United States Department of Agriculture
Natural Resources Conservation Service

Guidance for Wetland Compliance during Post-Flood Recovery Activities

Iowa • Nebraska • South Dakota • North Dakota
Montana • Kansas • Missouri

Recent flooding may have damaged agricultural and non-agricultural lands owned and/or operated by USDA program participants. Before undertaking any restoration activities, USDA program participants should be mindful of the Wetland Conservation (WC) provisions of the Food Security Act of 1985, as amended (Swampbuster). The wetland conservation provisions should be considered, even if the efforts are to restore the land back to the pre-flood conditions.

The following is a guide that might help USDA program participant with efforts to restore sites altered by recent flood events. This guide is only applicable to the USDA wetland compliance provisions. Other federal and state agencies may have jurisdiction over areas impacted by recent flood events.

Certified Wetland Determination Prior to Flood Event	Post-Flood Condition	Authorized Activities
Prior Converted Cropland (PC)	Scouring and/or gully erosion	Area is exempt from the WC provisions (no restrictions) and may be restored.
	Deposition of sediments	Area is exempt from the WC provisions and may be leveled.
Farmed Wetland (FW) and Farmed Wetland Pasture (FWP)	Scouring and/or gully erosion	Area is not exempt from the WC provisions. Recommend to request a scope and effect determination from NRCS prior to any filling or leveling. Restoration to pre-flood conditions may be approved.
	Deposition of sediments	A new certified determination is recommended as the area may no longer be a wetland.
Wetland (W)	Scouring and/or gully erosion	Area is not exempt and cannot be filled or leveled without compensatory mitigation.
	Deposition of sediments	A new certified determination is recommended as the area may no longer be a wetland.
Non Wetland (NW)	Scouring and/or gully erosion or deposition of sediments	Area is exempt and can be filled or leveled.
None (A certified wetland determination has never been provided.)	Scouring and/or gully erosion or deposition of sediments	Recommend that a certified wetland determination be conducted prior to any dirt moving activity or clearing of woody vegetation.

NRCS recommends landowners request a certified wetland determination by completing form AD-1026 at Farm Service Agency offices, or form CPA-038 at NRCS offices. For more information regarding restoration activities in flood-impacted areas, contact the NRCS local office.

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