

AGRICULTURAL WETLAND PERMITTING



When most people hear the word “wetland”, they often think of swampy, marshy areas complete with ducks and cattails. While those areas are indeed wetlands, many other wetlands look quite different and may have no surface water for all or part of the year. For example, some wetlands support trees and shrubs, some wetlands are grassland/pasture, while some are able to grow row crops.

WETLAND CLASSIFICATIONS

There are several different classifications under an NRCS official wetland determination on agricultural land including, but not limited to:

- Wetland (W)
- Farmed wetland (FW)
- Farmed wetland pasture (FWP)
- Prior converted non-wetland (PC/NW)

Agricultural wetlands may be governed by several different local, state, and federal laws, and permitting is required when alterations are made to wet areas on agricultural lands that may be considered wetland. There are several applicable state and federal wetland requirements to consider, as well as various agencies and organizations involved with each.

STATE

- Several Midwestern states have laws to protect wetlands. Depending on the state, these programs may be administered by local government units including cities, townships, counties, Soil and Water Conservation Districts (SWCD), watershed management organizations or state agencies.

FEDERAL

- Section 404 of the Clean Water Act is administered by the U.S. Army Corps of Engineers.
- Wetland Conservation Compliance provisions (Swampbuster) provided in the 1985 Farm Bill are administered by the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS).

WHAT TO DO IF THERE MAY BE A WETLAND IN YOUR FIELD?

Loss of eligibility for United States Department of Agriculture (USDA) programs may result if landowners neglect to follow the permitting process while manipulating a wetland for agricultural uses such as crops or pasture. Therefore it is critical to contact NRCS for a wetland determination before implementing alterations to a wet area, including clearing trees or maintenance of existing drainage infrastructure.

The Farm Bill allows producers to convert wetlands for production of an agricultural commodity if the wetland functions that are lost are compensated for in another way including the following:

- Landowners can work with USDA, conservation districts, or others to choose the best ways to mitigate wetlands.
- Landowners who want to convert or alter wetlands may purchase wetland bank credits, enhance existing wetlands, restore former wetlands, or create new wetlands to offset functions and values that are lost from conversions or alterations.

HOW ISG CAN HELP YOU

ISG's environmental services team is experienced at assisting producers with obtaining wetland determinations and navigating the process of formulating wetland mitigation agreements and permits with the NRCS and other agencies. As part of these services and in addition to the full spectrum of environmental solutions the firm provides, ISG performs wetland delineations/determinations, assesses wetland functions and values, analyzes wetland impacts, and designs wetland banking projects.

