

May 14, 1998

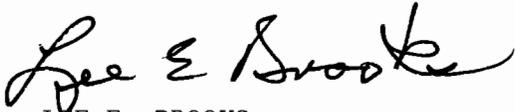
NATIONAL FOOD SECURITY ACT MANUAL, Third Edition, 1996
180-V NFSAM
Idaho Notice. No. 3

The attached policy guidance clarifies issues related to wetlands.

1. **On-site requirement** - All wetland determination/delineations will be conducted and verified on-site.
2. **Adequacy of mapping tools** - TN Biology No. 20 will be revised to incorporate language in Circular No. 1. Continue to use TN Biology No. 20 to help verify on-site determinations/delineations.
3. **Adequacy of staff skill levels** - The attached skill level chart identifies NRCS personnel and who can perform certain wetland duties.
4. **"Waters of the U.S." delineations** - The NRCS will not delineate "Waters of the U.S.". The NRCS will notify COE to provide delineations of "Waters of the U.S."
5. **Handling areas of concentrated flow within a field** - Areas of concentrated flows (grassed waterway, ditches) will be considered as part of the agriculture field when making wetland determinations.
6. **Minimal effect exemptions** - The field office will contact the state biologist to conduct minimal effect (MW) determinations. The state biologist will invite the MOA wetland oversight team (EPA, FWS, COE) to participate in the process. The evaluation process for a MW involves a functional assessment on the wetland. The field office staff is not properly trained in the assessment process. Because of the few requests for MW's at this time there is no plan to begin training certain field office staff on the subject of wetland functional assessments.

State office contact on wetland issues is Frank Fink.

Filing Instructions: File this Circular and Skill Level Chart in front of the NFSAM. The next amendment to NFSAM will incorporate these policy changes.



LEE E. BROOKS
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Attachments



National Food Security Act Manual, Third Edition, Amendment 2
180-V-NFSAM
Circular No. 1

19 DEC 1997

SUBJECT: CPA - Policy Guidance for Wetland Conservation Provisions.

Purpose: To modify policy and provide clarification concerning wetland conservation provisions. This circular represents current policy, and supersedes policy in the NFSAM, Third Edition, Amendment 2.

Effective Date: This circular is effective upon receipt.

Background: Recent policy changes necessitates issuance of this circular.

This guidance pertains to Part 513-Preparing to Make Wetland Determinations or Delineations, Part 514-Making Wetland Determinations on Agricultural Land, Part 516-Minimal Effect Exemption, Part 519-Quality Assurance, and Part 527-Appendix.

Wetland Conservation Provisions of the Food Security Act, as amended.

On-site requirement

-It is policy that **all** wetland determinations/delineations be conducted/verified **on-site** using **all** appropriate tools including methodologies in the approved mapping conventions by properly trained staff. NFSAM sections affected: part 513.11, page 513-6, part 514.12, page 514-8, part 514.51, pages 514-60-63, and part 527.4, page 527-180.

Adequacy of mapping tools

State Conservationists shall conduct a quality assurance review to determine the adequacy of **all** wetland mapping tools and procedures to assure delineations meet the minimum quality criteria as stated in this circular. State Conservationists will take appropriate steps, including coordination with all adjoining states, to correct identified mapping tool and procedure deficiencies to assure wetland resources are accurately delineated, **not later than December 31, 1997**. Regional Conservationists shall ensure consistency and quality of all wetland tools and procedures across state and regional lines.

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-Areas of concentrated flow which have been previously hydrologically manipulated, such as installation of a grassed waterway or open channel, in fields that have been used to produce agricultural commodities or used for forage production, that are located **upstream** of perennial or intermittent watercourses as indicated on USGS 7.5 minute quad maps, will be included as a part of the field when conducting wetland determinations. These areas will be considered to be agricultural land and have the same crop history as the field in which they are located. Areas of concentrated flow, either hydrologically altered or unaltered, may be considered “Waters of the U.S.”, other than wetlands, and fall under of the Clean Water Act. States shall develop procedures to address these situations with the COE district staff. Regional Conservationists shall insure consistency across state and regional lines.

Part 516-Minimal Effect Exemptions

516.11(c), pages 516-5&6, “When Minimal Effect Does Not Apply”; Delete entirely.

Part 517.14(b)-Lands Ineligible for Easement Sites

Wetland Reserve Program sites—

WRP Easement sites

--The wetland functions and values established by WRP protection, restoration, and enhancement actions cannot be used as mitigation under Swampbuster. Mitigation credits may be available through actions above what would ever be accomplished through the fullest implementation of WRP. However, NRCS must determine that the proposed actions are a compatible use and are clearly beyond the scope of protection, restoration, and enhancement actions that would be ever be considered feasible under WRP. The additional increment of functions and values which directly result from the landowner’s approved compatible use actions may be available to meet mitigation requirements under other federal, state, or local laws. In all cases the landowner must be the entity to request that such compatible use actions receive mitigation consideration. Section 514.28 of the WRP Manual provides additional clarification in the context in which the overlay of mitigation may be applicable.