

## NFSAM.SC.180 – Part 514 – Wetland Determinations and Labels

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### Part 514 – Subpart B Labels: Natural and Artificial Wetlands

South Carolina NRCS will use the updated wetland label as allowed by the Food Security Act of 1985, as amended, for certified wetland determinations completed by NRCS. Wetlands where exempt activities will take place (i.e., irrigation/livestock pond, firebreak), and where some type of manipulation will occur that does not make the production of an agriculture commodity possible.

#### 514.11 Manipulated Wetlands (WX)

##### A. Definition

- (1) Wetlands that have been manipulated as described in Part 514.10 beyond the scope of allowable maintenance will be labeled as Manipulated Wetlands (WX) under the following conditions:
  - The manipulation was not for the purpose of producing an agricultural commodity; and
  - The manipulation did not make production of an agricultural commodity possible.
- (2) Manipulated wetlands may or may not meet wetland criteria depending on type and degree of manipulation. If production is later made possible or a commodity crop is produced on the manipulated wetland, the area will be labeled a converted wetland (CW or CW+year). Open water areas excavated in wetlands will be labeled WX unless the excavation results in conversion that makes possible production of an agricultural commodity. In this case, the converted areas would be labeled CW or CW+year. Wetlands manipulated for fish production, trees, vineyards, shrubs, or cranberries where production of an annually tilled crop has not been made possible are labeled WX. [7 CFR 12.5 (b)(1)(iv)]

##### B. Examples of WX

Activities that result in manipulated wetlands (WX) include, but are not limited to, the following:

- (1) An open ditch constructed through a forested wetland removes the hydrology, but the trees are not removed and the manipulation does not make production possible.
- (2) Trees cut with stumps left in place and there is no manipulation of hydrology.
- (3) Piles of trees, stumps and soil covering an area, but the area cannot be cropped without additional land-clearing activities.

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- (4) Construction of roads, buildings, or other activities that do not make production possible.
- (5) Construction of stock watering or irrigation ponds.
- (6) Conversion for orchards, groves, or vineyards.
- (7) Spring development.
- (8) Construction of agricultural waste management structures.

**C. Maintenance**

Manipulated wetlands can be maintained but not for the purpose of or making possible production of an agricultural commodity. To ensure compliance, a participant can complete form AD-1026 before conducting any hydrologic manipulation to ensure that the proposed manipulation is not for the purpose of and does not make production of an agricultural commodity possible on the WX or any other wetland.

**D. Procedures for Identifying Manipulated Wetlands (WX)**

The following procedures shall be used to identify Manipulated Wetlands (WX):

STEP	ACTION
1	Appropriate wetland delineation tools are used as described in the appendix to assess site conditions. A wetland factor may be altered or removed as a result of manipulation.
2	Aerial photographs or FSA slides are reviewed to check for land use changes that may indicate wetland manipulation or conversion.
3	The area qualifies for a WX exemption if manipulation was not for the purpose of producing a commodity crop or was such that production was not made possible.

**The following conditions are requirements for the use of a WX wetland label:**

The area must not be used to produce an agricultural commodity as defined by the FSA. Areas requiring vegetation must be planted or seeded and not allowed to be completely established naturally.

There must be documentation that alternatives were considered to avoid adverse affects (CPA-52). The plan must be designed to include features to avoid or minimize adverse impacts on the wetland and adjacent wetlands (Section 410.26 Protection of Wetlands, 190 GM Amend 11, November 2005).

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### **The following items must be included in all WX plans:**

- A certified wetland determination, including a signed AD 1026, CPA-026E, and a map that identifies the location,
- A map of planned facilities in relation to the wetland,
- Present condition of the wetland, (i.e., CPA-026e),
- Identify the planned alteration of the wetland, including acres of wetlands altered, wetlands remaining and plans to protect or enhance the remaining wetlands.

Document the alternatives considered to avoid or minimize wetland impacts. (CPA-52)

- Planned land use (attach a copy of landowner use certificate).
- Scheduled date of manipulation.
- Scheduled date of full implementation of the plan (within one year).
- Copies of permits or exemption letter.
- Plan must be signed by the landowner.