

United States Department of Agriculture



Natural Resources Conservation Service
210 Walnut Street, Room 693
Des Moines, IA 50309-2180

March 2, 2009

NATIONAL FOOD SECURITY ACT MANUAL (NFSAM)
180 – V – NFSAM
AMENDMENT IA3

SUBJECT: CPA – NATIONAL FOOD SECURITY ACT MANUAL

Purpose. To transmit NFSAM Iowa Amendment 3, March 2009.

Effective Date. Upon receipt.

Explanation of Changes: Provide Iowa Guidance for Maintenance of Subsurface and Surface Drainage Systems.

Filing Instructions.

Insert Part

Dated

IA516.12 Allowable Maintenance Actions

March 2009

/s/Richard Sims
State Conservationist

Attachment

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Title 180 - National Food Security Act Manual

Part 516 - Scope and Effect Determinations and Wetland Uses for Compliance

Subpart B – Scope and Effect Evaluations

IA516.12 Allowable Maintenance Actions

When maintenance of existing surface or subsurface drainage systems is proposed in Iowa, the following guidance will be followed to ensure compliance with applicable regulations and policies. All wetland maintenance determinations or discussions will be based on a “certified” wetland determination per NFSAM Part 514.10 Subpart A “Wetland Determinations and Delineations” and documented on NRCS-CPA-26E. An AD-1026 will be the mechanism to request an evaluation of an existing drainage system.

Maintenance, as defined both in the NFSAM Part 516.10 B and on the Form AD-1026, “refers to the repair, rehabilitation, or replacement of the capacity of the existing systems to allow for the continued use of wetlands currently in agricultural production and the continued use of other areas as they were used on or before December 23, 1985. This allows a person to reconstruct or maintain the capacity of the original system or install a replacement system that is more durable or will realize lower maintenance or costs.”

Participants should be advised to request an evaluation of the proposed project by NRCS to determine if the proposed activity could result in conversion of wetlands. Participants shall provide NRCS with a plan of proposed activity (location map, type and extent of activity) sufficient to complete this evaluation. See Part 526, Subpart D for the “Standard Drawing 854 - Underground Outlet”, see Part 526, Subpart E for the “Letter to Producers for Scope and Effect”. When the participant does not request an NRCS evaluation of the proposed maintenance, the activity may result in the participant being found out of compliance with the wetland conservation provisions of the Food Security Act of 1985 which would jeopardize farm program eligibility.

NRCS will document on the IA-CPA-15, Conservation Assistance Notes, that the participant requested technical assistance prior to commencing the conversion activity. The NRCS will notify the participant in writing of the evaluation result.

NRCS shall conduct field spot checks of repair and replacement activities. Participants will be notified in writing to provide NRCS with as-built plans of completed activity. Evaluations will be conducted to verify compliance with the wetland provisions of the Farm Bill.

If the “certified” wetland determination designate that all areas affected by the proposed maintenance (including off-site areas) are non-wetland (NW) or prior converted cropland (PC), the participant can proceed without additional NRCS evaluation. NRCS will document on the IA-CPA-15 the above determination.

If the proposed activity is not maintenance as described herein, refer to the appropriate NFSAM section.

Title 180 - National Food Security Act Manual

Part 516 - Scope and Effect Determinations and Wetland Uses for Compliance

Guidelines for Maintenance

- Subsurface drainage systems may be maintained to the drainage capacity that existed on December 23, 1985, which reflects the on-going operation and maintenance of the site prior to that date. In order to provide consistent application of this regulation found in 7 CFR Part 12, Iowa will allow existing subsurface drainage systems to be repaired or replaced by an equivalent system. This includes the capacity, depth and location of conduits; location and size of surface intakes; and size, capacity and elevation of the outlet structure or connection to a public drainage system.
- Surface drainage systems may be maintained to the elevation and cross section that existed on December 23, 1985, which reflects the on-going operation and maintenance of the site prior to that date. Reasonable documentation of these conditions must be provided by the participant or representative to NRCS.