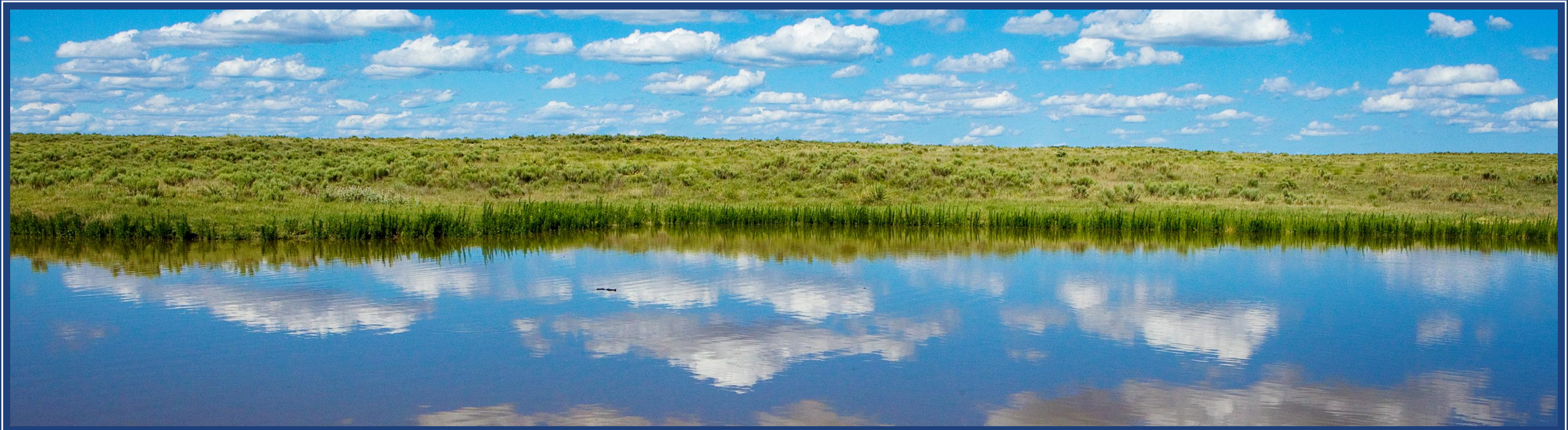


NRCS Technical Grant Assistance and Local Implications

Kansas Dept. of Agriculture Division of Conservation

October 2024

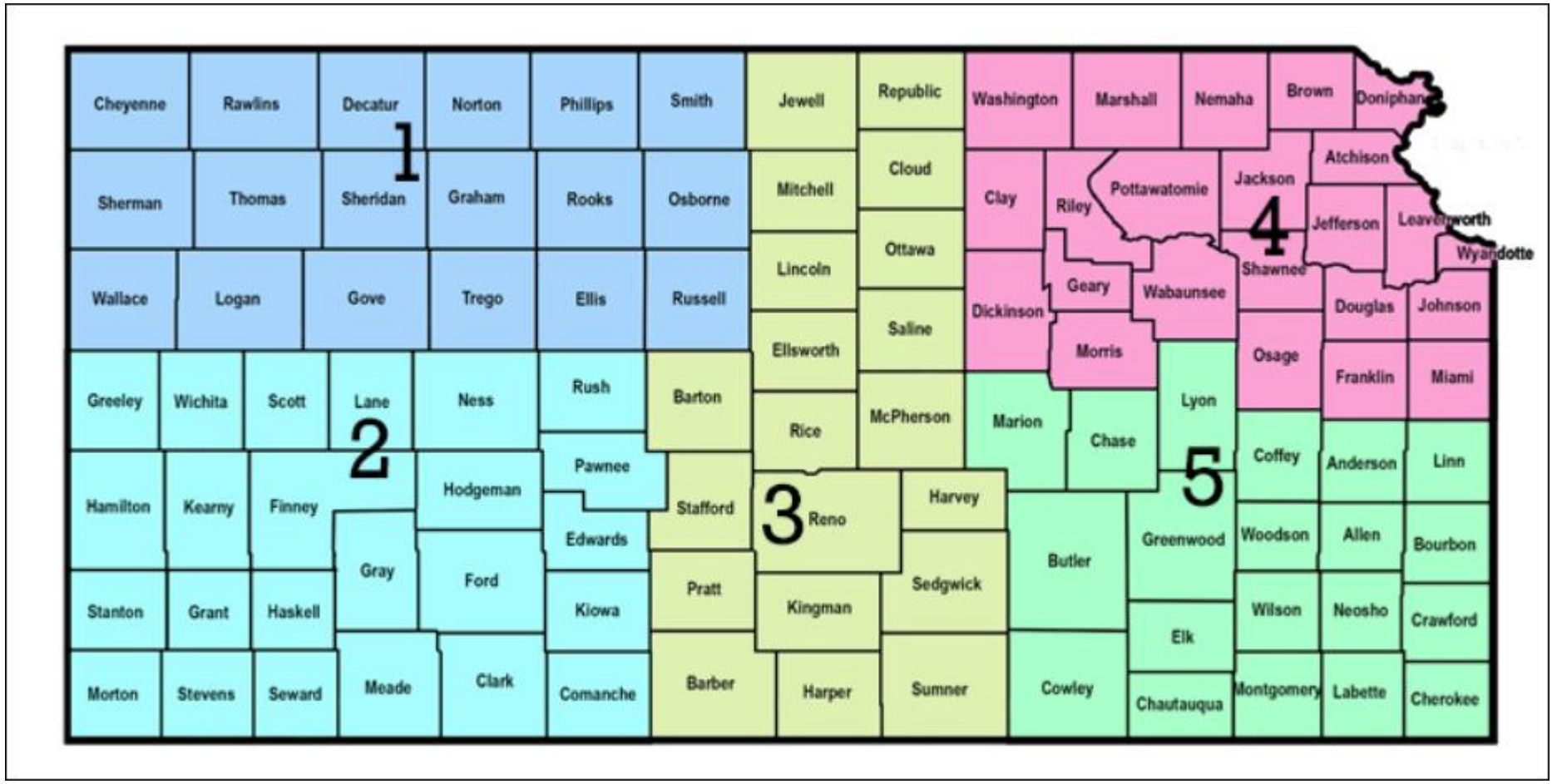
By the numbers…..

- 105 Districts
  - 98 housed in USDA Service Center with NRCS.
- 103 District Managers
- 525 Supervisors
- 5 DOC Areas
- 4 NRCS Areas
- 30 NRCS Management Units



Kansas
Department of Agriculture

Division of Conservation Areas



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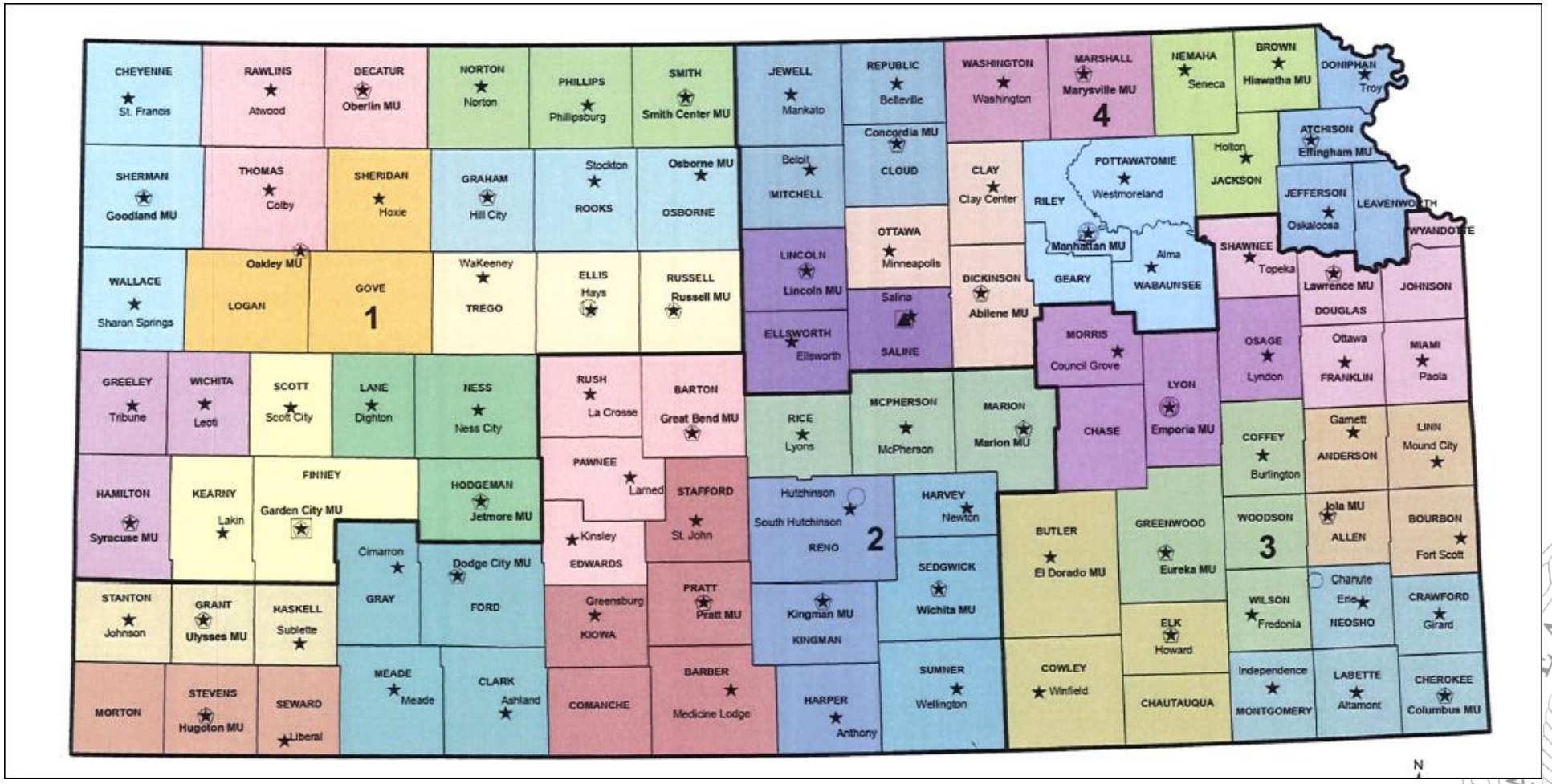
NRCS Management Units



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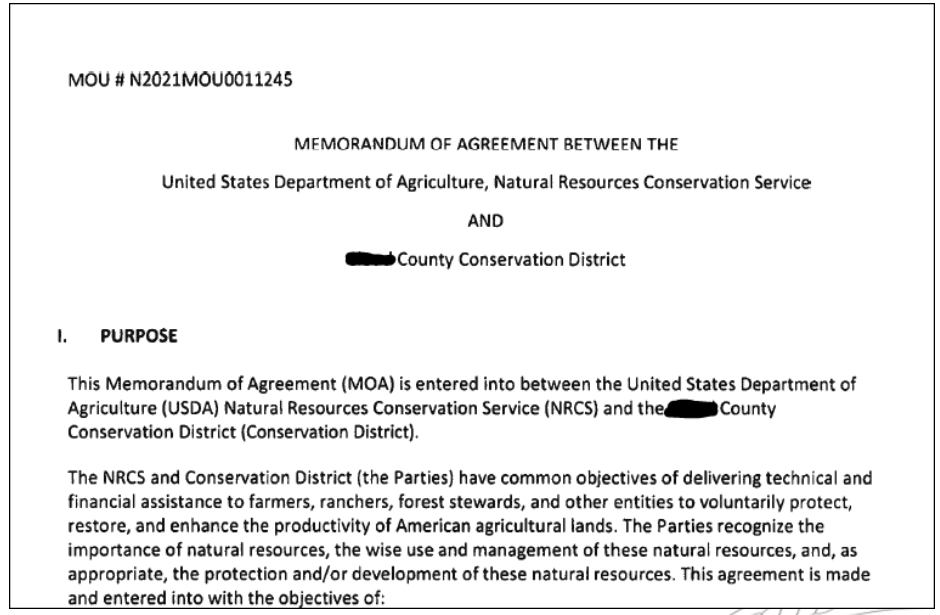
DISTRICT/NRCS PARTNERSHIP

- District managers provide 50% of their time assisting NRCS.
  - Filing, ordering supplies, mailing, etc.
  - Duties varies from office to office.



MOU # N2021MOU0011245

MEMORANDUM OF AGREEMENT BETWEEN THE

United States Department of Agriculture, Natural Resources Conservation Service

AND

[redacted] County Conservation District

I. **PURPOSE**

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and the [redacted] County Conservation District (Conservation District).

The NRCS and Conservation District (the Parties) have common objectives of delivering technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands. The Parties recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. This agreement is made and entered into with the objectives of:

- NRCS provides office, internet, etc. AND technical assistance for state cost share projects.

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WATER RESOURCES COST-SHARE PROGRAM

- Protect public water supplies by reducing sedimentation, nutrient, pesticide, etc. loading to water bodies
- Reduce aquifer level decline.
- Practices focus on water resource concerns in each county — surface water or groundwater.





Kansas Department of Agriculture

NON-POINT SOURCE COST-SHARE PROGRAM

- Goals are for water quality protection and restoration in watersheds
- Practices focus on increasing soil health and reducing sediment and nutrient runoff and leaching.
- Information and education: Soil Health conference scholarships; hosting workshops, etc.
- Grants to fund conservation technician positions in management units.





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CURRENT SITUATION



- NRCS current staffing shortage is 90 FTE.

- State conservation planning and checkouts delayed or non-existent.

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4 Technical Assistance Agreements

- Total NRCS Funds: $9,166,019.64
- Total State Fund Match: $1,967,762.06

- 42 positions
  - 30 technicians
  - 6 archeologists
  - 4 soil conservationist
  - 2 agronomists

Kansas Department of Agriculture

TA Positions

- Commonly called DOC Technicians, agronomists, etc. , TAs work for the conservation district board.
- CD is responsible for administrative duties, including payroll and performance evaluation.
- Daily assignments/training/workload comes from NRCS.

PROS

- Grant provides one DOC technician per Management Unit.
- Allows for local hires.
- Filling positions helps districts and NRCS get conservation on the ground.
- Administrative fee provided to districts for completing NPS-5 forms, hiring expenses, etc.
- “Feeder system” for NRCS staffing.

Kansas Department of Agriculture

CONS

- State match is NPS funds that could be used on conservation projects.
- TA who has worked for multiple years may take a pay cut if NRCS position comes available as NRCS start pay is based on no experience.
- NRCS does not consider time worked (experience) as a TA when considering federal promotions.
- As NRCS hires on the DOC technicians, there is a constant turnover and administrative “paperwork” at state level as one contract ends and another begins.
- **District staff are not covered by NRCS “insurance” while operating NRCS vehicles.**



Kansas Department of Agriculture

DRIVING NRCS VEHICLES

District staff do not have liability coverage while driving GOV vehicles.



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VEHICLE LIABILITY

14. The Partner will immediately report all vehicle accidents and traffic violations to NRCS and complete all required documents to report accidents to the GOV as a results of an accident caused by the Partner operator and pay all traffic violation citations.

15. The Partner will assume responsibility for claims arising from accidents caused by Partner Drivers. The Partner will be responsible for receiving, process, and paying tort claims that are submitted due to an accident caused by a Partner driver.

Source: Cooperative Work Agreement

Kansas Department of Agriculture

FEDERAL TORT CLAIMS ACT

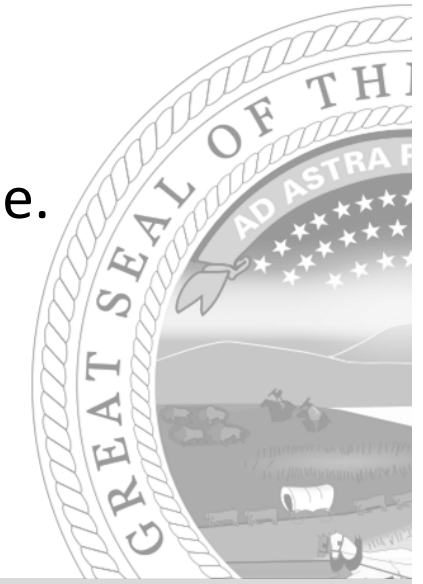
33. I understand that I will not receive any compensation for the above service and that volunteers are NOT considered Federal employees for any purpose other than tort claims and injury compensation. I understand that volunteer service is not creditable for leave accrual or any other employee benefits. I also understand that either the
government or I may cancel this agreement at any time by notifying the other party. I understand that my volunteer position may require a reference check, background investigation, and/or a criminal history inquiry in order for me to perform my duties. I understand that all publications, films, slides, videos, artistic or similar endeavors, resulting from my volunteer services as specifically stated in the attached job description, will become the property of the United States, and as such, will be in the public
domain and not subject to copyright laws. I understand the health and physical condition requirements for doing the work as described in the job description and at the project location, and certify that the statements I have checked below are true:

Also, on the Earth Team SharePoint site for KS, the following information confirms volunteers are covered for both Work Comp and for liability claims while driving a GOV… New Volunteer Guide (sharepoint.com)

Workers' Compensation Program and Tort Claims Act
Persons providing voluntary service to NRCS as an Earth Team volunteer are not considered Federal employees, except for the purposes of the: Workers' Compensation Program, under 5 U.S.C. Chapter 81, for injuries sustained during the performance of authorized work assignments. Contact your human resources office for additional information and references. Tort Claims Act, under 28 U.S.C. Sections 2671 through 2680, for protection from personal liability for common law torts committed within the scope of work assignments. Refer to Departmental Regulation 2510-001, Claims Against the United States, for additional information and references.
Volunteers are provided Federal coverage under the Tort Claims Act while operating a Government-owned or -leased vehicle for official purposes. If the volunteer is operating his or her private vehicle and is receiving compensation for mileage from NRCS, claims for injury or death of third parties or damage to their property are the responsibility of the volunteer, the individual's personal insurance carrier, or both, since mileage reimbursement includes the cost of collision and liability insurance. The Department of Justice determines on a case-by-case basis if a volunteer will be provided legal defense services as provided for by the act.
For all of the above, adequate timekeeping records must be maintained. Volunteer supervisors must ensure volunteers are adequately trained for work assignments and supervision and guidance are provided, as necessary, for a safe work environment.

VEHICLE LIABILITY INSURANCE

- KACD-EO has formed a Task Force. District Managers have been researching insurance. Two DMs previously worked in the insurance industry. Their findings:
  - General liability insurance does not cover district employees while driving government owned vehicles.
  - District cannot get vehicle insurance if they don't own a vehicle.



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WHAT CAN OTHER STATES DO?

- Conservation districts are tasked with helping the NRCS get IRA funds on the ground. District staff need to if know they are covered by when operating GOV vehicles.

- Ask districts to check with their insurance agents to determine if district staff (managers and TAs) have vehicle liability coverage under their insurance.

- Specifically ask if there is coverage for <u>government</u> vehicles.



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WHAT HAS KANSAS DONE?

- Worked with the State Association to inform the NRCS, Senators, and Congressman.
- Districts have written letters to Senators and Congressman to bring awareness.
- KACD Directors and Exec. Director have had conversations with the NRCS Chief.
- Senator Marshall questioned NRCS Chief in a hearing about the issue.



Kansas Department of Agriculture

WHAT CAN YOU DO?

- Talk to your conservation districts and ask about vehicle liability coverage.
- Work with your State Association to inform the NRCS, your Senators and Congressman of the issue.
- Help Kansas create the change to address USDA/NRCS policy stating partners doing business for NRCS are provided federal coverage by the Tort Claims Act while operating government vehicles.



Kansas
Department of Agriculture

QUESTIONS????

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