

### § 614.3

### 7 CFR Ch. VI (1-1-14 Edition)

conservationist or the State Conservationist.

*Secretary* means the Secretary of Agriculture.

*State Conservationist* means the NRCS official, or his or her designee, in charge of NRCS operations within a State.

*Title XII* means Title XII of the Food Security Act of 1985, as amended, 16 U.S.C. 3801 *et seq.*

*Verbatim transcript* means the official, written record of proceedings of a hearing on a decision appealable under this part.

#### § 614.3 Decisions subject to informal appeal procedures.

(a) This part applies to NRCS adverse program decisions and technical determinations made with respect to:

(1) Conservation programs and regulatory requirements authorized under Title XII, including:

- (i) Conservation Security Program;
- (ii) Conservation Stewardship Program;
- (iii) Conservation Reserve Program and the Conservation Reserve Enhancement Program;
- (iv) Environmental Quality Incentives Program, including the following:
  - (A) Agricultural Water Enhancement Program,
  - (B) Conservation Activity Plans,
  - (C) Colorado River Basin Salinity Control,
  - (D) Conservation Innovation Grants,
  - (E) Ground and Surface Water Conservation Program,
  - (F) Klamath Basin Program, and
  - (G) Organic Program Initiative;
- (v) Farm and Ranch Land Protection Program;
- (vi) Grassland Reserve Program;
- (vii) Highly Erodible Land Conservation;
- (viii) Wetland Conservation;
- (ix) Wetlands Reserve Program and Wetlands Reserve Enhancement Program; and
- (x) Wildlife Habitat Incentive Program.

(2) Non-Title XII conservation programs or provisions, including:

- (i) Agriculture Management Assistance Program;

(ii) Emergency Watershed Protection Program including Flood Plain Easements;

(iii) Great Lakes Restoration Initiative;

(iv) Healthy Forest Reserve Program;

(v) Water Bank Program;

(vi) Watershed Protection and Flood Prevention Program; and

(3) Any other program to which this part is made applicable.

(b) With respect to matters identified in paragraph (a) of this section, participants may appeal adverse decisions concerning:

(1) Denial of participation in a program;

(2) Compliance with program requirements;

(3) Issuance of payments or other program benefits to a participant in a program;

(4) Technical determinations made under Title XII HELC/WC provisions;

(5) Technical determinations or program decisions that affect a participant's eligibility for USDA program benefits;

(6) The failure of an NRCS official issue a technical determination or program decision subject to this part ("failure to act"); and

(7) Incorrect application of general policies, statutory or regulatory requirements.

(c)(1) Only a participant directly affected by a program decision or a technical determination made by NRCS may invoke the informal appeal procedures contained in this part.

(2) In order for the appeal request to be effective, the participant must personally make a written request for appeal that is signed by the participant identified in paragraph (c)(1) no later than 30 days after receipt of the adverse decision.

(d) Appeals of adverse final technical determinations and program decisions subject to this part are also covered by the NAD rules of procedure, set forth at 7 CFR part 11, and by the FSA county committee appeals process, set forth at 7 CFR parts 11 and 780 for informal appeals of Title XII decisions.