

(e) Requests for equitable relief shall include the following information:

- (1) The reason why the participant was unable to comply with the requirements of the conservation program;
- (2) Details regarding how much of the required action had been completed;
- (3) Why the participant did not have sufficient reason to know that the action or information relied upon was improper or erroneous;
- (4) Whether the participant did not act in reliance on their own misunderstanding or misinterpretation of the conservation program provisions, notices, or information; and
- (5) Any other pertinent facts or supporting documentation.

PART 636—WILDLIFE HABITAT INCENTIVES PROGRAM

Sec.

- 636.1 Applicability.
- 636.2 Administration.
- 636.3 Definitions.
- 636.4 Program requirements.
- 636.5 Establishing priority for enrollment in WHIP.
- 636.6 Cost-share payments.
- 636.7 The Wildlife Habitat Development Plan (WHDP).
- 636.8 Cost-share agreements.
- 636.9 Modifications.
- 636.10 Transfer of interest in a cost-share agreement.
- 636.11 Termination of cost-share agreements.
- 636.12 Violations and remedies.
- 636.13 Misrepresentation and scheme or device.
- 636.14 Offsets and assignments.
- 636.15 Appeals.

AUTHORITY: 16 U.S.C. 3839bb-1.

SOURCE: 62 FR 49365, Sept. 19, 1997, unless otherwise noted.

§ 636.1 Applicability.

(a) The purpose of the WHIP is to help participants develop habitat for upland wildlife, wetland wildlife, threatened and endangered species, fish, and other types of wildlife.

(b) The regulations in this part set forth the requirements for the Wildlife Habitat Incentives Program (WHIP).

(c) The Chief, NRCS may implement WHIP in any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American

Samoa, and the Commonwealth of the Northern Mariana Islands.

§ 636.2 Administration.

(a) The regulations in this part will be administered under the general supervision and direction of the Chief, NRCS.

(b) The State Conservationist will consult with the State Technical Committee in the implementation of the program and in establishing program direction for the NRCS in the applicable State. The State Conservationist has the authority to accept or reject the State Technical Committee recommendation; however, the State Conservationist will give strong consideration to the State Technical Committee's recommendation.

(c) NRCS may enter into cooperative agreements with Federal agencies, State and local agencies, conservation districts, local watershed groups, and private entities to assist with program implementation, including cost-share agreement execution, assistance, planning, and monitoring responsibilities.

(d) NRCS may make payments pursuant to agreements with other Federal, State, or local agencies, conservation districts, local watershed groups, or private entities for program implementation, coordination of enrollment of cost-share agreements, or for other goals consistent with the program provided for in this part.

(e) NRCS will provide the public with reasonable notice of opportunities to apply for participation in the program.

(f) Nothing in this part shall preclude the Chief of NRCS, or a designee, from determining any question arising under this part or from reversing or modifying any determination made under this part.

§ 636.3 Definitions.

Chief means the Chief of the Natural Resources Conservation Service or the person delegated authority to act for the Chief.

Conservation district means a political subdivision of a State, Native American Tribe, or territory, organized pursuant to the State or territorial soil conservation district law, or Tribal law. The subdivision may be a conservation district, soil conservation