

### Subpart C—State Technical Committees

SOURCE: 64 FR 42003, Aug. 3, 1999, unless otherwise noted.

#### § 610.21 Purpose and scope.

This subpart sets forth the procedures for establishing and using the advice of State Technical Committees. NRCS shall establish in each State a technical committee to assist in making technical recommendations relating to the implementation of natural resource conservation activities and programs. USDA will use State Technical Committees in an advisory capacity in the administration of certain conservation programs and initiatives. These State Technical Committees are exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.2).

#### § 610.22 State Technical Committee membership.

(a) State Technical Committees shall include members who represent a variety of natural resource sciences and occupations, including those related to soil, water, wetlands, plants, and wildlife. The State Conservationist in each State will serve as chairperson. In addition, committee membership will include one representative from each of the following agencies or groups, if willing to serve:

- (1) NRCS, USDA;
- (2) Farm Service Agency, USDA;
- (3) State Farm Service Agency Committee, USDA;
- (4) Forest Service, USDA;
- (5) Cooperative State Research, Education, and Extension Service, USDA;
- (6) Rural Development, USDA;
- (7) Fish and Wildlife Service, United States Department of Interior;
- (8) United States Environmental Protection Agency;
- (9) Bureau of Land Management, United States Department of Interior;
- (10) Bureau of Indian Affairs, United States Department of Interior;
- (11) U.S. Geological Survey, United States Department of Interior;
- (12) Bureau of Reclamation, United States Department of Interior;
- (13) Corps of Engineers, United States Department of the Army;

(14) Each of the Federally recognized American Indian Tribal Governments and Alaskan Native Corporations encompassing 100,000 acres or more in the State;

(15) State departments and agencies that the NRCS State Conservationist deems appropriate, including a member from each of the following agencies or entities within the State:

- (i) Fish and wildlife agency;
- (ii) Forestry agency;
- (iii) Water resources agency;
- (iv) Department of agriculture;
- (v) Association of soil and water conservation districts;
- (vi) Soil and water conservation agency;
- (vii) Coastal zone management agency; and

(16) Other Federal, State, tribal, and local agency personnel with expertise in soil, water, wetlands, plant, and wildlife management, as the NRCS State Conservationist considers appropriate.

(b) In addition to agency and Tribal membership, State Technical Committees shall include members from the following private interests, if willing to serve:

- (1) Agricultural producers with demonstrable conservation expertise;
- (2) Nonprofit organizations with demonstrable conservation expertise;
- (3) Persons knowledgeable about economic and environmental impacts of conservation techniques and programs; and
- (4) Representatives from agribusiness.

(c) To ensure that recommendations of the State Technical Committees take into account the needs of the diverse groups served by the USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the conservation and related technical concerns of particular historically underserved groups and individuals; i.e., minorities, women, persons with disabilities and socially and economically disadvantaged groups.

(d) In accordance with the guidelines in paragraphs (a), (b), and (c) of this section, the State Conservationist establishes membership on the State Technical Committee. Individuals or

groups wanting to participate on a State Technical Committee within a specific State may submit to the State Conservationist of that particular State a request that explains their interest and outlines their credentials which they believe are relevant to becoming a member of the State Technical Committee. Decisions of the State Conservationist concerning membership on the committee are final and not appealable to any other individual or group within USDA.

**§ 610.23 State Technical Committee meetings.**

(a) The State Conservationist shall provide public notice of State Technical Committee meetings in which issues related to conservation programs will be considered.

(b) The State Conservationist shall publish a meeting notice no later than 14 calendar days prior to the meeting. Notification may exceed this 14-day minimum where State open meeting laws exist and provide for a longer notification period. This minimum 14-day notice requirement may be waived in the case of exceptional conditions. The State Conservationist shall publish this notice in at least one or more newspaper(s), including recommended Tribal publications, to attain statewide circulation. The State Conservationist, as Chairperson, schedules and conducts the meetings, although a meeting may be requested by any USDA agency as needed.

**§ 610.24 Responsibilities of State Technical Committees.**

(a) Each State Technical Committee established under this subpart shall meet on a regular basis, as determined by the State Conservationist, to provide information, analysis, and recommendations.

(b) The State Technical Committee shall provide, in writing to the implementing USDA program agency, recommendations, data, and technical analyses, which reflect the professional information and judgment of the State Technical Committee. Such information, analyses, and recommendations shall be provided in a manner that will assist in determining matters of fact, technical merit, or scientific question.

(c) The responsibilities of the State Technical Committee include making recommendations with respect to the technical matters such as:

(1) Guidelines for evaluating petitions by agricultural producers regarding new conservation practices and systems not already described in field office technical guides;

(2) Aspects of wetland protection, restoration, and mitigation requirements;

(3) Criteria to be used in evaluating bids for enrollment of environmentally-sensitive lands in the Conservation Reserve Program (16 U.S.C. 3831-3836);

(4) Guidelines for haying or grazing and the control of weeds to protect nesting wildlife on set-aside acreage;

(5) Highly erodible land exemptions and the appeals process as it pertains to technical issues and information;

(6) Wetland and highly erodible land conservation compliance exemptions and the appeals process;

(7) Methods to address common weed and pest problems, and programs to control weeds and pests found on acreage enrolled in the Conservation Reserve Program (16 U.S.C. 3831-3836);

(8) Guidelines for planting perennial cover for water quality and wildlife habitat improvement on set-aside lands;

(9) Criteria and priorities for state initiatives under the Environmental Quality Incentives Program (EQIP) (16 U.S.C. 3839aa), including:

(i) Criteria to prioritize applications from applicants with significant statewide resource concerns outside a priority area;

(ii) Eligible conservation practices for an EQIP priority area or for significant statewide resource concerns outside a priority area;

(iii) Criteria to be used in defining a large confined livestock operation under EQIP;

(iv) Suggestions on how often producers' EQIP applications are ranked and selected;

(v) Criteria to prioritize applications from applicants with significant statewide resource concerns outside a priority area; and