



## Wetland Compliance - Minimal Effects

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# NV NRCS

## Adoption of Minimal Effects Procedure and Decision Matrix Template



## Overview

- Food Security Act - Wetland Compliance Background
- Wetland Compliance – NRCS/Client Responsibilities?
- Minimal Effects National Bulletin
- Understanding Minimal Effects
- STAC input?

## Food Security Act – Wetland Compliance Background

These provisions apply to all land which is owned or farmed by persons voluntarily participating in USDA programs.

To be in compliance with the wetland conservation provisions, producers must agree, by certifying on Form AD- 1026 (Highly Erodible Land Conservation and Wetland Conservation Certification), that they will not:

- Plant an agricultural commodity on a converted wetland;
- Convert a wetland to make possible the production of an agricultural commodity

The 1026 is received by FSA who then notifies the NRCS to carry out the technical determination

Examples of non-compliance actions are filling of a wetland, draining of a wetland, removal of trees and roots from wetland

## NRCS and Client Wetland Compliance Responsibilities

### **NRCS**

- Receives AD-1026 from FSA
- Technical determinations
- Annual compliance reviews

### **Client**

- Maintain eligibility for USDA programs
- Contact FSA (AD-1026) when a ground disturbing activity is proposed

NRCS is the agency within the USDA tasked with making the technical determination if land should be classified as a wetland or if a wetland conversion has occurred

## What is Minimal Effect?

- *NRCS shall determine whether the effect of any action of a person associated with the conversion of a wetland, the conversion of wetland and the production of an agricultural commodity on converted wetland, or the combined effect of the production of an agricultural commodity on a wetland converted by someone else has a minimal effect on the functions and values of wetlands in the area. Such determination shall be based upon a functional assessment of functions and values of the subject wetland and other related wetlands in the area (7 CFR § 12.31(e)(1)).*

In a situation where conversion of a wetland is proposed or has already occurred, NRCS shall determine, if any action associated with the wetland conversion has a minimal effect on the functions and values of wetlands in the area based on a functional assessment.

# National Bulletin 180-25-2 (3/12/2025)

USDA United States Department of Agriculture  
Natural Resources Conservation Service

National Bulletin: 180-25-2 Date: 3/12/2025  
CPL: Revisions to Title 180 National Food Security Act Manual Part 515 and Availability of NRCS Minimal Effect Procedure and Decision Matrix Template

**Purpose:** This national bulletin announces revisions to the National Food Security Act Manual (NFSAM), 180 M Part 515, Subpart A "Minimal Effect Exemption," and the availability of the NRCS Minimal Effect Procedure and Decision Matrix (Minimal Effect Tool) national template.

**Expiration Date:** September 30, 2026.

**Background:** NRCS is revising 180 M Part 515, Subpart A to improve clarity and update policy with new technology. Revisions to 180 M Part 515, Subpart A include:

- Revisions throughout to align with plain language, remove redundancy, and improve clarity.
- Revisions in section 515.1 to align with existing regulations and clarify components of and procedures for making minimal effect determinations.
- Revisions in section 515.2 to clarify procedures for recording and issuing minimal effect exemptions.
- Revisions in section 515.3 to provide more guidance and clarity for conditional minimal effect exemptions and minimal effect agreements.

NRCS staff may access the NFSAM in [eDirectus](#) (Title 180, Manuals).

The national technology support centers (NTSC) have developed the Minimal Effect Tool national template to help state conservationists develop procedures for minimal effect determinations. The template may be customized for wetland conservation purposes. The template also allows optional considerations, such as those for rare and unique wetlands and expeditious minimal effects.

States, in consultation with the state technical committee, may customize the template to reflect local wetland conditions. Afterwards, it will be adopted as an interim procedure for a period of not less than 1 year. During the interim period, minimal effect decisions will be evaluated to ensure the procedure is providing expected results in consideration of local wetland resources.

After the interim period, states will make any needed revisions before creating a final procedure. National headquarters will coordinate with the states to post final procedures to the Federal Register for public review and comment before they are adopted and posted to the Field Office Technical Guide, Section 3, Guidance Documents.

- Regulations resulted in a National Bulletin released in March of 2025
- Included a Template to work from
- Instructed - *States, in consultation with the State Technical Committee may customize the template to reflect local wetland conditions.*
- The template is to be adopted for an interim period of no less than 1 year
- At that time, any needed revisions will be made and a final procedure established

# Minimal Effect Assessment Procedure and Decision Matrix

- **NV NRCS Adopted National Template**
- **Functional Assessment** - process for both the wetland being converted and the wetlands in the area to assign numerical values.
- **Decision Matrix** – determine how well the wetlands in the area can compensate for the wetland functional loss.

NATURAL RESOURCES CONSERVATION SERVICE (NRCS)  
MINIMAL EFFECT ASSESSMENT PROCEDURE AND  
DECISION MATRIX – NEVADA

ADOPTED BY Heidi Ramsey

STATE CONSERVATIONIST

August 2025

- After an internal review NV NRCS adopted the national template in August of 2025
- Edits will be made based on application of the interim procedure as well as partner collaboration
- There are two primary sections to the document – Functional Assessment and Decision Matrix
- We are looking for input on the Functional Assessment which includes the analysis variables

## Functional Assessment

- **Functional Capacity (Inventory)**
  - Physical characteristics of the wetland before and after the conversion action
  - 3 Variables - Hydrologic alteration, soil disturbance and vegetative alteration
  - 3 Wetland Functions - Floodwater Capture and Storage, Water Quality, & Wildlife Habitat and Connectivity
  - Assign numerical values
  - Other conversion actions in the area
- **Analysis of Converted Wetland to Other Wetlands In the Area**
  - Radius of Analysis
  - Sub-regions of analysis
  - Rare and Unique Wetlands
  - Invasive Species
  - Species of low habitat value

- Functional capacity is the inventory of physical characteristics before and after conversion action
- We look at alteration to 3 variables – Hydrology, Soil, and Vegetation
- Then how those variables affect 3 wetland functions – Floodwater Capture and Storage, Water Quality, Wildlife Habitat and Connectivity
- Numerical values are assigned to the 3 variables and wetland functions as well as consideration of other conversion activities in the area
- Once inventory is complete analysis of the wetland conversion and other wetlands in the area occurs with consideration to the following—
- And this is where we could use additional input from STAC

**Expedited Minimal Effects**

Table 1. Summary of Expedited Minimal Effects and Tracking Requirements.

NUMBER	NAME	PRIOR CWD	NEW CWD	ONSITE VISIT	LIMITS	TRACKING DATABASE	
						OCCURRENCE	ACRES
EME-01	CONVERTING LESS THAN FIVE PERCENT OF A WETLAND	Y	Y	N	percent and acres	Y	Y
EME-02	REMOVING INVASIVE WOODY VEGETATION FROM HISTORICALLY HERBACEOUS WETLANDS	Y	Y	N	none	Y	Y
EME-03	REMOVING NATIVE WOODY VEGETATION FROM HISTORICALLY HERBACEOUS WETLANDS	Y	Y	N	acres	Y	Y
EME-04	RESTORING NATURAL HYDROLOGY	N	N	Y	none	Y	N
EME-05	DECOMMISSIONING A POND	N	N	Y	none	Y	N
EME-06	INSTALLING AN ELEVATED TRAVELWAY	N	N	N	culvert diameter	Y	N
EME-07	INSTALLING WILDLIFE OPENINGS	N	N	N	percent and acres	Y	N
EME-08	INSTALLING A GRASSED WATERWAY	N	N	N	none	Y	N
EME-09	REMOVING NARROW BANDS OF WOODY VEGETATION	N	N	N	none	Y	N
EME-10	REMOVING SCATTERED WOODY VEGETATION	N	N	N	percent and acres	Y	N
EME-11	REMOVING WOODY VEGETATION TO INSTALL OR MAINTAIN EXISTING LINEAR INFRASTRUCTURE	N	N	N	width	Y	N

- In addition to analysis considerations, NRCS has determined 11 Expedited Minimal Effect opportunities
- By definition, these are conversion activities and conditions that are routinely determined by NRCS to have minimal effect on wetland functions and values
- If a conversion action falls within one of these categories we document as required in the procedure without going through the full functional analysis and the client stays in compliance and eligible for federal funding
- These were developed on a national scale based on past conversion actions

## STAC Input

- **Analysis Considerations**

1. Radius of Analysis - 2 mile radius (*NWI used as base data*)
2. Sub-regions of analysis (*North/South, river corridors or other areas*)
3. Rare and Unique Wetlands
4. Invasive Species
5. Species of low habitat value

- **Expedited Minimal Effects**

6. Common routine actions (State Specific)

- **NEXT STEP: Develop Working Group to discuss in detail ( 6 months)**

NWI is the basis of mapped wetland acres for analysis

Invasive Species – Russian Olive, Ventenata

Species of Low Habitat Value – Reed Canary Grass,

Ask participants who would like to be on the working group? NDOW, NDA, FWS?...

Today we are not looking for detailed feedback but would like to set up future working groups to discuss these analysis variables and

## For more information

- Talk to your local office
- NRCS Nevada Website
  - Use the QR Code or visit <https://www.nrcs.usda.gov/nevada>
- Email [SM.NRCS.NV.INFO@usda.gov](mailto:SM.NRCS.NV.INFO@usda.gov)



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