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## FACT SHEET

# Setback Distances

Eng – 20

April 16, 2012

### **What is a setback distance?**

A setback distance is the distance from a wetland in which no drainage may occur without causing a conversion for Swampbuster purposes.

### **How close to the wetlands can I get with my drainage system?**

When installing or repairing drainage in an area that may have wetlands, or has identified wetlands, it is advised to contact the Natural Resources Conservation Service (NRCS) office in your county. If a wetland is altered by a drainage system, a landowner or operator or both may become ineligible for USDA program benefits. How close to the wetland(s) the drain system can be installed without altering the wetland(s) is dependent on the effective depth of the drain and the soil type(s) between the drain and the wetland. The setback distances for your site will be given to you by the NRCS field office on a worksheet or in a letter.

### **What are these “setback distances” and where should I measure them?**

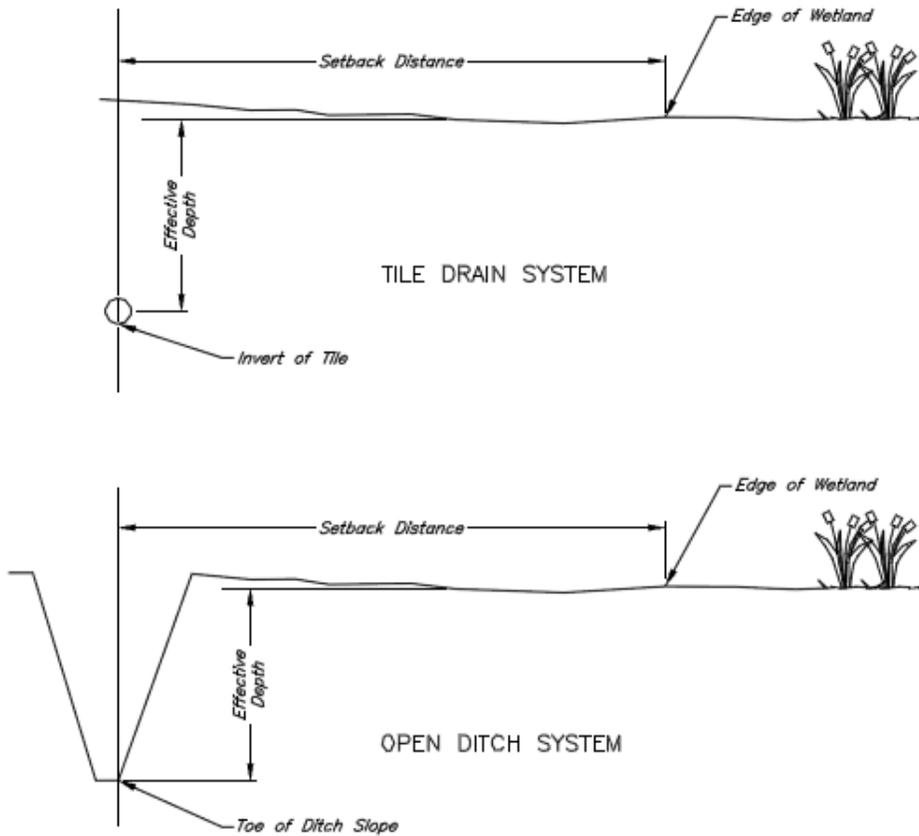
The setback distances listed on the worksheet or letter for your site should be the minimum distances from the outer edge of any wetland to the centerline of the tile line or to the toe of the ditch bank for open drainage ditches. See the figure on the back of this page. The effective depth of your drainage system near the wetland (s) will determine which distance from the setback distance worksheet you should use. The location of the edge of the wetland may not be clear. It is recommended that you contact your local NRCS District Conservationist for assistance in locating the edge of the wetland. Completion of Form AD-1026 Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification authorizes NRCS to evaluate a specific tract of land for the presence of wetlands.

### **Why do I have to stay so far from the wetland?**

Food Security Act (FSA) rules require that the hydrology of wetlands cannot be altered by new drainage systems or by improvements to an existing drainage system. Under current FSA rules, an area is considered to be a wetland if it has sufficient wetness in normal circumstances to support hydrophytic vegetation. New drainage systems (or improvements to existing systems) must be located so that the natural period of saturation or inundation is not shortened. When drainage systems are installed to improve crop production, the ditch or tile is sized and spaced to remove water from the root zone quickly enough so that crop damage does not occur, often in 2 to 3 days.

**Example:** Using a silty clay loam soil as an example, when tiling for crop production, a 5” tile installed at a 4’ depth would be spaced at 90 foot intervals. When tiling in the vicinity of a wetland, a 5” tile at a 4’ depth (or a ditch with a 4’ effective depth) would need to be kept a minimum of 130 feet from the edge of the wetland. This setback distance varies by soil type. Specific information for a given tract needs to be requested from the NRCS local office.

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**I was told to complete an AD-1026 Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification at the FSA office. What will this do?** In the event that questions 9 and/or 10 on the AD-1026 form are marked “yes” the NRCS staff will evaluate the tract for the possible presence of wetlands. The NRCS will issue a certified wetland determination. The certified wetland determination may result in adding, changing, or removing wetlands from a previous determination. In short, a certified wetland determination will result in a final and best determination for a tract and is required for determining eligibility for USDA programs. Changes in determinations may be appealed.

**What is “Makes Production Possible”?**

The National Food Security Act Manual (NFSAM) Part 514.2 defines “makes Production Possible” as manipulation that 1) allows or would allow production of an agricultural commodity where such production was not previously possible; 2) makes an area farmable more years than previously possible; 3) reduces crop stress and allows increased yields; 4) After Nov. 28, 1990, allows forage production or pasture and hayland use. On sites with woody vegetation, trees and stumps must be removed to constitute “making production possible.” Cutting off of the water supply to a wetland by interrupting the flow of surface or subsurface water that keeps the wetland wet generally makes production possible.

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