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*NEWS RELEASE*  
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**FOR IMMEDIATE RELEASE**

**For Week of May 14<sup>th</sup>, 2007**

**Farm Program Participants and Wetlands**

If you own or farm land and are considering drainage activities, it is your responsibility as a USDA program participant to comply with the Wetland Conservation Compliance provisions.

Wetlands are some of the most productive and dynamic habitats in the world. The physical, chemical, and biological interactions within wetlands are often referred to as wetland functions and values. These functions include surface and subsurface water storage, nutrient cycling, particulate removal, maintenance of plant and animal communities, water filtration or purification, and groundwater recharge. Simply put, the characteristics of functioning wetlands provide beneficial values to our society. Some examples of wetland values include reduced damage from flooding, water quality improvement, and fish and wildlife habitat enhancement.

To most people the vision of a wetland includes cattails and some standing water. Although that assessment is correct, there are also several other wetland types. In fact, wetlands can be classified into eight distinct types. The wetland categories that are most often difficult to appreciate are classified as Types 1 and 2, which many times are cropped during the growing season. Types 1 and 2 wetlands are seasonally flooded in shallow depressional areas or on floodplains. Many times they appear as a



wet pocket in the spring or after a heavy rain event and typically they are able to be cropped during a normal cropping year.

### **Wetland Conservation Provisions (Swampbuster)**

The Wetland Conservation Compliance provisions (Swampbuster) were introduced in the 1985 Federal Farm Bill legislation. The purpose of these provisions is to remove incentives to produce agricultural commodities on converted wetlands.

USDA program participants who convert a wetland making production of an agricultural commodity possible after December 23, 1985, will be ineligible for program benefits until the functions of the wetland that was converted is mitigated or restored, unless an exemption applies.

Over a period of 200 years, the lower 48 states have lost an estimated 53 percent of their original wetlands. An estimated 87 percent of the wetland losses from the mid-1950s to the mid-1970s were due to agricultural conversion.

The wetland conservation provisions have sharply reduced wetland conversions for agricultural uses from 235,000 acres per year before 1985 to 27,000 acres per year from 1992 through 1997. The USDA Swampbuster provisions help conserve the environmental functions and societal benefits of wetlands; such as flood control, sediment control, groundwater recharge, water quality improvement, wildlife habitat, recreation, and esthetics.

### **Wetland Determinations**

In order to determine compliance with the Swampbuster provisions, the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) will determine if a USDA program participant's land includes wetlands that are subject to

the provisions. The agency maintains a list of the plants commonly found in wetlands. NRCS employees use these technical tools, along with the landowner's information on previous drainage activity of the area, to develop wetland determinations. USDA wetland determinations can be one of two distinct types. When you request and receive a "certified" wetland determination from USDA you are assured that all of the wetlands have been identified and designated on maps with the proper boundaries and labels. If you have not requested a "certified" wetland determination, chances are that you have previously received an "official" wetland determination from USDA. Landowners can rely on their previously issued "official" USDA wetland determination when making drainage improvements; however, these determinations may not have accurately captured all wetlands or correctly show wetland boundaries. Landowners that rely on their "official" wetland determination when performing drainage improvements risk the loss of USDA program eligibility if they convert any "missed obvious" wetlands.

### **Maintaining USDA Program Eligibility**

To maintain eligibility, USDA participants must certify that they have not converted wetlands after December 23, 1985, to make agricultural production possible. If the Swampbuster provisions are violated, USDA farm program benefits may be lost. Participants that convert a wetland after December 23, 1985 risk loss of benefits for the year the conversion took place, and for all the years that follow until the wetland's functions and values are restored.

The USDA Service Center is available as a tool to help you, the farm program participant, follow the provisions stated above. When you are planning to conduct tiling, ditch cleanout, tree removal, filling, grading, shaping, and excavating on cropland and

land that will be turned into cropland, please start your request process 30 days ahead of time at the Farm Service Agency (FSA).

USDA wetland determinations apply only to the requirements of the Swampbuster provisions. Other federal, state, or local permits or restrictions may apply to activities impacting wetlands. It is the responsibility of the participant to obtain other necessary permits. Contact the Army Corps of Engineers for Clean Water Act permits, the Local Government Unit (LGU) for State Wetland Conservation Act permits, and Minnesota Department of Natural Resources for protected water permits prior to initiating wetland activities. The participant can contact these agencies using the “Minnesota Combined Project Application Form” available from the LGU.

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