



Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278

May 23, 2007

INDIANA BULLETIN NO. IN 300-7-23

SUBJECT: LTP – Update of Appeal Provisions and Delivery of National Bulletins

Expiration Date: September 30, 2007

The purpose of this memo is to provide additional guidance and information to field offices on the NRCS Appeals process and to forward to the field the following National Bulletins:

- 180-7-8 – Appeals, Explanation of the Difference in Technical Determination and Program Decisions
- 180-7-9 – Appeals, Mandatory Content of Agency Records
- 180-7-10 – National Food Security Act Manual (NFSAM), Part 514, Making Wetland Determinations on Agriculture Land, Changes
- 180-7-11 – Wetland Conservation Compliance

This Bulletin also delivers a new Preliminary Technical Decision Letter which must be used from this date forward. This letter must be used with all Preliminary Technical Determinations for HEL or Wetland Conservation provisions of the National Security Act Manual (NFSAM).

Please read the attached bulletins and adhere to the guidance and policy stated within.

NB180-7-8

This bulletin defines terms and types of decisions delivered with Technical Determinations and Program Determinations. The guidance and procedures given in Indiana Bulletin IN300-7-12 are supported by this National Bulletin and the appeal and decision process stated in IN300-7-12 continues in full effect. Please refer to the IN300-7-12 Bulletin and its' attachments, dated January 11, 2007, for more information.

NB180-7-9

Provides guidance on what is required for the Agency Record for appeal purposes. Please make note that the Agency Record begins the moment that NRCS responds to a participant or client's specific request for program assistance or a technical determination. So the records which must be included in the Agency Record will include Assistance Notes, field notes directly related to the item(s) being appealed, copies of referenced material (FOTG, Program Manual, NFSAM, EFM, etc.), correspondence to both the participant and internal user which pertains to item(s) being appealed. Correspondence would include emails, letters, phone calls and personal contacts. Other examples are included in NB180-7-9.

Please also note that a complete, hard copy, reviewable record is required for any formal appeal. This record should be initiated by the field office within 5 working days of receipt of a request for reconsideration of a Preliminary Technical Determination or upon appeal of a Program Decision. This record will be delivered to the State Conservationist with information gathered with the field visit/reconsideration by the local DC (see IN300-7-12). Once the appeal is final the Agency Record will also be provided to the FSA COC if the participant chooses that appeal Route.

NB180-7-10

This bulletin delivers the updated NFSAM, 3rd Edition, Part 514. Review this thoroughly if you are actively making or are involved in the decision process for making wetland determinations on agricultural land. This section is “marked up” and makes it easy to see what changes have been made in this section of the NFSAM.

NB180-7-11

This Bulletin provides information on NRCS use of COE Wetland Delineation Manual and Regional Supplements which will be issued in the future. The Midwest Regional Supplements are scheduled to be released in FY 2008.

If you have further questions, please contact your Area Program Specialist (APS), Resource Management Specialist (RMS), Harold L. Thompson, Assistant State Conservationist (Programs) at (317) 290-3200, ext. 320, or Shannon Zezula, State Resource Conservationist (317) 290-3200, ext. 388.

/s/

JANE E. HARDISTY
State Conservationist

Attachments