

Natural Resources Conservation Service  
**Caribbean Area**



July 2020

# Factsheet

## Certified Wetland Determinations

The Food Security Act of 1985, as amended, requires producers participating in USDA programs to abide by certain conditions on any land owned or farmed that is highly erodible or considered to be a wetland. Producers participating in these programs and any person or entity considered to be an “affiliated person” of the producer are subject to these conditions. The regulations covering the conditions are set forth in the Federal Register at 7 CFR Part 12.



### Why certify wetlands?



A Certified Wetland Determination indicates areas subject to wetland conservation provisions, and if present, identifies the location of each. The determination stays in effect as long as the land is used for agricultural commodity production or until the USDA participant requests a review due to a natural event that alters the topography or hydrology.

You may wish to visit the NRCS office to determine if there is a certified determination on your land prior to initiating water management or to “preview” what your determination may look like. The staff will be able to explain the process and offer planning alternatives.

### If I am ready to request a certified wetland determination, how do I proceed?

To initiate the process, stop by your local Farm Service Agency (FSA) office and complete or revise the AD-1026 for the area you wish assessed. You may also request the determination through NRCS by completing form NRCS-CPA-38. NRCS will begin the process by conducting an offsite technical review of the area which may take as long as six months to a year from your request. Be proactive; include certification in your water management project timeline.

### What happens once my request is submitted?

The local NRCS office will serve as your point of contact while your request is processed by a designated conservationist. This person will review historical wetland inventories and conduct a remote inventory of potential wetlands on the landscape. At times, an on-site verification of the remote inventory will be conducted when environmental and cropping conditions are conducive. A preliminary technical determination will be issued shortly thereafter.

### What if I don’t agree with the determination?

Within thirty days you may request a reconsideration of the preliminary technical determination and NRCS will conduct a field review with you. If you disagree following the review, an appeal process is available.

