



United States Department of Agriculture
Natural Resources Conservation Service

Conservation Briefing

Watershed Task Force · Pierre · July 23, 2012

Jeff Zimprich, State Conservationist | 200 4th Street SW, Room 203
Huron, South Dakota 57350 | (605) 352-1200 |

The USDA Natural Resources Conservation Service (NRCS) puts more than 75 years of experience to work in assisting owners of America's private land with conserving their soil, water, and other natural resources. We deliver technical assistance based on sound science and suited to a customer's specific needs. In South Dakota last year, conservation professionals assisted landowners in developing more than 3,700 conservation plans covering more than 1.6 million acres of cropland, grassland and other agricultural lands. Financial incentives are available in many cases to implement those plans. Assistance is provided on individual farm and ranch as well as watershed scales. Most work is done with local partners. Our partnership with local conservation districts serves almost every county in the nation. Participation in our programs is voluntary.

What is the NRCS role in authorizing in drainage?

NRCS does not authorize, regulate, or permit drainage. Since 1985, congress assigned certain Farm Bill wetland conservation responsibilities to NRCS.

The 1985 Food Security Act (Farm Bill) – what is it and who does it apply to?

The Food Security Act of 1985, as amended, provides disincentives to farmers and ranchers who produce annually tilled agricultural commodity crops on highly erodible cropland without adequate erosion protection or who make possible the production of agricultural commodities on land classified as wetlands. Producers who are not in compliance with highly erodible land or wetland conservation compliance provisions are not eligible to receive benefits for most programs administered by FSA and NRCS. If a producer has received program benefits and is later found to be in non-compliance, he/she may be required to refund all payments received.

NRCS responsibilities with Wetland Conservation Compliance (Swampbuster):

Determine when a wetland has been converted - Wetland Conversion in simple terms is removing or diverting water or removing trees and stumps from a wetland after 1985 to make possible the production of an agricultural commodity. Farming a wetland during dry years is not conversion. Maintaining a drainage system installed before 1986 is not conversion. NRCS discovers potential conversions through "anonymous whistleblower complaints", annual compliance reviews conducted in the field by NRCS, and reports from FSA and the producers themselves. Producers planning to do drainage improvement are encouraged to discuss their plans with their local office.



Conversions that only have a "Minimal Effect" or are mitigated may be authorized. These are infrequent. If a producer wants to regain eligibility for future years, NRCS will work with them to design a restoration plan for the converted wetland.

Wetland identification – Producers frequently request that NRCS identify and map their wetlands so that they can avoid conversion and remain in compliance. The NRCS utilizes both office tools and field collected information to verify that identified wetlands meet criteria for having hydric (wet) soils, hydrophytic (water tolerant) vegetation and saturation or ponding by water most years. Tools and processes are science based.

What is the Farm Service Agency (FSA) role in wetland conversions?

The Farm Service Agency determines if a conversion results in ineligibility - If a conversion occurs in "Good Faith" the producer may not lose eligibility if they restore the wetland. If a "Third Party" drains a wetland located on a producer's land, such as a road authority, the producer does not lose eligibility as long as they do not crop the drained area.

What is the NRCS role in watershed management?

The NRCS can work with local conservation districts to help identify watershed scale natural resource concerns and can help with planning and implementation efforts if agency resources permit.