

State Specific Training Module for North Dakota



Purpose of this Module

This module will provide some general information that TSPs need to conduct conservation planning in our North Dakota. This information is general in nature so the TSP may need to follow up with additional reading or training to make sure they have the knowledge, skill, licenses and certifications to conduct conservation planning in North Dakota.

Review of State Laws

- While the following review provides an overview of State laws that commonly impacts conservation planning in North Dakota, it should not be considered as an exhaustive, or all-inclusive list of State laws impacting conservation planning.
- Conservation planners are also encouraged to contact the local NRCS Field Office for additional information regarding any state or local laws, ordinances, or regulations that may impact conservation planning.

Review of State Laws

- Examples of regulations that may impact conservation planning includes, but is not limited to:
 - County zoning permits
 - County storm water/Drainage Management Ordinance
 - Setback Requirements
 - Nutrient Management and manure hauling restrictions
 - ND Department of Health permit for CAFO
 - Storm Water Discharge General Permit
 - ND State Water Commission permit
 - ND Safety of Dam Requirements
 - ND One-Call
 - Clean Water Act Section 10 or 404 Permits from the US Army Corps of Engineers
 - National Environmental Policy Act (NEPA) Requirements

Review of State Laws

- Comprehensive Nutrient Management Plans (CNMP)
 - The State of North Dakota requires a professional engineering license to develop the manure waste water handling and storage portion of a CNMP Plan.
 - All CNMP will require approval from the NRCS State Conservation Engineer and State Agronomist
- Nutrient Management
 - The State of North Dakota does not require that nutrient management planners be certified. However, nutrient management with manures and other organic sources of nutrients is regulated by the state.
- Pest Management
 - The State of North Dakota does not require that pest management planners be certified.
 - Commercial applicators of pest management products must be certified through the North Dakota Department of Agriculture.

Review of State Laws

Engineering Practices

<http://www.nrcs.gov/wps/portal/nrcs/detail/nd/technical/engineering/?cid=stelprdb1269591>

In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering and land surveying in this state is subject to regulation in the public interest. It is unlawful for any person to practice, or to offer to practice, professional engineering or land surveying in this state unless such person has been duly registered engineer or surveyor in the State of North Dakota.

Review of State FOTG Requirements

- Planners should be thoroughly familiar with the conservation practice standards that have been incorporated into the North Dakota Field Office Technical Guide (FOTG) and are being considered as part of the offered alternatives for addressing the client's resource concerns.
- The Planner should also utilize the specifications, Technical Notes, Operation and Maintenance (O&M) instructions and job sheets that are available for the practices in the North Dakota FOTG.

<http://efotg.nd.egov.usda.gov/>

Review of State FOTG Requirements

Vegetative Practices

- Climatic conditions (soil moisture) is a major factor in establishing vegetation in North Dakota.
- Planting dates are based on climatic records, research and experience. Planting should be completed within the guidelines provided in the North Dakota Herbaceous Vegetation Establishment Guide which can be found in section 1 of the FOTG.
- Any variance outside of these specifications must be approved by the State Resource Conservationist prior to planning an application.
- When planning on rangeland or pastureland, TSPs must be properly trained and proficient in determining similarity index, conducting rangeland health assessments, determining pasture condition scores and the use and interpretation of ecological site and forage suitability group descriptions.

Review of Important Resource Issues

NEPA dictates that NRCS address Threatened and Endangered species in accordance with the ESA

- Federally listed Threatened And Endangered species can be found by county at <http://www.fws.gov/endangered/>
- Both positive and negative impacts to these species shall be considered
- State listed species (species of concern) should be considered in planning of conservation practices.
- Contact the NRCS State Biologist for additional information on planning considerations of T & E species.

Review of Important Resource Issues

- Wetlands are an important resource concern due to loss and degradation.
- NEPA dictates that NRCS address this resource to prevent loss of and degradation of wetland ecosystems.
- Conservation planning may include the need for COE permits under the CWA (Sec 404)
- For additional information contact the State Wildlife Biologist

Review of Major Land Uses or Agronomic Practices

North Dakota has 10.9 million acres of rangeland, 24.6 million acres of cropland and hayland, 1.5 million acres of pastureland and 1.2 million acres of Conservation Reserve Program land.

- Major crop production includes wheat, soybeans, corn, canola, barley, sunflowers (oil and non-oil), edible beans, flax and oats. The state has scattered areas irrigated by center pivots utilizing shallow wells.
- The native rangeland in this state is primarily mid- to tall-grass species. The primary grazers are cattle.

Review of Major Land Ownership

Approximately 10% of this state is public lands. Most of the public land is managed for multiple uses and leased by individual ranchers. Conservation planning on private land may include a public component, however the opportunity for private individuals to construct permanent conservation practices on public lands is limited.

Expected TSP Workflow

- TSP certified conservation planner and CNMP candidates must complete one field-reviewed RMS plan for a conservation management unit.
 - If the TSP Certified Conservation Planner candidate is a resident of North Dakota, the TSP should notify the North Dakota TSP coordinator that a RMS plan has been completed.
 - The TSP Coordinator will work with the State Resource Conservationist (SRC) to identify an NRCS Certified Conservation Planner so that a field review of the RMS plan may be completed.
 - The candidate will be accompanied to the field by the NRCS Certified Conservation Planner to meet with the plan decision maker.
 - The candidate will be expected to demonstrate competency in the planning process, to include the appropriate resource assessment tools, and plan development.
 - After a field review of the conservation plan has been completed, the conservation plan and review documents will be submitted to the SRC for concurrence by the State Conservationist. The plan will be submitted with a letter from the reviewer acknowledging the field review and recommendation for certification.

Expected TSP Workflow

- The State Resource Conservationist (SRC) will be responsible for reviewing TSP conservation planning for National Planner Certification.
- Subsequent conservation plans will be reviewed by the District Conservationist (DC) at the local USDA Service Center.
- The SRC will conduct plan reviews for TSP planner certification renewals.
- TSPs will work with the local District Conservationist to make sure the proper environmental evaluations (NRCS.CPA.52) are completed.

Expected TSP Workflow

Maintaining Certification

- Each TSP certified conservation planner designation will be reviewed at least once every 3 years by the State Conservationist, or designee, in the TSP's resident State.
 - North Dakota Designees may be a Certified Conservation Planner, Level III
- The review will be based on conservation plans completed by the TSP in the resident State during the time period being reviewed.
- Conservation plans reviewed may be progressive, so an RMS planned level of treatment is not required.
- If a TSP did not do any work in the resident State during the review period, the review will be completed by a State where the TSP did work during the review period.
- If a TSP has not developed any conservation plans in the past 3 years, a new plan must be prepared for review.

- The TSP Coordinator for North and South Dakota is Jay Cobb.
- Jay can be reached at jay.cobb@sd.usda.gov

Additional References or Training

- State Field Office Technical Guide at www.nrcs.usda.gov
- State Training on CNMP Development
- State University Nutrient Management Guide

Certificate of Completion

After viewing the State Specific Training module, please print and sign the completion certificate on the following slide.

The certificate is your acknowledgement that based on the information provided in this module, you have the proper knowledge, skills and ability to conduct planning in this state.

Send the signed certificate to the State TSP Coordinator. Copy the below link to your browser for a list of State TSP Coordinators.

<https://techreg.nd.egov.usda.gov/RptStateContact4Admin.aspx>

STATE SPECIFIC TRAINING MODULE COMPLETION CERTIFICATE

I, _____, hereby verify I have viewed and understand the
TSP Name
content of the North Dakota State Specific Training Module and affirm I have the
knowledge, skills and ability to conduct conservation planning services in that state.

(TSP Signature)

(Date)

Non-Discrimination Statement

Non-Discrimination Policy

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases apply to all programs and/or employment activities.)

To File an Employment Complaint

If you wish to file an employment complaint, you must contact your agency's EEO Counselor within 45 days of the date of the alleged discriminatory act, event, or in the case of a personnel action. Additional information can be found online at http://www.ascr.usda.gov/complaint_filing_file.html

To File a Program Complaint

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9419, by fax at (202) 690-7442, or email at program.intake@usda.gov

Persons with Disabilities

Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotope, etc.), please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Supplemental Nutrition Assistance Program

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish, or call the State Information/Hotline Numbers.

All Other Inquires

For any other information not pertaining to civil rights, please refer to the listing of the USDA Agencies and Offices.