

Rules and Regulations

Federal Register

Vol. 62, No. 67

Tuesday, April 8, 1997

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

7 CFR Parts 600 and 601

Organization and Functions

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: The Natural Resources Conservation Service revises the information on the organization and functions to reflect changes as a result of the USDA reorganization.

EFFECTIVE DATE: January 30, 1997.

FOR FURTHER INFORMATION CONTACT: Peter Zeck, 202-690-4860.

SUPPLEMENTARY INFORMATION:

Rulemaking Analyses

EO 12291: Non-major.
Regulatory Flexibility Act: No significant impact.

Paperwork Reduction Act: No significant impact.

National Environmental Policy Act: Exempt.

List of Subjects in 7 CFR Parts 600 and 601

Functions and organization (Government agencies).

For the reason stated in the preamble, CFR Chapter 7 is amended by revising Parts 600 and 601 to read as follows.

PART 600—ORGANIZATION

- Sec.
- 600.1 General.
- 600.2 National headquarters.
- 600.3 Regional offices.
- 600.4 State offices.
- 600.5 Area offices.
- 600.6 Field offices.
- 600.7 Specialized field offices.
- 600.8 Plant materials centers.

Authority: 7 U.S.C. 6962.

§ 600.1 General

(a) The Natural Resources Conservation Service (NRCS) was authorized by the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub. L. 103-354, 7 U.S.C. 6901 note) and established by Secretary's Memorandum 1010-1 (2.b.6), *Reorganization of the Department of Agriculture*, to provide national leadership in the conservation, development, and productive use of the Nation's natural resources. Such leadership encompasses soil, water, air, plant, and wildlife conservation with consideration of the many human (economic and sociological) interactions with these resources. NRCS is the Federal agency that works with landowners on private lands to help them conserve their natural resources. NRCS employees are highly skilled in many scientific and technical specialties, including soil science, soil conservation, agronomy, biology, agroecology, range conservation, forestry, engineering, geology, hydrology, wetlands science, cultural resources, and economics. NRCS was formerly the Soil Conservation Service (SCS) which was established by the Soil Conservation Act of 1935 (Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590 (a-f))). NRCS has responsibility for the three major areas covered by SCS—soil and water conservation, natural resource surveys (soil surveys, resources inventory, snow surveys, and water supply forecasting), and community resource protection and management (watershed projects, river basin studies and investigations, resource conservation and development areas, land evaluation and site assessment, and emergency watershed protection)—the Wetland Reserve Program, Environmental Quality Incentives Program, Grazing Lands Conservation Initiative, Farmland Protection Program, Wildlife Habitat Incentives Program, and Forestry Incentives Program.

(b) The NRCS organization consists of a National Headquarters located in Washington, D.C.; six regional offices; 50 state offices and equivalent offices in the Caribbean Area and the U.S. Trust Territories of the Pacific Basin Area; approximately 2,500 field offices and 300 specialized offices; 28 plant materials centers; eight national centers; and eight natural resources institutes.

NRCS is headed by a Chief who reports to the USDA Under Secretary for Natural Resources and Environment.

§ 600.2 National headquarters.

(a) *Chief.* The Chief, with assistance of the Associate Chief, is responsible for administering a coordinated national program of natural resource conservation; planning, directing, and coordinating all program, technical, and administrative activities of NRCS; developing policies and procedures; correlating NRCS conservation programs with other agencies; accepting departmental leadership for programs for other activities assigned by the Secretary of Agriculture; and serving as Equal Employment Opportunity Officer for NRCS.

(b) *Deputy Chiefs.* Four deputy chiefs assist the Chief as follows:

(1) *Deputy Chief for Management.* The Deputy Chief for Management is responsible for management services, operations management and oversight, human resources management, civil rights employment, financial management, information technology, administrative support (providing a coordinated administrative management program for National Headquarters activities), special projects, and controlled correspondence. This deputy chief is also responsible for the activities of three national centers: Business management, information technology, and employee development.

(2) *Deputy Chief for Programs.* The Deputy Chief for Programs is responsible for conservation operations, watershed planning, wetlands restoration, community assistance, resource conservation and development, USDA program outreach, civil rights program compliance, budget formulation and analysis, and international conservation.

(3) *Deputy Chief for Soil Survey and Resource Assessment.* The Deputy Chief for Soil Survey and Resource Assessment is responsible for soil survey, resource inventory, and resource assessment and strategic planning. This deputy chief is also responsible for the activities of two national centers: soil survey and cartography and geospatial.

(4) *Deputy Chief for Science and Technology.* The Deputy Chief for Science and Technology is responsible for the ecological sciences, conservation engineering, institutes, and resource economics and social sciences division.

This deputy chief is also responsible for the activities of three nation centers (water and climate, soil mechanics, and plant data) and eight institutes. This deputy chief, working closely with the deputy chiefs for Management and Soil Survey and Resource Assessment, provides overall direction for the National Science and Technology Consortium.

(c) *National Science and Technology Consortium.* The consortium consists of four divisions, three centers, eight technical institutes, and several cooperating scientists under the Deputy Chief for Science and Technology; two divisions and two centers under the Deputy Chief for Soil Survey and Resource Assessment; and three centers under the Deputy Chief for Management.

(1) *Centers.* The eight centers provide specific products and services that maintain and enhance the technical quality of the agency. The centers are: water and climate, soil mechanics, plant data, soil survey, cartography and geospatial, information technology, business management, and employee development.

(2) *Institutes.* The eight institutes are: soil quality, natural resources inventory and analysis, grazing lands technology, social sciences, watershed science, wetlands science, wildlife habitat management, and information technology. The institutes acquire, develop, and transfer needed technology in special emphasis areas so field employees can better serve their customers. The institutes often establish partnerships with other Federal agencies, universities, and public and private organizations.

(3) *Cooperating Scientists.* Cooperating scientists work in the areas of soil erosion and sedimentation, air quality, and agroforestry. These scientists are located at various universities and research centers.

(d) *Legislative Affairs.* The Legislative Affairs Staff provides coordination and assistance to the Chief on legislative affairs issues and activities.

(e) *Conservation Communication.* The Conservation Communication Staff is responsible for communications, volunteer programs, conservation education, and public affairs activities.

(f) *Strategic Natural Resource Issues.* The Strategic Natural Resource Issues Staff is responsible for coordinating priority strategic issues as determined by the Chief.

§ 600.3 Regional offices.

Each regional office is under the direction and supervision of a regional conservationist. Regional offices direct,

coordinate, and integrate all phases of NRCS programs and activities, and address the total natural resource needs of the region. Regional offices are located in Beltsville, Maryland; Atlanta, Georgia; Fort Worth, Texas; Madison, Wisconsin; Lincoln, Nebraska; and Sacramento, California.

§ 600.4 State offices.

Each office is under the direction and supervision of a State conservationist. Each State conservationist is responsible for NRCS programs in a State. The Pacific Basin Area Office, under the direction and supervision of a director, serves the U.S. Trust Territories in that area. The Caribbean Area Office, under the direction and supervision of a director, serves the Commonwealth of Puerto Rico and the U.S. Virgin Islands. Directors of the Pacific Basin and Caribbean areas have the same responsibility and authority as a State conservationist. All references to State conservationist in this chapter include the directors of the Pacific Basin and Caribbean areas.

§ 600.5 Area offices.

Each area office is under the direction and supervision of an area conservationist or assistant State conservationist for field operations who is responsible for NRCS activities in the geographical area served by the area office. Usually the geographical area includes multiple field offices and counties. Many area offices now consist of teams working on a watershed or other geopolitical basis.

§ 600.6 Field offices.

Each field office is under the direction and supervision of a district conservationist who is responsible for NRCS activities in the geographical area served by the field office. Usually the geographical area of a field office includes one or more conservation districts and one or more counties. Field offices are generally collocated with other USDA agencies in USDA Service Centers.

§ 600.7 Specialized field offices.

Other field offices serve specialized activities, such as watershed protection and flood reduction projects, construction projects, resource conservation and development areas, and soil survey activities. Direction and supervision of these offices are designated by State conservationists.

§ 600.8 Plant materials centers.

Plant materials centers (PMC) assemble and test plant species for conservation uses. Usually a PMC serves two or more States, and is under the

jurisdiction of the State conservationist where the center is located. Each PMC is directed and supervised by a manager who is responsible to a State office specialist/manager who is responsible to a State office specialist/manager as designated by the State conservationist.

PART 601—FUNCTIONS

Sec.

601.1 Functions assigned.

601.2 Functions reserved to the Secretary of Agriculture.

601.3 Natural disaster assistance.

601.4 Defense responsibilities.

Authority: 7 U.S.C. 1010–1011; 16 U.S.C. 590a–590f, 1001–1008, 2001–2009, 2203–2205, 3801 *et seq.*; 33 U.S.C. 701b–1.

§ 601.1 Functions assigned.

The Natural Resources conservation Service (NRCS) is the Federal agency that works with private landowners to conserve their natural resources. NRCS employees help land users and communities approach conservation planning and implementation with an understanding of how natural resources relate to each other and to people—and how human activities affect those resources. The agency emphasizes voluntary, science-based assistance, partnerships, and cooperative problem solving at the community level. The mission of NRCS is to work on the Nation's non-Federal lands to conserve, improve, and sustain natural resources. The following functions support the mission.

(a) NRCS facilitates and provides conservation technical assistance at the local level that helps people assess their natural resource conditions and needs, set goals, identify programs and other resources to address those needs, develop proposals and recommendations, implement solutions, and measure their success. The agency's role is to assist with:

- (1) Resource inventories,
- (2) Resource assessments,
- (3) Planning assistance, and/or
- (4) Technical assistance.

(b) NRCS provides technical assistance through local conservation districts to land users, communities, watershed groups, Federal and State agencies, other partners, and customers.

(c) NRCS provides assistance on a voluntary basis.

(d) The agency's work focuses on soil, water, air, plant, and animal conservation including erosion reduction, water quality improvement, wetland restoration and protection, fish and wildlife habitat improvement, range management, stream restoration, water management, and other natural resource issues.

(e) NRCS has general responsibility for administration of the following programs:

(1) Conservation operations, authorized by the Soil Conservation Act of 1935 and the Soil and Water Resources Conservation Act of 1977.

Activities include:

(i) Conservation technical assistance to land users, communities, units of State and local government, and other Federal agencies in planning and implementing natural resource solutions to reduce erosion, improve soil and water quantity and quality, improve and conserve wetlands, enhance fish and wildlife habitat, improve air quality, improve pasture and range conditions, reduce upstream flooding, and improve woodlands. Assistance is also provided to implement the highly erodible land (HEL) and wetland conservation (Swampbuster) provisions, Wetlands Reserve Program (WRP), and Conservation Reserve Program (CRP) in the 1985 Food Security Act, as amended by the Food, Agriculture, Conservation and Trade Act of 1990 and Federal Agriculture Improvement and Reform Act of 1996. NRCS technical field staff make HEL and wetland determinations and assist land users to develop and implement conservation plans needed to ensure compliance with the law. NRCS is also the lead Federal agency for delineating wetlands on agricultural lands for purposes of implementing both the provisions of the Food Security Act and Section 404 of the Clean Water Act.

(ii) Soil surveys which provide the public with local information on the uses and capabilities of their soil resource. Soil surveys are based on scientific analysis and classification of the soils and are used to determine land capabilities and conservation treatment needs. Surveys are conducted cooperatively with other Federal agencies, land grant universities, State agencies, and local units of government. NRCS is the world leader in soil classification and soil mapping, and is expanding into soil quality.

(iii) Snow survey and water supply forecasts that provide western States and Alaska with vital information and forecasts of seasonable variable water supplies. NRCS field staff in cooperation with partnering organizations manually collect data from 850 remote high mountain sites. Data is electronically collected from an additional 600 SNOTEL (automated snowpack telemetry network) sites. In cooperation with the National Weather Service, the data is assembled and analyzed. Then, NRCS staff develop seasonal water supply forecasts.

(iv) Plant Material Centers assemble, test, and encourage increased plant propagation and usefulness of plant species for biomass production, carbon sequestration, erosion reduction, wetland restoration, water quality improvement, streambank and riparian area protection, coastal dune stabilization, and to meet other special conservation treatment needs. The work is carried out cooperatively with State and Federal agencies, private organizations, commercial businesses, and seed and nursery associations. After species are proven, they are released to the private sector for commercial production.

(2) Conservation programs in the Federal Agriculture Improvement and Reform Act of 1996, most of which are funded by the Commodity Credit Corporation (CCC). NRCS provides leadership and technical assistance for the following programs:

(i) Environmental Quality Incentives Program (EQIP). EQIP provides a single, voluntary conservation program for farmers and ranchers who face serious threats to soil, water, and related natural resources. Nationally, it provides technical, financial, and educational assistance, half of it targeted to livestock-related natural resource problems and half to more general conservation priorities.

(ii) Wetlands Reserve Program (WRP). WRP is a voluntary program to restore and protect wetlands on private property. It provides an opportunity for landowners to receive financial incentives to enhance wetlands in exchange for retiring marginal agricultural land.

(iii) Wildlife Habitat Incentives Program (WHIP). WHIP is a voluntary program for people who want to develop and improve wildlife habitat on private lands. It provides both technical assistance and cost sharing to help establish and improve fish and wildlife habitat.

(iv) Farmland Protection Program (FFP). This program provides funds to help purchase development rights to keep productive farmland in agricultural use. Working through existing programs, USDA joins with State, tribal, or local governments to acquire voluntary conservation easements or other interests from landowners.

(v) Forestry Incentives Programs (FIP). FIP supports good forest management practices on privately owned, non-industrial forest lands nationwide. FIP is designed to benefit the environment while meeting future demands for wood products. Although not funded by CCC, Section 373 of the Federal Agriculture

Improvement and Reform Act of 1996 extended the program under discretionary appropriations.

(3) Resource Conservation and Development (RC&D) Program, authorized by Section 102 of the Flood and Agriculture Act of 1962 (Pub. L. 87-702) and Sections 1528-1538 of the Agriculture and Food Act of 1981 (Pub. L. 97-98). This program is initiated and directed at the local level by volunteers who involve multiple communities, various units of government, municipalities, and grassroots organizations. RC&D is a catalyst for civic-oriented groups to share knowledge and resources in a collective attempt to solve common problems. The program offers aid in balancing the environmental, economic, and social needs of an area.

(4) Rural Abandoned Mine Program (RAMP) and other responsibilities assigned under the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87). Under RAMP, NRCS provides technical and financial assistance to landowners to reclaim certain abandoned coal-mined lands. This assistance can be used to reclaim these lands for approved uses, which include pasture, range, woodland, cropland, noncommercial recreation, and wildlife habitat. The program's first priority is to protect public health, welfare, safety, and property from hazards caused by past surface coal mining or by surface effects of deep mining.

(5) Watershed surveys and planning, authorized by the Watershed Protection and Flood Prevention Act (Pub. L. 83-566, Section 6 (16 U.S.C. 1001-1008)). This 1996 appropriations act combined the Small Watershed Planning and the River Basin Surveys and Investigations programs into a new program called the Watershed Surveys and Planning Program. The program involves cooperation with other Federal, State, and local agencies to conduct watershed planning, river basin surveys and investigations, flood hazard analysis, and flood plain management assistance, which aid in the development of coordinated water resource programs, including the development of guiding principles and procedures.

(6) Watershed and flood prevention operations include the following activities:

(i) Watershed operations authorized by the Flood Control Act of 1944. Flood prevention operations include: Planning and installing works of improvement and land treatment measures; conservation, development, utilization, and disposal of water; and reduction of sedimentation and erosion damages.

This may also include the development of recreational facilities and the improvement of fish and wildlife habitat.

(ii) The Emergency Watershed Protection (EWP) Program, authorized by Section 216 of the Flood Control Act of 1950 (Pub. L. 81-516) and Section 403 of Title IV of the Agricultural Credit Act of 1978 (Pub. L. 95-334). EWP provides assistance to reduce hazards to life and property in watersheds damaged by severe natural events. Emergency work includes establishing quick vegetative cover on denuded land, sloping steep land, and eroding banks; opening dangerously restricted channels; repairing diversions and levees; and other emergency work. NRCS provides technical and financial assistance for disaster cleanup; stream corridor, wetland, and riparian area restoration; and urban planning and site location assistance to the Federal Emergency Management Agency (FEMA) when relocating communities out of flood plains.

(iii) The Watershed Protection and Flood Prevention Act (Pub. L. 83-566), also known as the Small Watersheds Program. This program provides for cooperation with local sponsors, State, and other public agencies in the installation of planned works of improvement and land treatment measures in approved watershed projects. Eligible measures include flood prevention, water conservation, recreation, agricultural water management, flood plain easements, municipal and industrial water, and rural water supply.

§ 601.2 Functions reserved to the Secretary of Agriculture.

(a) Designation of new Resource Conservation and Development (RC&D) areas. Once designated, these areas may receive RC&D Program assistance from NRCS.

(b) Administration of the Soil and Water Resources Conservation Act of 1977 (Pub. L. 95-192) to conduct an appraisal and develop a national conservation program every five years.

§ 601.3 Natural disaster assistance.

(a) To assist in emergencies caused by natural disasters, NRCS may:

(1) Provide technical and financial assistance under authority of Section 216 of the Flood Control Act of 1950 (Pub. L. 81-516, Stat. 184, 33 U.S.C. 701b) and Section 403 of Title IV of the Agricultural Credit Act of 1978 (Pub. L. 95-334).

(2) Provide technical assistance for rehabilitation of land and conservation systems for which other U.S.

Department of Agriculture agencies provide cost sharing.

(3) Provide technical assistance on rehabilitation of rural lands damaged by natural disaster.

(4) Provide assistance in evaluating the severity of the disaster, assessing problems created, and determining the amount and kind of emergency work needed for restoration.

(5) Provide available information, maps, and reports on projects described in Parts 621, 622, 623, and 640 of Section 216 of the Flood Control Act of 1950.

(6) Provide assistance in locating heavy earthmoving equipment.

(7) Make light trucks and other types of NRCS transportation equipment available for emergency use.

(8) Provide technical assistance in locating alternate routes when existing roads and highways cannot be used.

(b) In a disaster, it is the responsibility of the state conservationist to determine the extent of NRCS assistance. In presidentially-declared disasters, NRCS coordinates emergency assistance with the Federal Emergency Management Agency (FEMA).

§ 601.4 Defense responsibilities.

In the event of nuclear attack, NRCS is responsible for providing:

(a) Technical guidance, based upon results of radiological monitoring and the extent of radiological contamination to farmers, ranchers, and others relating to:

(1) The selection and use of land for agricultural production.

(2) The harvesting of crops.

(3) The use of crops stored on the farm.

(4) The use, conservation, disposal, and control of water to insure adequate usable water for agricultural purposes and to prevent floods.

(5) The safety of livestock.

(b) Basic soil information, land use guides, and onsite technical assistance in selecting land for production and in applying practices to increase production of food and fiber with maximum efficiency.

David C. White,

Director, Conservation Communications Staff, Natural Resources Conservation Service.

[FR Doc. 97-8943 Filed 4-7-97; 8:45 am]

BILLING CODE 3410-16-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

RIN 3064-AC03

Applications, Requests, Submittals, Delegations of Authority, and Notices Required to be Filed by Statute or Regulation

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is amending the definition of "appropriate FDIC regional office" and other related terms contained in its applications regulation to change the way the FDIC designates the appropriate regional office for purposes of filing applications, requests, submittals, and notices. The amendment relates to a realignment of the FDIC's regional office operations. As a result, the FDIC Division of Supervision (DOS) and the Division of Compliance and Consumer Affairs (DCA) will supervise groups of related insured institutions from one FDIC regional office. The designated regional office for a group of institutions will, except in rare circumstances, be the one in which the group's major policy and decision makers are located. This location will coincide with the headquarters location of holding companies or lead institutions in most instances. Realignment operations in this manner will streamline supervision processes and simplify communication channels.

All supervisory matters processed in regional offices, including applications and administrative actions, that involve insured institutions within a group of related institutions will be processed in the designated FDIC regional office. Applications will be submitted directly to the FDIC regional office assigned supervisory responsibility for the group. The regulation makes no change in the location of the appropriate region for institutions that are not part of a group or when a group of related institutions are located within one region.

EFFECTIVE DATE: This rule is effective April 8, 1997.

FOR FURTHER INFORMATION CONTACT: Christopher J. Spoth, Examination Specialist, Division of Supervision (202) 898-6611; David K. Mangian, Regional Director, Division of Compliance and Consumer Affairs (312) 382-7550; Ken A. Quincy, Section Chief, Division of Compliance and Consumer Affairs (202) 942-3083; or Susan van den Toorn, Counsel, Legal Division (202) 898-8707.