMP, follow-up for implementation and review of O&M is the responsibility of NRCS employees or USDA agents. O&M activities for CNMP conservation practices and recordkeeping are the responsibility of the producer.**