

Participant provides NRCS with an AD-1026 or CPA-038, this initiates the certified wetland determination process.

NRCS Field Office provides technical assistance based on the following priority system.

North Dakota's prioritization of wetland certifications is identified in the following three categories.

Ongoing and new appeals will always be completed and are not considered part of the priority system.

Category 1: These requests will be completed as stated in the National Food Security Act Manual:

- A – Whistleblower report of potential wetland violation or Form FSA-569 from FSA
- B – CPA-038 Wetland Certification requests with development of a conservation plan
- C – Safety and health requests
- D – AD-1026 New drainage requests
- E – AD-1026 Minimal effect determinations/categorical minimal effect

Wetland certifications below Category 1 will not be completed until all Farm Bill Program work has been completed.

Category 2: These requests have been prioritized and will be completed in the following order as workload permits:

- A – CPA-038 Wetland Certification request
- B – AD-1026 Maintenance requests of earth ditches by scraper, dragline or similar equipment
- C – AD-1026 Ditches maintained by tractor-pulled scrapers, plows or similar equipment for replacement of existing tile system
- D – AD-1026 Requests for complete farm certified wetland determination

Using State developed offsite mapping conventions and procedures, NRCS will prepare a base map marking the site boundaries on aerial photography and/or GIS imagery to delineate potential wetlands within the specific site boundaries.

Site visit conducted by NRCS field office staff to verify offsite data.

Mediation – requested by producer through the ND Ag Mediation Service

Preliminary wetland determination provided to producer by the NRCS Field Office, with three options.

Producer accepts agrees with NRCS wetland determination at any point in the process. Determination then becomes final. **Expedited Finality** - Determination becomes final immediately at the request of the producer.

Field visit by NRCS staff as requested by the producer to review any issues or concerns with the wetland determination and explore mitigation options when compliance issues exist.

NRCS State Conservationist issues final technical determination to producer with appeal rights to FSA County Committee and National Appeals Division.