



United States Department of Agriculture  
Natural Resources Conservation Service

**State Office**  
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NATIONAL FOOD SECURITY ACT MANUAL (NFSAM)  
Third Edition, Amendment 5  
180-V-NFSAM, Amendment WI23

Purpose: This notice transmits policy changes for the Wetland Conservation provisions of the NFSAM.

Effective Date. Upon receipt.

The Farm Security and Rural Investment Act of 2002 continues the Conservation and Wetland Compliance provisions that were included in the previous Farm Bill. The number of USDA Programs that producers are eligible to participate in has increased. Producers who traditionally did not participate now have additional program benefits available to them which may increase their interest in maintaining their eligibility.

For producers with Swampbuster compliance violations, the person needs a Good Faith determination from the Farm Service Agency County Committee, AND must sign the Restoration Agreement before December 31, 2002, to be eligible for 2003 benefits. The person has 12 months to complete the terms of the Restoration Agreement. Without Good Faith, the person must restore the converted wetland or mitigate by December 31, 2002, to be eligible to participate in 2003.

If a person wants to regain program eligibility by restoring a site OTHER than the site converted, an easement is required. Send the following information to Alison Peña:

1. Landowner name and address of the site to be restored;
2. Legal description of the easement area;
3. Last owners search by a bona fide Title Company;
4. Signed Mitigation Agreement\* and Mitigation Plan.

\*The Mitigation Agreement must include the following wording: **"If any entity with superior rights to this easement exercises those rights, and defeats the purpose and intent of this Agreement, the landowner may be susceptible to a violation of the easement and to the Wetland Conservation provisions of the Farm Bill."**

Send the information listed above to Ms. Peña with a request to prepare a Warranty Easement Deed. After her review, the material will be forwarded to the Office of General Counsel (OGC) for authorization to record. With OGC approval, the material will be returned to the local NRCS Service Center. The landowner is responsible for recording the deed. No rewording, or requests to change the easement language, as shown in NFSAM Part 526.69, will be allowed.

**Filing Instructions:**

Insert after page 517-12 of Section 517.16 of the NFSAM, Third Edition, Amendment 5.

Questions concerning Mitigation Agreements and Mitigation Easements should be directed to Alison Peña, at (608) 276-8732, extension 254, or Robert Weihrouch, at (608) 276-8732, extension 267.



PATRICIA S. LEAVENWORTH  
State Conservationist