

ECP and Wetland Compliance Guidance for Producers



Prior to removing soil debris, filling in scour holes, and addressing other flood-related problems, it is important to consider how this activity may affect wetland compliance requirements in order to remain eligible for Farm Bill program benefits.

First it is important to note - wetlands that have been naturally lost by the flood event (filled with soil or drained with a gully) will not require restoration.

For EC-2 (Grading and Shaping) or EC-4 (Restoring Conservation Structures) practices, NRCS will conduct a site visit to evaluate the flood damage and can advise the producer or contractor on how to complete their work without converting any wetlands that may be present.

For EC-1 work (Debris Removal), NRCS will not conduct a site visit, so it is important for producers to understand how they can fix the flood damage without converting any wetlands.

If a producer has a certified wetland determination for the land where work is to be performed, information will show the location of wetlands and their documented size, depth, and other data. If the soil debris and gullies in the wetland areas are returned to their pre-flood condition, then the wetland will not be converted, and the producer will remain in compliance.

If there is no certified wetland determination, the producer can visit with NRCS to receive some guidance on their planned work. NRCS

can review aerial imagery, soils information, and other data and provide advice on potential wetland areas and how to avoid activities that may convert these wetlands. If the producer wants more definitive information prior to proceeding with their work, they can request a certified wetland determination.

General principles regarding wetland compliance include:

- Debris to be removed will be deposited in a manner and location that will not fill wetlands.
- It is ok to fill, shape, and regrade newly created flood features, scour holes, gullies or channels to the original condition that existed prior to the flood event.
- It is ok to fill and shape to reestablish a farmable condition and maintain newly created flood features.
- If the activity involves disturbing material that was not deposited by the recent flood event, or there will be some fill beyond pre-flood event elevations, or new drainage systems will be created, then a producer is advised to request a certified wetland determination prior to completing their work.

If the producer or contractor has any question regarding wetland compliance, they are encouraged to visit with their local NRCS office.

The Emergency Conservation Program (ECP)

The Emergency Conservation Program (ECP) helps farmers and ranchers to repair damage to farmlands caused by natural disasters and to help put in place methods for water conservation during severe drought. The ECP does this by giving ranchers and farmers funding and assistance to repair the damaged farmland or to install methods for water conservation.

Natural disasters can devastate farmland and grazing land and threaten the livelihood of farmers and ranchers who depend on the land on which they live. The ECP can help to lessen this burden, providing assistance in overcoming exceptional damage from storms, flooding and severe drought.

Nebraska

Natural Resources Conservation Service

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