



USDA-Natural Resources Conservation Service
Office of the Chief
Washington, D.C. 20250



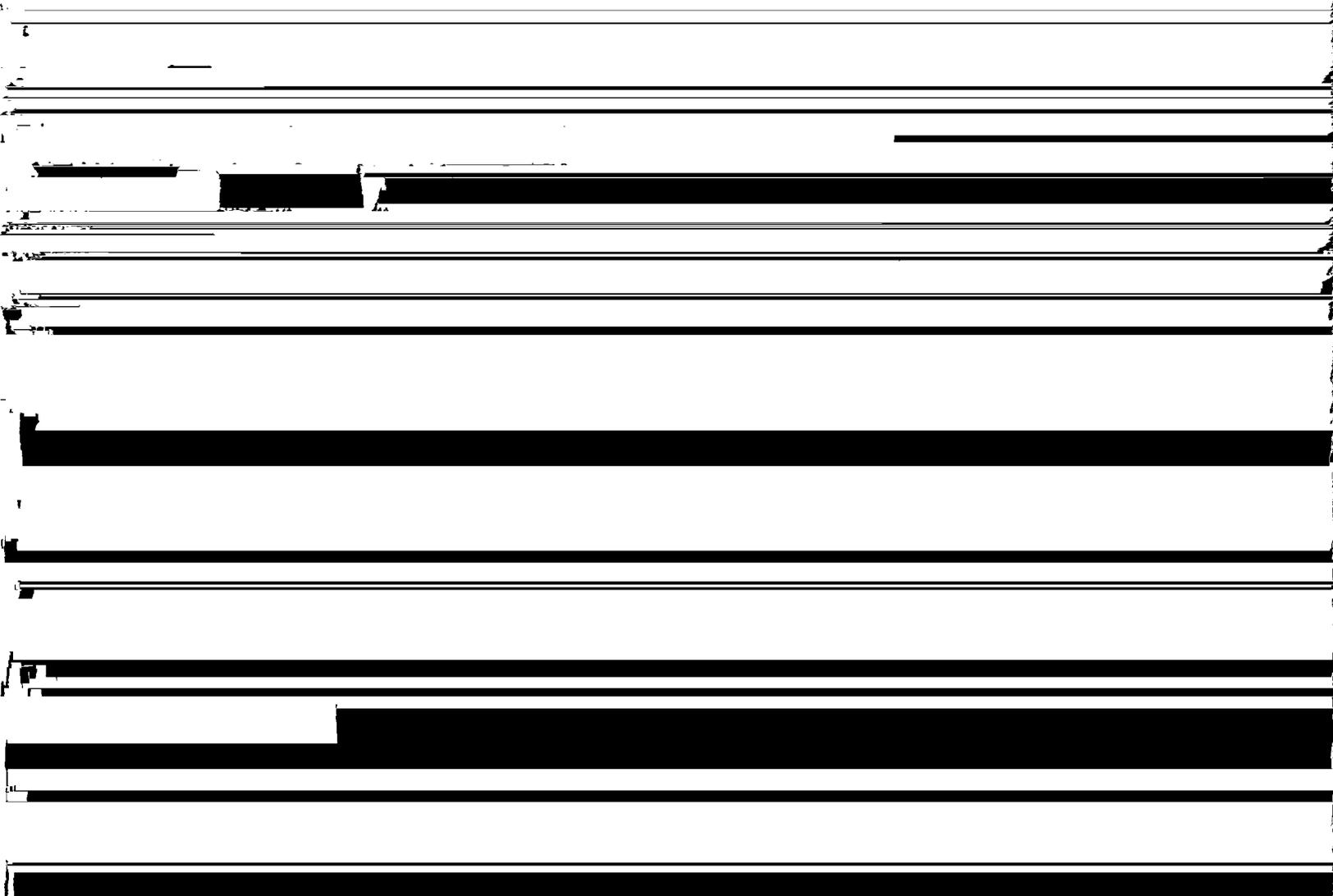
United States Department of the Army
Office of the Assistant Secretary of the Army (Civil Works)
Washington, D.C. 20310-0103

February 25, 2005

MEMORANDUM TO THE FIELD

SUBJECT: Guidance on Conducting Wetland Determinations for the Food Security Act of 1985 and Section 404 of the Clean Water Act.

We are pleased to distribute the enclosed Joint Guidance on conducting wetland determinations for the Clean Water Act and the Food Security Act. This guidance provides procedures for use by the Natural Resources Conservation Service (NRCS) and the Army Corps of Engineers (COE) personnel. This procedure replaces the coordination procedures between COE and NRCS that are



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**JOINT GUIDANCE
FROM THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) AND THE
ARMY CORPS OF ENGINEERS (COE)
CONCERNING WETLAND DETERMINATIONS
FOR THE CLEAN WATER ACT**

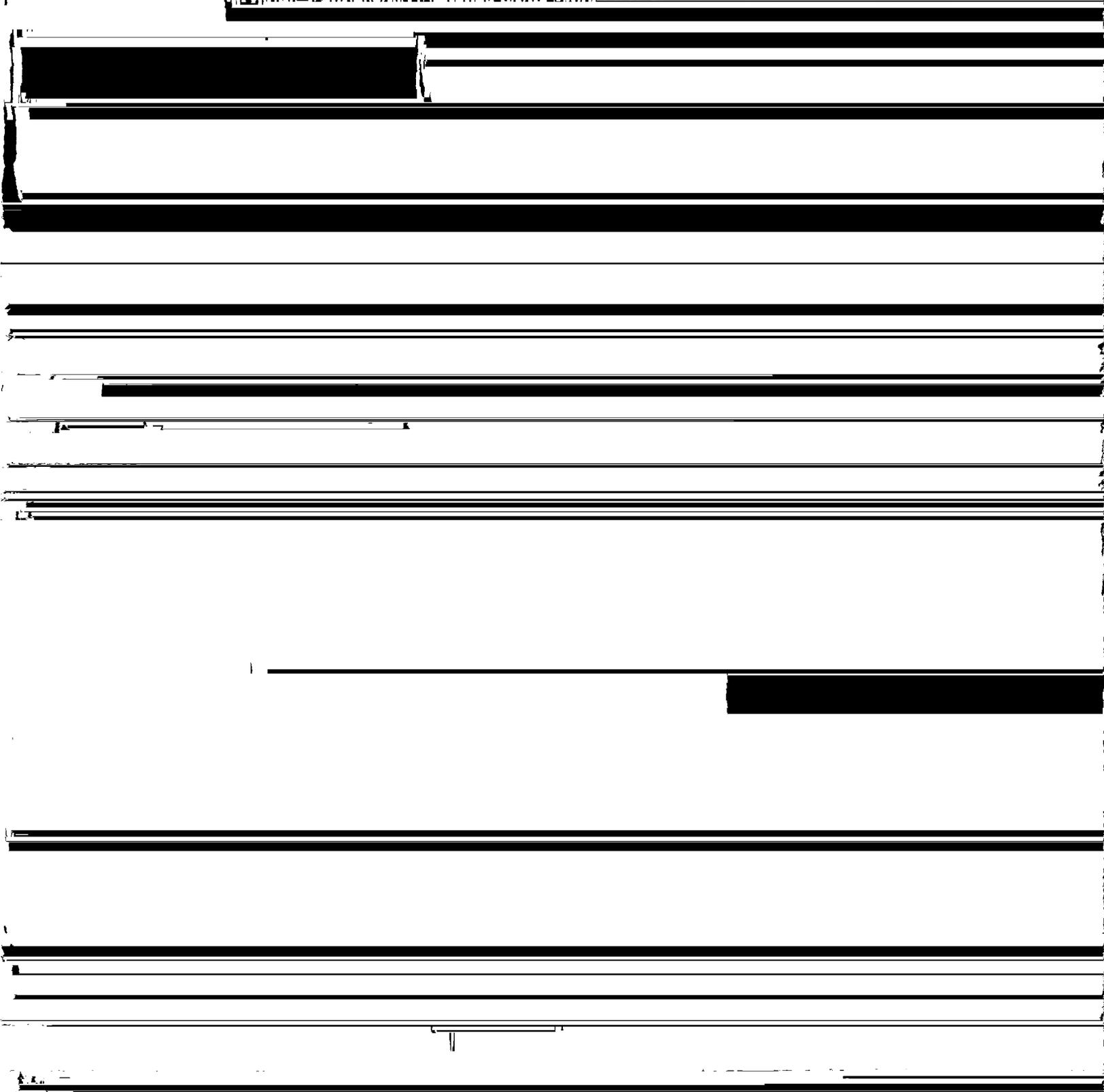
designated appealable actions, and will include a basis of jurisdictional determination with the document.

Certified wetland determination means a wetland determination made by the Natural Resources Conservation Service (NRCS) that is of sufficient quality to make a determination of ineligibility for program benefits under the Food Security Act of 1985.

Jurisdictional determination (JD) means a written COE determination that a wetland and/or waterbody is subject to regulatory jurisdiction under Section 404 of the Clean Water Act (33 U.S.C. 1244) or a written determination that a wetland is subject to regulatory jurisdiction.

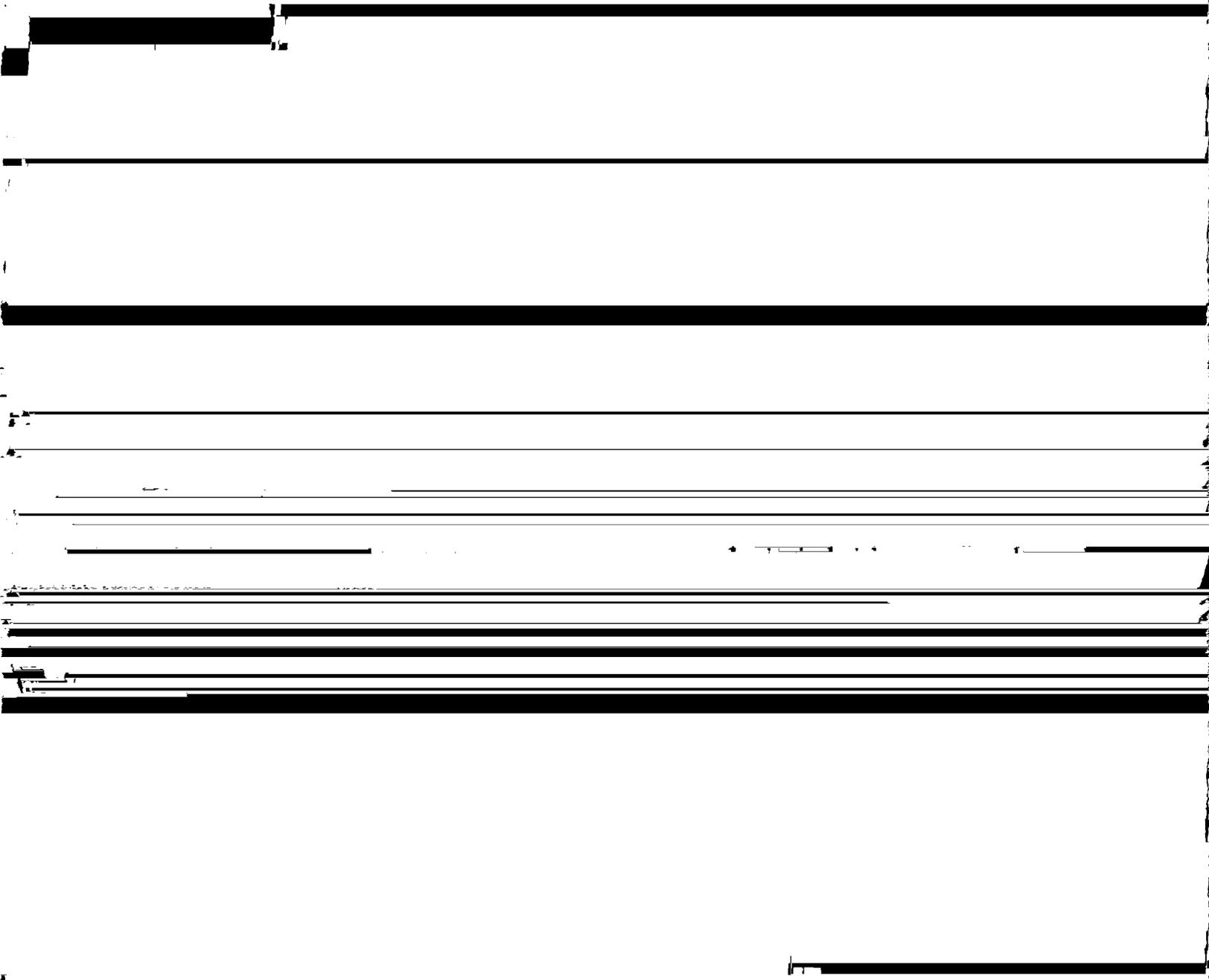
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landowner: "This certified wetland determination/delineation has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination/delineation may not be valid for identifying the extent of the COE's Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the



4. **Reliance on Responsible Agency's Wetland Determinations.** To the maximum extent permissible by current statute and regulation, NRCS and COE will rely on each other's wetland determinations. If there are areas on the site that are not included in the responsible agency's delineation, yet may be regulated by the other agency (e.g., isolated wetlands, abandoned prior-converted cropland or other waters), the responsible agency will inform the landowner in writing and the other agency (to the extent allowed by law) that additional areas on the site may also be under Federal jurisdiction.

5. **Prior-Converted Cropland.** Prior-converted cropland (PC) is identified for the purpose of implementing the FSA, and refers to wetlands that were converted from a non-agricultural use to cropland prior to December 23, 1995. While a PC area may



C. Local Agreements. NRCS State offices and COE District offices are encouraged, in coordination with and approval from the Agencies' Headquarters, to develop local agreements to further refine these procedures, define Federal agency lead roles for ~~upland determinations that differ from those above to the extent practicable, or address~~

H. Technical Assistance. The agencies agree to continue to provide appropriate technical assistance for all field personnel involved in wetland determinations and delineations.

IV. DISPUTE RESOLUTION

The agencies will make every reasonable effort to resolve any concerns or disputes related to

