What are the USDA wetland conservation requirements?

The federal Food Security Act of 1985, as amended, requires that agricultural producers receiving certain financial assistance from USDA must not have converted wetlands on their agricultural properties unless the conversion is authorized by the USDA Natural Resources Conservation Service (NRCS). Financial assistance programs such as certain Farm Service Agency (FSA) payment and loan programs and NRCS cost-share programs such as the Environmental Quality Incentives Program (EQIP) are subject to this requirement.

To ensure eligibility for USDA financial assistance, a producer should notify his/her local FSA office when changes to their tract interests occur or they want to make changes to their cropping systems or land uses. FSA may ask the producer to complete Form AD-1026 Highly Erodible Land Conservation and Wetland Conservation Certification and may refer their tract(s) to NRCS for a wetland determination.

What if I have converted wetlands on my property?

If the wetlands were converted before December 23, 1985, they are excluded from the Food Security Act, with exceptions for some areas if they have reverted back to wetlands since then. Other wetlands are eligible for exemptions from Food Security Act requirements if the purpose or effect of the conversion was not to grow an agricultural crop or graze livestock.

It is important to note that NRCS, the U.S. Army Corps of Engineers (Corps), the State of Florida, and some counties have regulations covering wetlands and may not consider the same wetlands or the same impacts exempt from their respective wetland protection laws or ordinances. Receiving a permit or exemption from a state or local agency or the Corps does not necessarily mean that a wetland conversion will be authorized by NRCS or vice versa. Discuss your concerns with your initial agency contact. Many offices have coordination procedures or contact information for other agencies with wetland jurisdiction.

If the conversion is a violation of the Food Security Act that is not eligible for an exemption, restoration of the wetland or of another wetland area may be required in order to regain eligibility for USDA program benefits. Your NRCS District Conservationist and local USDA Farm Service Agency office can provide more information on eligibility requirements.

What if I want to convert wetlands on my property?

Contact your local FSA office to complete Form AD-1026 before doing drainage, excavation, land clearing, leveling or similar work. You can also contact your NRCS District Conservationist, http://offices.sc.egov.usda.gov/locator/app, for questions regarding work done or planned on agricultural land you own or operate. NRCS can provide you with a certified wetland determination and assist you to regain or maintain your eligibility for USDA program benefits and compliance with other regulations.