



# Wetland

The wetland conservation provisions, originally introduced in the 1985 Farm Bill as Subtitle C of Title XII of the Food Security Act of 1985, are meant to encourage the retention of wetland functions and values. Wetlands provide a multitude of ecosystem benefits, including water quality protection, potential flood reduction, wildlife habitat, and carbon sequestration.

Producers who know or think there are wetlands on their property and wish to maintain access to USDA benefits have the following options:

- Leave the wet areas intact and unaltered. Continue to conduct farming activities around the wetland area, or farm the area if dry conditions exist but do not make any land manipulations, such as draining, filling low spots or clearing woody vegetation, without consulting with NRCS on its potential impact to wetlands.
- Enroll in a USDA voluntary program that provides resources to restore and protect wetlands.
  - The Conservation Reserve Program (CRP) administered by the Farm Service Agency (FSA) has options for enrolling wetlands. The program provides annual rental payments for up to 15 years. Producers must agree to take the land out of production and complete any restoration practices that are prescribed in the contract.
  - The Agriculture Conservation Easement Program-Wetland Reserve Easement (ACEP-WRE) administered by the Natural Resources Conservation Service (NRCS) has options for enrolling wetlands in a permanent or 30-year easement. The NRCS works with the landowner to restore the wetland functions and values and provides compensation for enrolling the wetlands based on local land values.
  - The Environmental Quality Incentives Program (EQIP) administered by NRCS may provide financial and technical assistance through conservation program contracts to reimburse for the cost of implementing practices on agricultural wetlands to develop wildlife habitat.
- If the wetland area is partially drained or altered it could be eligible for enrollment in a wetland mitigation bank. Mitigation banks are comprised of restored wetlands that are protected by a conservation easement. The wetland credits generated can then be sold to individuals and entities interested in mitigating wetland alterations at another location.



# Conservation Compliance

- If you wish to alter your wetland acreage, discuss the following options with NRCS:
  - Mitigate any wetland losses by compensating for the lost wetland functions and values through the restoration, enhancement or creation of a new wetland that is within the same watershed. The compensation cannot be at the cost of the Federal Government. Mitigation sites may be created, restored or maintained on:
    - your land,
    - another person's land, or
    - land held by a mitigation bank.
  - Where available, purchase wetland credits through a wetland mitigation bank to compensate for the expected adverse impacts of converting a wetland while at the same time maintaining eligibility for USDA programs.
  - Request a minimal effect determination. Producers who are planning a wetland manipulation can request a minimal effect determination from NRCS. If NRCS determines the planned activity has minimal or insignificant effect on the wetland, the conversion activity would be allowed without further need for mitigation. Minimal effect determinations vary by State and often are limited to very small acreages.
- If you plan to drain wetlands in areas for production of a crop that is not an agricultural commodity (i.e., a crop which does not involve annual tilling of the soil and planting such as an apple orchard or grape vineyard) the USDA wetland conservation provisions do not apply. The wetland may be drained for those purposes without affecting eligibility status for USDA programs. However, wetland drainage activities may be subject to provisions under the Clean Water Act. Producers should contact their local Army Corps of Engineers office regarding the possible need for a Section 404 Clean Water Act Permit prior to undertaking any drainage activity.

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