

Part 610 – National Environmental Compliance Handbook

Subpart H – Exhibits

610.114 Wetlands Evaluation Procedure Guide Sheet

WETLANDS **EVALUATION PROCEDURE GUIDE SHEET**

This guide sheet addresses policy relative to the Food Security Act of 1985; Title 190, General Manual, Part 410, Subpart B, Section 410.26; and Executive Order 11990, Protection of Wetlands. Use the Clean Water Act Guide Sheet for addressing wetland concerns relating to the Clean Water Act.

STEP 1

Are wetlands present in or near the planning area? (**Note:** This includes **all** wetlands except those artificial wetlands created by irrigation water. Thus, areas determined as prior converted (PC) in accordance with the 1985 Food Security Act and nonirrigation induced artificial wetlands (AW), which retain wetland characteristics, are wetlands as they relate to the wetland protection policy.)

If "No," document the finding on the NRCS-CPA-52. (If the area could qualify as an "other water of the United States" such as lakes, streams, channels, or other impoundment or conveyances, a Clean Water Act Section 404 or River and Harbors Act Section 10 permit may be required from the Corps of Engineers. Refer to the Clean Water Act Guide Sheet.)

If "Yes," document the extent and location of wetlands and go to Step 2.

STEP 2

Will the proposed action or alternative impact any wetland areas (this includes changing wetland types when considering wetland restoration projects)?

If "No," document the finding on the NRCS-CPA-52, along with any additional supporting evidence, and proceed with planning.

If "Yes," assess the wetland functions and describe (on the NRCS-CPA-52) the effects of the proposed activity on the wetland area. If effects are solely beneficial, continue with planning. If adverse effects exist, go to **Step 3.**

STEP 3

Do practicable alternatives exist that avoid adverse impact to wetlands?

If "No," go to step 4

If "Yes," advise the client of the available alternatives. If the client chooses to implement the alternative that avoids adverse impact (including obtaining all necessary permits), document the decision on NRCS-CPA-52 and continue planning. Otherwise, NRCS will need to terminate all assistance for the project*.

STEP 4 Do other measures exist that will minimize adverse effects to wetlands?

If "No," go to step 5

If "Yes," advise the client of the minimization measures. If the client chooses to implement the minimization measures (including obtaining all necessary permits), document the decision on NRCS-CPA-52 and continue planning. Otherwise, NRCS will need to terminate all assistance for the project*.

STEP 5

Does the client wish to pursue an action that will result in adverse impacts to wetlands (where no practicable alternatives or minimization measures exist)?

If "No," Document the decision on the NRCS-CPA-52 and continue planning.

If "Yes," advise that client of the need to compensate for the lost wetland acres and functions. NRCS may assist the client in the development of a mitigation plan. If the client chooses to implement the compensation measures (including obtaining all necessary permits), document the decision on NRCS-CPA-52 and continue planning. Otherwise, NRCS will need to terminate all assistance for the project*.

* Swampbuster exemption: if the participant wants to convert a wetland, the statute affords mitigation sequencing.