

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
AMERICAN FORAGE AND GRASSLAND COUNCIL
AND THE
UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

This Memorandum of Understanding (MOU) is entered into between the American Forage and Grassland Council (AFGC) and the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS).

I. BACKGROUND

NRCS is responsible for providing technical assistance to landowners and operators in protecting soil, water, and related resources under the provisions of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590 (a-f)), and other applicable legislation. This legislation authorizes NRCS to cooperate with various Federal agencies, State and local governments, nongovernmental organizations, and individuals in order to carry out its responsibilities and further the conservation mission of NRCS on private lands in a voluntary, scientifically-based manner.

In addition to the technical assistance available from NRCS, USDA conservation program participants have the option of obtaining conservation technical assistance from individuals certified as Technical Service Providers (TSP) by NRCS.

Section 2701 of the Farm Security and Rural Investment Act of 2002, Public Law 107-171, May 13, 2002, (2002 Farm Bill) amended Section 1242 of the Food Security Act of 1985 to require the Secretary to provide technical assistance under Title XII of the Act to a program participant "directly, or...through a payment...for an approved third party, if available."

Section 1242 also requires the Secretary to establish a system for approving individuals and entities to provide technical assistance to carry out programs under this title including criteria for the evaluation of providers or potential providers of technical assistance.

AFGC is a 501(c)(3) non-profit professional organization headquartered in Georgetown, Texas. AFGC is a national scientific and educational organization representing grassland professionals in the United States. AFGC will certify individuals as Certified Grassland Professionals who possess the professional credentials indicating that they can plan and implement conservation practices on pasture, hayland, and grazed cropland. AFGC's Certified Grassland Professional

certification requires a bachelor's degree, at least five years of experience, a passing score on a comprehensive written examination, and complete continuing education units to maintain certification. Individuals must renew their certification on a biennial basis. NRCS believes Certified Grassland Professionals can assist with its conservation efforts of placing sound grazing/forage conservation on the ground across the United States.

II. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between AFGC and NRCS through which AFGC may submit recommendations to NRCS of individuals who meet AFGC Certified Grassland Professional certification, and NRCS may consider such individuals for certification as Technical Service Providers. It is the intent of both parties that this cooperative effort shall be for the mutual benefit of each party as well as conservation program participants who wish to utilize technical services provided by certified Technical Service Providers.

This MOU recognizes that a grassland professional certified through AFGC's Certified Grassland Professional certification also meets the NRCS performance criteria for providing conservation assistance in technical service category Grazing/Forage. The selected NRCS Conservation Practices 314, 327, 511, 512, 528, 590 and 595 comprise the Grazing/Forage category. NRCS will update the category as necessary to reflect changes to conservation practice 528 (prescribed grazing) and the addition of 327 (conservation cover), nutrient management (590), and pest management (595) as applicable to grazing lands.

This MOU will benefit NRCS and AFGC by providing grassland professionals the opportunity to become certified by NRCS as Technical Service Providers, if approved by all NRCS verification criteria. This in turn will assist NRCS in carrying out its mission of providing quality conservation technical assistance to its customers.

NRCS will place those recommended individuals whom it certifies as TSPs on the approved list to provide technical assistance in the Grazing/Forage category to USDA conservation program participants, thereby expanding their scope of services to existing and future clientele.

III. RESPONSIBILITIES

A. AFGC will:

1. Provide a statement that the Certified Grassland Professionals that it recommends for certification by NRCS as Technical Service Providers meet the minimum NRCS criteria for providing conservation assistance in the Grazing /Forage category as specified in Section II.
2. Establish and maintain a registry of individuals who meet the AFGC qualifications and NRCS certification requirements to provide conservation technical assistance, identified in A1. The registry will include a list of services

each individual is qualified to provide. The registry will contain the following information:

- a) Name of individual;
 - b) Company (if applicable);
 - c) Address;
 - d) Telephone and fax numbers, and e-mail address (if applicable);
 - e) Certification Category (ies);
 - f) Expiration date of AFGC's qualifications; and
 - g) AFGC as the recommending organization.
3. Update all information on its registry monthly, or more frequently if necessary, and provide this information in a mutually acceptable electronic format.
 4. Remove individuals from the registry who do not maintain required levels of training within the 3-year timeframe, or who are found by NRCS to be providing substandard assistance from its registry and immediately notify the individuals and NRCS.
 5. Notify AFGC Certified Grassland Professionals in a timely manner when technical and programmatic materials are available from NRCS to ensure that its members deliver the highest quality of conservation technical assistance.
 6. Inform AFGC Certified Grassland Professionals that to be certified by NRCS they must submit an application, which includes a Certification Agreement, as a condition of their certification by NRCS as a Technical Service Provider.
 7. Inform AFGC Certified Grassland Professionals certified as Technical Service Providers by NRCS that they are subject to the same annual quality reviews as NRCS employees.
 8. Inform Certified AFGC Certified Grassland Professionals that they cannot legally certify completed cost-shared practices for payment. Only NRCS employees have the legal authority to do so.
- B. NRCS will:
1. Advise AFGC of the knowledge, skills, and proficiencies an individual will need to possess to qualify for Technical Service Provider designation for the technical service category identified in this MOU.
 2. Periodically review AFGC certification standards for parity with NRCS criteria for technical services covered by this MOU.
 3. Provide AFGC Certified Grassland Professionals with access to current program information and appropriate technical reference documents for use by Technical

Service Providers. Such documents will include manuals and standards and specifications for appropriate conservation practices.

4. Provide the approved list of Technical Service Providers to USDA offices.
5. Assist in suggesting training opportunities for AFGC Certified Grassland Professionals and serve as a resource when available.
6. Remove Technical Service Providers from the approved list through the decertification process if it is determined that the Technical Service Provider has failed to meet the terms and conditions of the Certification Agreement.
7. Notify AFGC of individuals removed from the approved list through the NRCS decertification process.

C. Agreed that both Parties will:

Meet as requested by either party to review progress and discuss methods of improving this process.

IV. GENERAL PROVISIONS

- A. This MOU takes effect upon the signature of NRCS and AFGC and shall remain in effect for three years from the date of execution. This MOU may be extended or amended upon written request of either NRCS or AFGC and the subsequent written concurrences of the other. Either NRCS or AFGC may terminate this MOU with a 30-day written notice to the other.
- B. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, any person, or AFGC or its members.
- C. Termination of this agreement will not affect individuals certified as Technical Service Providers by NRCS. Certified individuals will continue to be listed on the approved list of Technical Service Providers in accordance with the terms and conditions of their certification.
- D. NRCS and AFGC and their respective officers will handle their own activities and utilize their own resources, including expenditures of their own funds in pursuing the purposes of this MOU. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
- E. None of the information in this MOU shall obligate either USDA or AFGC to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies of USDA and

AFGC will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

- F. Employees of NRCS shall participate in efforts under this MOU solely as representatives of the United States. To this end, they shall not participate as directors, officers, employees, or otherwise serve or hold themselves out as representatives of AFGC. They also shall not assist AFGC with efforts to lobby Congress, or to raise money through fund-raising efforts. Further, NRCS employees shall report to their immediate supervisor any negotiations with AFGC concerning future employment and shall refrain from participation in efforts regarding such parties until approved by the agency.
- G. All activities under this agreement will be in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).
- H. In accordance with NRCS Property Management Regulation, Temporary Regulation A-2, "The program or activities conducted under this memorandum of understanding will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987 (Public Law 100-259); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendment of 1972; and the Age Discrimination Act of 1975. They will also be in accordance with regulations of the Secretary of Agriculture (7 CFR 15, Subparts A & B), which provide that no person in the United States shall on the grounds of race, color, national origin, age, sex, religion, marital status, or handicap be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Agriculture or any agency hereof."

V. TECHNICAL AND ADMINISTRATIVE CONTACTS

- A. AFGC
 - Dana Tucker
 - Executive Secretary
 - American Forage and Grassland Council.
 - P.O. Box 94
 - Georgetown, Texas 78627
 - Phone: (800) 944-2342
 - Fax: (512) 863-0541

B. NRCS


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VI. AUTHORITY


NRCS enters into this agreement under the authority of Section 1242 of the Food Security Act of 1985, 16 U.S.C. 3842.

VII. APPROVAL

The undersigned parties hereby agree to the terms and conditions specified above.


BRUCE I. KNIGHT
Chief
Natural Resources Conservation Service

6/14/05
DATE


ED TWIDWELL
President
American Forage and Grassland Council.

6/14/05
DATE