



Natural Resources Conservation Service  
U.S. DEPARTMENT OF AGRICULTURE

# Federal Laws and Regulations

## Agricultural Conservation Technical Training, Level 1



**March 19, 2024**

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**FARM PRODUCTION AND CONSERVATION**  
FSA | NRCS | RMA | Business Center

# Objectives

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Understand compliance requirements when providing NRCS assistance

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Understand the roles and responsibilities of NRCS, its partners, and farmers in addressing compliance responsibilities





# Definitions

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**Laws** are written by the legislative branch and approved by the executive branch, and establish the authority for government actions

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**Regulations** are written by agencies, provide clarification to the public necessary for the implementation of a law

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**Policies** are written by agencies and provide internal procedures necessary to implement the laws and regulations



# NRCS Policy

- NRCS helps clients plan and apply conservation practices that are in compliance with applicable laws and regulations
- NRCS must comply with laws, regulations, and executive orders applicable to our agency
  - National Environmental Policy Act, 1970
  - Endangered Species Act, 1973
  - Freedom of Information and Privacy Act
  - Executive orders and related NRCS policy

# Who is responsible for compliance?

- Landowners or operators are responsible for compliance with all federal, state, and local laws, rules, and regulations
- NRCS employees are NOT to assume responsibility for obtaining permits, rights, or approvals or for enforcing laws and regulations for which NRCS does not have authority
- Partner employees may have different responsibilities





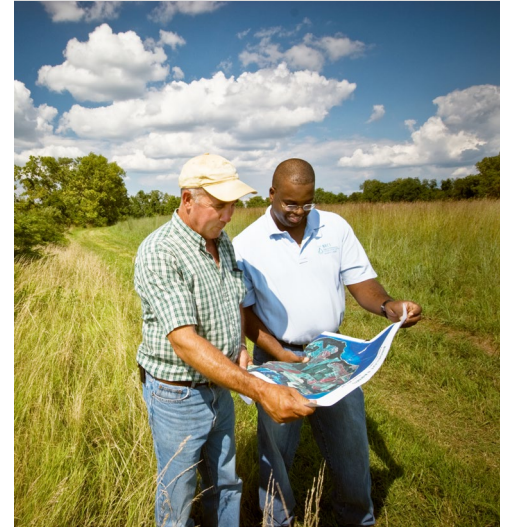


## Do NRCS policies apply to Partners?

- Contributing partners must adhere to NRCS FOTG and related policies.
- Conservation districts
- Other agencies
- When working under an agreement

# What are your responsibilities?

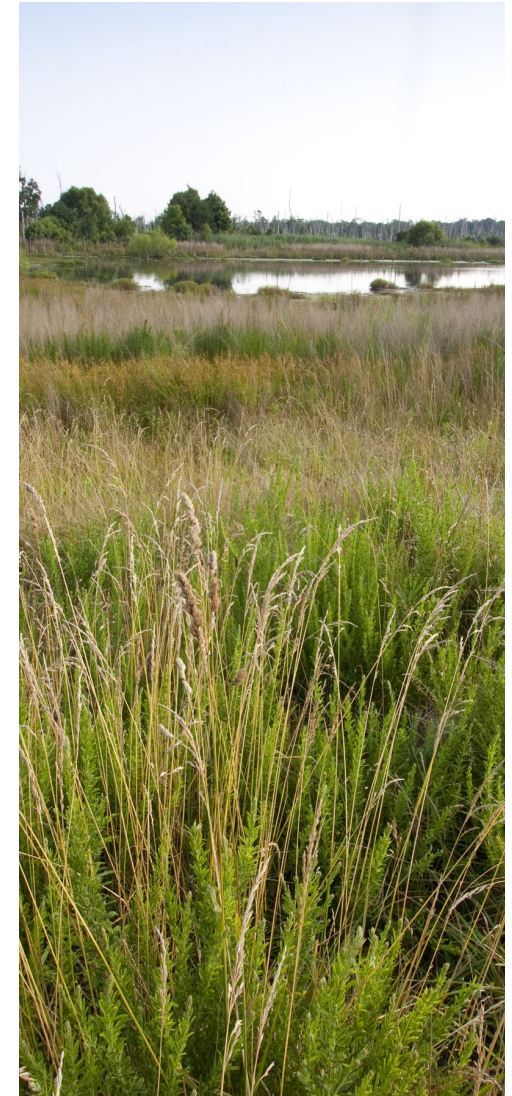
- Recognize which practices are subject to all applicable laws or regulations
- Provide the landowner or operator with contact information to obtain necessary application, permit, forms, etc.
- Provide maps, technical data, construction plans and specifications prepared during the planning process
- Provide additional technical assistance only after the landowner obtains required rights, permits, or approvals



# How does NRCS comply with Laws and Regs?

- NRCS uses an Environmental Evaluation worksheet during the conservation planning process to document compliance with National Environmental Protection Act (NEPA)
- The EE worksheet was designed to assist the conservation planner with compliance requirements for applicable laws & regulations

Clean Air Act	Environmental Justice	Riparian Area
Clean Water Act	Essential Fish Habitat	Wetlands
Coastal Zone Mgt. Area	Flood Plain Mgt.	Wild and Scenic Rivers
Coral Reefs	Invasive Species	
Cultural Resources	Migratory Birds/Eagles	
T & E Species	Prime and Unique Farmland	







# Freedom of Information Act

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The Freedom of Information Act (FOIA) generally provides that any person has a court enforceable right to access federal agency records, except when portions of those records are protected from the disclosure an exemption or exclusion

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# Privacy Act

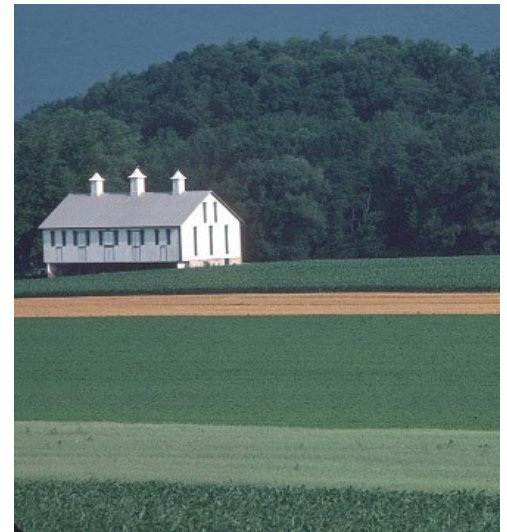
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The Privacy Act of 1974 was enacted to protect individuals against unwarranted invasions of their privacy stemming from the collections, maintenance, use, and disclosure of personal information about them by federal agencies

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# 2008 Farm Bill - Section 1619

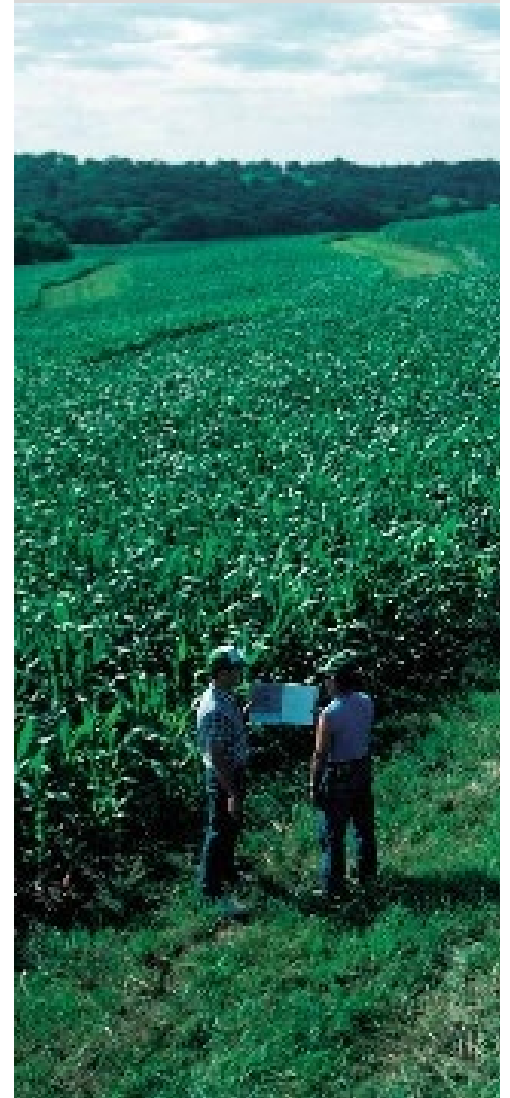
- The employee of any contractor or cooperator of the Department will not disclose:
  - Information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department
  - Geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described above is provided





# Sharing Data between Partners: *Privacy and the Right to Know*

- The Privacy Act requires “...prior written consent of the individual to whom the record pertains...”
- Client must sign the Authorization for Release of Records





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# Questions?

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