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## Commonly Asked Tiling Questions North Dakota

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If you are considering tiling on your farm, it is important that you understand how the wetland conservation provisions of the Farm Bill may impact your decision. The following questions and answers will help you understand the wetland determination process, options to mitigate potential conversion, and where to seek more detailed information.

**What is a certified wetland determination?** Certified wetland determinations offer landowners the assurance of a final wetland determination for areas they intend to manipulate on their land. NRCS will determine if a producer's land contains wetlands that are subject to the wetland conservation provisions. NRCS employees have been trained to identify, delineate, and certify wetlands. These "certified" determinations stay in effect as long as the land is used for agricultural purposes or until the producer requests a review due to a natural landscape changing event. Wetland determinations completed prior to July 3, 1996, are not considered "certified", and therefore, may not be accurate for Swampbuster provisions purposes.

**Is there a minimum wetland size exemption?** No, if a site meets wetland criteria, regardless of its size, it is subject to Swampbuster requirements.

**Why should I have a certified wetland determination?** Since the majority of wetland determinations were completed prior to July 3, 1996, they are not considered "certified". If you manipulated wetlands that are not on the wetland determination completed prior to July 2, 1996, you may not be protected from a wetland violation.

**How will a certified wetland determination be made?** Upon request by the USDA participant, NRCS will complete a certified wetland determination. The determination will be made off-site or on-site. NRCS will review office tools such as Farm Service Agency (FSA) compliance photography; soil survey information; historic aerial photography, etc., to help determine hydrological manipulation prior to December 23, 1985, and to determine the location of wetlands. A field visit will be conducted if inadequate information is available to make an off-site determination.



**Can I have a certified wetland determination completed by a consultant?** No, only NRCS can certify wetlands. However, a consultant can complete a wetland determination at the producer's expense. Then NRCS will need to verify the accuracy of the determination prior to it becoming a certified wetland determination.

**When will I be able to get a certified wetland determination?** NRCS has a priority system to completed certified wetland determinations. Completing wetland determinations for new drainage requests are high on the priority list. Planning ahead is important.

**If I plan on tiling my land and wetlands will be converted by the tiling, what are my options?** Prior to having a tile design developed for your land, you should first determine if the soils are suitable for tiling and if any wetlands are present on the field. NRCS, along with NDSU, are developing tile ratings for soils in North Dakota. These ratings are based on a scale of 0 – 1.0. The higher the rating, the higher risk, that the soils properties diminish the effect of tile or increase the risk of tile failure.

A certified wetland determination should be completed prior to having a tile design developed. This will allow the tile installer to design a system that will protect the wetlands with proper tile set back distances. Tile setback distances are based on soil porosity, tile size, and depth of tile installation. NRCS or the tile installers can provide those distances to you.

**Do I need to protect the wetland or can I mitigate the wetlands impacted by tile installation?** You have the option to avoid wetland impacts by installing solid tile adjacent to the wetlands based on the set back distance or mitigating the wetlands. If mitigation is chosen, wetlands will be mitigated at a minimum of acre for acre.

**If I select the mitigation option will NRCS develop the mitigation plan?** No, unfortunately NRCS does not have the staff to assist in the development of a mitigation plan. You will either need to develop your own plan or hire a consultant to develop the plan for you.

**Can I purchase mitigation credits from a mitigation bank?** Yes, however, at this time, NRCS is not aware of any mitigation banks available in North Dakota to purchase credits.

**Can I purchase credits from a mitigation bank in another state?** Yes, however, the bank will need to be in the same watershed as the wetland impacted. The mitigation credit purchase must be approved by the NRCS State Conservationist.

**What is the process to get a certified wetland determination?** To begin the process, stop at your USDA Service Center and sign an AD-1026 form at FSA indicating which fields you plan on tiling. FSA will forward the request to NRCS for processing. If you do not plan on installing tile at this time but wish to have a certified wetland determination completed by NRCS, you can sign the NRCS-CPA-038 form at the NRCS office.



NRCS will then begin the certification process by reviewing off-site tools such as aerial photography, soil survey, Fish and Wildlife Service National Wetland Inventory maps, etc. NRCS will complete the wetland determination.

You will be provided a hard copy of the map showing wetland locations. NRCS can also provide an electronic version of the map to assist the tile installer with tile set back distance. Tile set back distances will only be provided by NRCS after NRCS has received a design from the tile installer or the producer.

**For additional information, contact your local NRCS office.**