



United States Department of Agriculture

USDA-NRCS Nebraska



# Wetland Compliance Updates



Natural  
Resources  
Conservation  
Service

[nrcs.usda.gov/](https://nrcs.usda.gov/)

# Agenda

- **Provide an update on wetland compliance (WC) activities in Nebraska**
- **Introduce legislation amendments on HEL and WC Food Security Act**
  - Updates required to Nebraska policy
  - Poll stakeholders to adopt updates
- **Discuss NE State Offsite Methods (SOSM) guidance**
  - Revisions required to Nebraska SOSM
  - Poll stakeholders to adopt updates



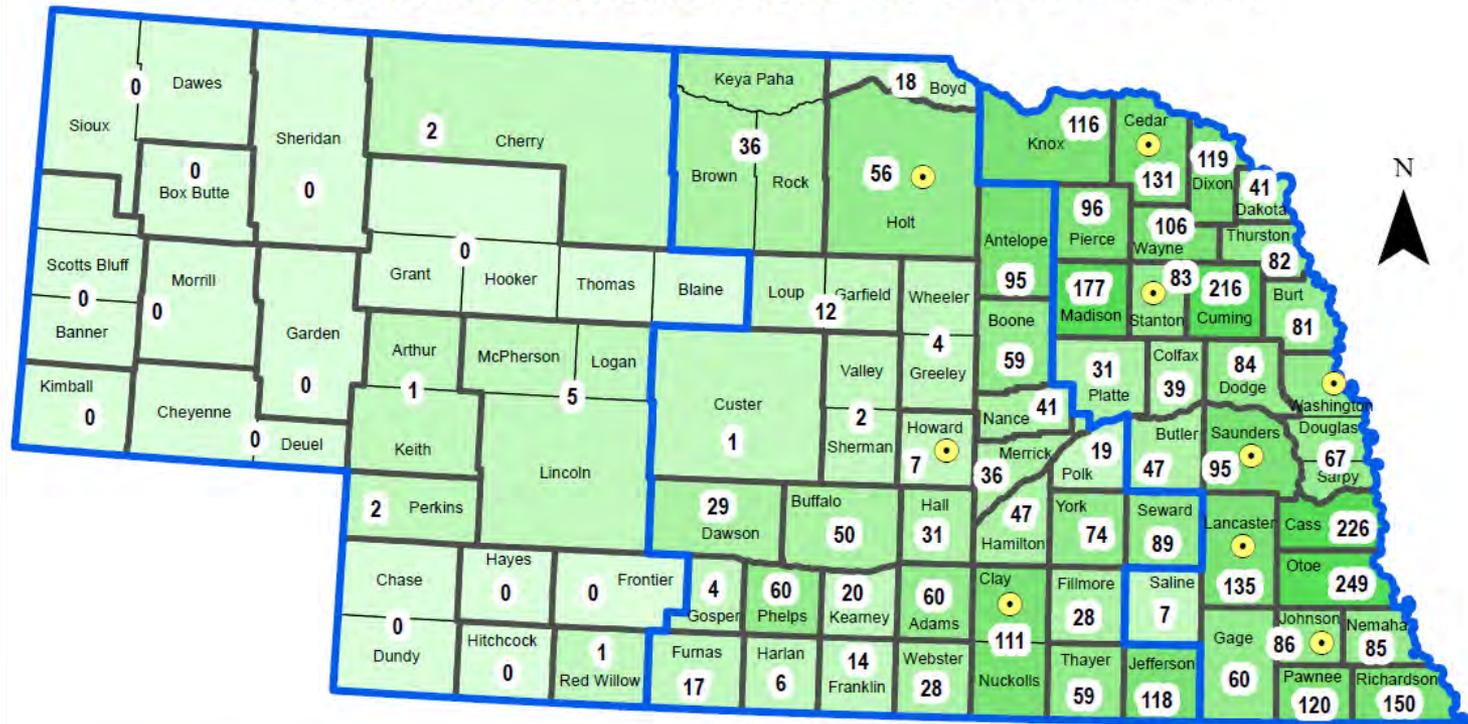
# Additional Business Items

**Resources are available in the “Files” repository within the NRCS STATE TECHNICAL COMMITTEE MEETING**

- State Tech Comm Agenda
- **STAC WC Fact Sheet**
- **Draft\_Hydrology Indicators for the Identification of Farmed Wetlands as Defined in 7 CFR 12.2 Nebraska**
- **Nebraska Offsite Wetland Determination Methods 3-2-21**
- **STAC Wetlands Presentation 20210304**
- ...



# USDA-NRCS Nebraska Wetland Determinations for FY18 - FY20

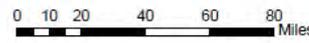


**Legend**

- Wetland Team Office
- NRCS Area Boundary
- NRCS Service Center Area
- County Boundary

**Wetland Determinations**

	0		51 - 90
	1 - 20		91 - 150
	21 - 50		151 - 250



Map creation by USDA-NRCS  
100 Centennial Mall N., Rm 152  
Lincoln, NE 68508

January 12, 2021  
Datum: North American 1983  
Projection: Geographic Coordinate System  
Project ID: CW210112CV01

The USDA is an equal opportunity provider, employer, and lender.



United States Department of Agriculture

USDA-NRCS Nebraska

# Food Security Act Legislation



Natural  
Resources  
Conservation  
Service

[nrcs.usda.gov/](https://nrcs.usda.gov/)

# Legislation



## July 17, 2020

- **Memorandum to the Field concerning implementation of Section 404 of the Clean Water Act (CWA) and the Food Security Act of 1985 (FSA), as amended**
  - USDA NRCS
  - USACE
  - U.S. Environmental Protection Agency

## August 28, 2020

- **7 CFR 12 HEL and WC - Final Rule for Highly Erodible Land and Wetland Conservation provisions of the FSA, as amended**
  - Published to Federal Register

## September 1, 2020

- **Circular 180-20-1 – Updated policy and guidance for the wetland and highly erodible land conservation policy in Title 180, National Food Security Act Manual (NFSAM), Fifth Edition.**



# Legislation, 7 CFR 12

**This final rule confirms most of the changes made by the December 2018 interim final rule and makes these additional updates:**

- Adding the requirement of the 2018 Farm Bill that USDA will make a reasonable effort to include the affected person in an on-site investigation conducted prior to making a wetland violation technical determination.
- **Further clarifying how wetland hydrology is identified for farmed wetlands and farmed wetland pasture.**
- Adding clarification to the consideration of best-drained condition for wetland hydrology in keeping with the definition of prior converted cropland.
- Relocating the provision that wetland determinations can be done on a tract, field, or sub-field basis in order to improve clarity.





United States Department of Agriculture

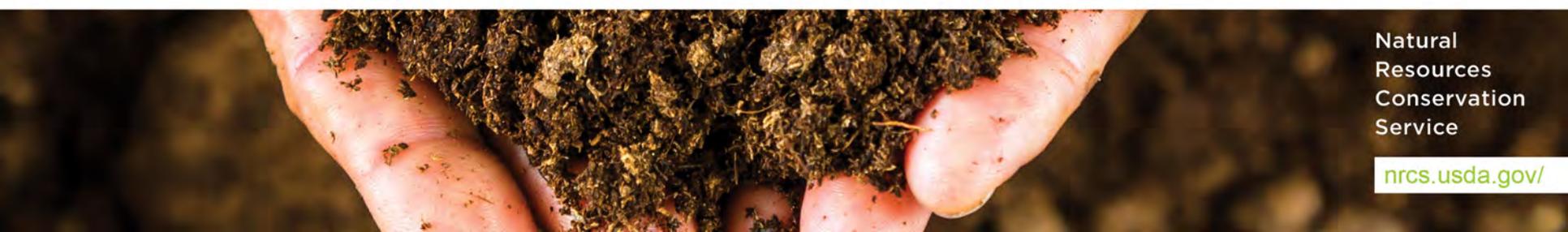
USDA-NRCS Nebraska

 **Local Hydrology  
Indicators for the  
Identification of  
Farmed Wetlands**



Natural  
Resources  
Conservation  
Service

[nrcs.usda.gov/](https://nrcs.usda.gov/)



# Background



On August 28, 2020, USDA issued a final rule for the Highly Erodible Land and Wetland Conservation provisions of the Food Security Act of 1985, as amended. This final rule clarified how NRCS identifies hydrology criteria for **Farmed wetlands** (FWs). To decide if an area supports the required long-term inundation for a FW that is not identified as a playa, pocosin, or pothole, the final rule provides three options:

**A. Observation of wetland hydrology indicators as identified in the local NRCS Field Office Technical Guide (FOTG);**

B. Procedures identified in the State Off-Site Methods for wetland identification set forth in the local NRCS Field Office Technical Guide; or

C. The use of analytical techniques, such as the use of drainage equations of the evaluation of monitoring data.



# Option A – Local level indicators

## A. Observation of wetland hydrology indicators as identified in the local NRCS Field Office Technical Guide (FOTG);

The preamble to the final rule provides that NRCS will seek local input through:

- Consultation with the NRCS State Technical Committee
- Notice and comment in the Federal Register (on a state basis)

**NRCS will issue the local level hydrology indicators in the FOTG.**

**NRCS is requesting STAC input on proposed Local Hydrology Indicators for the identification of Farmed Wetlands that are not playas, pocosins, or potholes.**



# Background – Farmed Wetland Definition

## As defined by 7 CFR 12:

“a wetland that prior to December 23, 1985, was manipulated and used to produce an agricultural commodity at least once before December 23, 1985, and on December 23, 1985, did not support woody vegetation, and met the following hydrologic criteria: (i) If not a playa, pocosin, or pothole, **experienced inundation for 15 consecutive days or more during the growing season or 10 percent of the growing season**, whichever is less, in most years (50 percent chance or more).”

Provides the necessity to identify the onsite and offsite FW Hydrology Indicators to support long term inundation in this definition.



# Local Hydrology Indicators for FW

Indicators are used to make or assist in making the decision if the sampling unit supports long-term inundation.

**FW-N01: Surface Water**

**FW-N02: Water Marks**

**FW-N03: Sediment Deposits**

**FW-N04: Drift Deposits**

**FW-N05: Algal Mat or Crust**

**FW-N06: Surface Soil Cracks**

**FW-N07: Evidence of Long-Term Ponding Visible on Aerial Imagery**

**FW-N08: Sparsely Vegetated Concave Surfaces**

**FW-N09: Water-Stained Leaves**

**FW-N10: Aquatic Invertebrates**

**FW-N11: Perennial Obligative Plant Species**





United States Department of Agriculture

USDA-NRCS Nebraska

# State Off-site Methods (SOSM)



Natural  
Resources  
Conservation  
Service

[nrcs.usda.gov/](https://nrcs.usda.gov/)

# Background

**The State Off-Site Methods (SOSM) for wetland identification is required by NRCS to outline the methods to conduct offsite Certified Wetland Determinations for Food Security Act purposes in Nebraska. The SOSM is designed to give consistency among NRCS field offices and technical personnel completing certified wetland determinations.**



# Proposed Revisions

**USDA-NRCS Nebraska is proposing the following revisions to the SOSM:**

- ◆ **Include reference scenarios for applicability of on-site method requirement.**
- ◆ **Specify the location of the State Conservationist's roster of agency experts (Job Approval Authority list).**
- ◆ **Expand on the capacity to utilize reference sites in evaluating hydrophytic vegetation.**
- ◆ **Include adopted hydrology indicators for the identification of farmed wetland.**





United States Department of Agriculture

USDA-NRCS Nebraska

# STAC Business Items



Natural  
Resources  
Conservation  
Service

[nrcs.usda.gov/](https://nrcs.usda.gov/)

# NRCS Recommendations to STAC

**Adopt all national FW hydrology indicators with no additions or edits.**

**Approve revisions to State Off-site Manual (SOSM)**

*Vote by using the “Raise Hand” feature in the Microsoft Teams Meeting Room*



# Proposal for Hydrology Indicators

**NRCS Proposes the following options to STAC:**

- Adopt all national FW hydrology indicators with no additions or edits AND approve SOSM revisions**
- Provide opportunity to review in more detail and provide written commentary**
- Hold dedicated meeting for those interested in discussion and feedback**



# Proposal for Hydrology Indicators

## NRCS Proposes the following options to STAC:

- Adopt all national FW hydrology indicators with no additions or edits AND approve SOSM revisions**
- Provide opportunity to review in more detail and provide written commentary
- Hold dedicated meeting for those interested in discussion and feedback



# Proposal for Hydrology Indicators

## NRCS Proposes the following options to STAC:

- Adopt all national FW hydrology indicators with no additions or edits AND approve SOSM revisions
- Provide opportunity to review in more detail and provide written commentary**
- Hold dedicated meeting for those interested in discussion and feedback



# Proposal for Hydrology Indicators

## NRCS Proposes the following options to STAC:

- Adopt all national FW hydrology indicators with no additions or edits AND approve SOSM revisions
- Provide opportunity to review in more detail and provide written commentary
- Hold dedicated meeting for those interested in discussion and feedback**



# Wrap-up

**Local level hydrology indicators for FW will be posted to Federal Register for public comment and available on the Field Office Technical Guide.**

**Revisions to SOSM will be posted to Federal Register for public comment and available on the Field Office Technical Guide.**

**The WC Team continues to improve our effectiveness in the state, by continually focusing on improving communication, technology, and production.**



# Contact Information

A decorative horizontal row of seven water droplets in shades of orange and yellow, positioned to the right of the main title.

**NE State Soil Scientist**

**Carlos J. Villarreal**

**[carlos.villarreal@usda.gov](mailto:carlos.villarreal@usda.gov)**

**NE Wetland Compliance Team Leader**

**Corey King**

**[corey.king@usda.gov](mailto:corey.king@usda.gov)**

