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USDA AGENCIES REMIND FARM PROGRAM PARTICIPANTS TO CONSIDER WETLANDS

ATHENS, GA, November 14, 2013 – Are you a USDA farm program participant planning on clearing, draining or manipulating land for agricultural use? If so, you may want to read the following information that can affect your eligibility.

State Conservationist James E. Tillman Sr., for the USDA-Natural Resources Conservation Service in Georgia wants to remind USDA farm program participants who are planning to clear lands to consider that any wetlands they may encounter during land clearing operations are still subject to the wetland conservation provision of the Food Security Act of 1985 (commonly referred to as the 1985 Farm Bill), as amended. Tillman stated, “That while subsequent versions of the Farm Bill have provided many changes to the programs and the rules over the years, the wetland conservation provisions have remained intact.” He added, “Even geographically isolated wetlands are subject to these provisions though isolated wetlands may or may not be subject to other wetland protection laws.”

The wetland conservation compliance provision was first introduced in the 1985 Farm Bill to discourage the production of agricultural commodities on converted wetlands after 1985. The rule requires that people who convert wetlands to allow production of agricultural commodities will be ineligible for USDA farm program benefits until the functions of the converted wetlands are mitigated or restored. The rule provides protection for those producers who produce commodities on wetlands providing that the wetlands were historically in production prior to 1985 and production was still possible in 1985.

Georgia’s Acting State Executive Director for the USDA-Farm Service Agency, David Laster, also wants to remind producers and program participants that the 1985 Act has broad eligibility implications and impacts that reach across the USDA Agencies. Laster cautioned, “Some of the lost USDA program benefits can include conservation practice payments from Farm Bill Programs, disaster payments, price support payments, as well as commodity and farm loans.”

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In addition to the Farm Bill's wetland provision, wetlands may be under further jurisdiction of other laws such as Section 404 of the Clean Water Act which is administered by the U.S. Army Corps of Engineers (USACOE). USDA producers should also contact the USACOE if they intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, prior to starting the work.

Because the laws and regulations regarding wetlands are just as variable and complex as wetlands themselves, it is in the farm program participant's best interest to seek guidance before impacting an area that has the potential to meet wetland criteria. USDA program participants are encouraged to visit their USDA Service Center's Farm Service Agency (FSA) office and complete an AD-1026 form prior to any clearing activity.

In order to further assist USDA farm program participants in understanding wetland conservation compliance, the NRCS has published a brochure entitled *Wetlands and Conservation Compliance: WHAT EVERY GEORGIA FARMER NEEDS TO KNOW*. This brochure is available free of charge at local USDA Service Centers throughout the state or available electronically for download at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/ga/programs/farmbill/>. You may find your local USDA Service Center office in the government listings or in the white pages of your phone book under "U.S. Government Department, Agriculture, Department of," or by visiting <http://offices.sc.egov.usda.gov/locator/app>.

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