

ARKANSAS WETLAND MAPPING CONVENTIONS FOR AGRICULTURAL LANDS AND NON-AGRICULTURAL INCLUSIONS

General Information

The information contained in this document is provided to assist Soil Conservation Service field offices in Arkansas in completing wetland determinations and delineations on "agricultural lands". Procedures are also provided to make off-site wetland determinations on "non-agricultural lands" when requested by a USDA program participant. Wetland determinations and delineations on "agricultural lands" for the 1985 swampbuster provisions of the Food Security Act (FSA), the 1990 Food and Agricultural Conservation Trade Act (FACTA), and Section 404 of the Clean Water Act (CWA) shall be completed using approved mapping conventions. Exceptions to this are those areas that are designated as areas of "special concern" by the U. S. Army Corps of Engineers and the Environmental Protection Agency. They will retain CWA delineation responsibilities on these areas.

These mapping conventions were developed by the Soil Conservation Service (SCS), the Corps of Engineers (COE), the Environmental Protection Agency (EPA), and the Fish and Wildlife Service (FWS). They are to be used, along with other appropriate information in the USDA Food Security Act (FSA) Manual and the COE 1987 Wetland Delineation Manual for the following activities:

1. To make wetland determinations/delineations on "agricultural lands".

Initial wetland determinations/delineations may be made using off-site wetland mapping conventions employing approved tools. In all cases involving appeals, converted wetlands, notice of intent to manipulate, or where adequate off-site convention tools are not available, SCS will make on-site determinations and/or delineations as appropriate.

2. To make off-site wetland determinations on "non-agricultural" inclusions of small pockets and narrow bands and other "non-agricultural lands" when requested by USDA program participants. (See Wetland Determinations/Delineations on "Non-Agricultural Lands", page 6)

Note: For a definition of delineation and determination, see definitions, page 4.

Wetland delineations will be made on "non-agricultural lands" using the Corps of Engineers 1987 Wetland Delineation Manual. Only individuals who have been trained in the use of this manual may make delineations on non-agricultural lands. When making wetland delineations on "non-agricultural lands" at the request of USDA program participants, SCS will make the delineation in consultation with FWS. Coordination with the COE and EPA is also required, unless the area meets the definition of "small pockets" or "narrow bands" of "non-agricultural lands" (See Wetland Determinations/Delineations on "Non-Agricultural Lands", Page 6). SCS will make wetland delineations on inclusions of "small pockets" and "narrow bands". These delineations will be accepted by the COE and EPA without coordination, however, SCS will send a copy of the completed SCS-CPA-026 and ASCS photocopy to the appropriate COE District. Periodic review of these delineations will be conducted under provisions set forth in the interagency MOA.

SCS, when trained, will also identify "Other Waters of the U.S." for purposes of Section 404 of the Clean Water Act (CWA), in coordination with the COE, on lands on which SCS is otherwise engaged in making wetland delineations and/or determinations (See Other Waters of the United States under Mapping Conventions for Specific Wetland Types, page 18).

Size of an area is not part of the wetlands criteria. Areas large enough to detect, when using the off-site mapping tools in these conventions, will be determined/delineated. Wetland areas will be recorded and labeled on ASCS photocopies and USGS topographic maps (1:24,000) with labels specified in the National Food Security Act Manual (NFSAM). See Exhibit 3 for a list of labels.

For wetland determinations or delineations completed after January 6, 1994, any wetlands on the National Wetland Inventory (NWI) maps that are not verified as wetlands by mapping conventions or on-site procedures will be identified on a copy of the NWI map (See Instructions, Part 513.31, NFSAM).

DEFINITIONS

Abandonment

The cessation of cropping, forage production, or management on PC, FW, or FWP for 5 consecutive years, such that wetland criteria have returned, and the area has not been enrolled in a conservation set-aside program or a state or federal wetland restoration program other than the Wetland Reserve Program (WRP).

"Agricultural lands"

Lands that are intensively used and managed for food and fiber production to the extent that the natural vegetation has been removed and cannot be used to determine whether the area meets applicable hydrophytic vegetation criteria in making a wetland determination.

"Agricultural Lands" include:

-- intensively used and managed

cropland	hayland
pasture	orchards
vineyards	wetland crops
turf farms	nurseries

-- ASCS set-aside

"Non-agricultural lands"

Consists of range lands, forest lands, woodlots, tree farms, and uncultivated (native) pasture and hayland.

Coordination

SCS will contact the COE or EPA as appropriate, and provide an opportunity for review, comment and approval of the findings of SCS prior to making a final delineation on "non-agricultural lands" except for "non-agricultural" inclusions of narrow bands and pockets interspersed among "agricultural lands" (See Exhibit No. 5). The COE or EPA will review the proposed delineation and respond to SCS regarding its acceptability for CWA Section 404 purposes within 45 days of receipt of basic information required by the 1987 COE Wetland Delineation Manual. SCS will not issue a final delineation until agreement is reached between SCS and the COE or EPA, as appropriate.

Consultation

SCS will provide FWS opportunity for full participation in the action being taken and for timely review and comment on the findings of SCS prior to a final wetland delineation.

Delineations:

Delineations are final wetland boundaries made following accepted procedures in the NFSAM for "agricultural lands" and the COE 1987 Wetland Delineation Manual for "non-agricultural lands". Wetland delineations, once certified (See NFSAM, Part 514.52), will meet the requirements of both Food Security Act (FSA) and Clean Water Act (CWA) jurisdiction, and will be in effect for five years.

Wetland delineations on "non-agricultural lands" require an on-site delineation of wetland boundaries using procedures contained in the COE 1987 Wetland Delineation Manual (Training in the use of this manual is required). Except for "non-agricultural lands" that are inclusions of narrow bands or small pockets interspersed among "agricultural lands", delineations are conducted by the SCS in coordination with the COE and/or EPA (See Wetland Delineations on "Non-Agricultural Lands, Page 6).

Wetland delineations on "agricultural lands" must be performed by personnel who are trained in the use of the NFSAM. Only mapping conventions concurred upon by all signatory agencies will be used for making wetland delineations on "agricultural lands".

Determinations

Determinations are approximate wetland boundaries, indicating the presence of potential wetland. Wetland determinations on "non-agricultural land" may be made by SCS using off-site procedures (See Exhibit 6). Coordination with the COE or EPA is not required. However, the participant must be advised that the determination is preliminary. When this method is used, the following statement will be included with the SCS-CPA-026:

"This determination is an indication of approximate wetland boundaries, or that wetland may be present within the area. Any activity, which includes alteration of hydrology and/or the removal of woody vegetation, will require an on-site delineation of wetlands and may subsequently require contact with the Corps of Engineers for a Section 404 permit. Please contact the Soil Conservation Service for additional information or assistance."

Packet - to area engineers
Provide all tools,
Consistency, Documentation of thought process.

Wetland Mapping Tools

The tools available to conduct wetland inventories and determinations will vary between field offices. It is imperative that the best and most complete data be used to make inventories and individual determinations and delineations (See check-list of mapping tools, Exhibit No 7). Examples of this data are:

1. Most recent ASCS, or SCS, ^{Corp of Engr} aerial photography (See Exhibit No. 4);
2. Soil survey and SCS hydric soil legends (These tools are not 100% accurate. Users should realize that any map unit could have hydric inclusions);
3. Remote sensing wetland inventory (RSWI) maps (See Exhibit No.1); ^{S.3 countries}
4. National wetland inventory (NWI) maps (See Exhibit No. 2); ^{Fish & wildlife 54 countries}
5. Agricultural Stabilization and Conservation Service (ASCS) ³⁰ color slides (For instructions, refer to Exhibit No. 4); ^{countries}
6. USGS Topographic Maps;
7. ASCS cropping history records;
8. Flood plain maps or inventories;
9. Additional (older) aerial photos (See Exhibit No. 4);
10. Climatic data (See Exhibit No. 4);
11. Prior knowledge from on-site visits;
12. Engineering surveys of site on file.

As necessary, on-site investigations will be made. Variance from the use of these wetland mapping tools must be clearly documented on the mapping tools checklist (Exhibit No. 7).

Wetland Determinations/Delineations on "Non-Agricultural Lands"

SCS will make wetland delineations (See "delineations", page 4) on "non-agricultural lands" that are either inclusions of narrow bands (50 feet wide or less) immediately adjacent to, or small pockets (5 acres or less in size individually) interspersed among, "agricultural lands". These delineations will be accepted by the COE and EPA without coordination, however, SCS will send a copy of the completed SCS-CPA-026 and ASCS photocopy to the appropriate COE District. Periodic review of these delineations will be conducted under provisions set forth in the interagency MOA.

SCS, at the request of USDA program participants may also make delineations on areas of "non-agricultural lands" which do not meet the definition of small pockets or narrow bands above. Wetland delineations made on "non-agricultural lands" by SCS which do not meet the criteria of small pockets or narrow bands must be coordinated with the COE or EPA, and in consultation with the FWS.

NOTE: For specific instructions to follow in making wetland delineations on "non-agricultural lands", see Exhibit No. 5.

SCS may also make wetland **determinations** on "non-agricultural lands" using an off-site procedure. This procedure would normally be used when landowners/operators have not indicated an intention to alter or manipulate a potential wetland area. Determinations made following this procedure will be considered approximate wetland boundaries, or an indication that wetland may be present within the area of interest. Determinations made using this procedure are not considered to be final wetland delineations and will not meet the requirement of Food Security Act or Clean Water Act jurisdiction.

NOTE: See Exhibit No. 6 for specific instructions in using this procedure.

Other Waters of the United States

In the process of delineating wetlands, SCS will also identify "Other Waters" (OW). Areas which would be labeled as "OW" include:

- Intermittent Streams
- Perennial Streams
- Lakes
- Ponds
- Rivers
- Man-made ditches

(For directions on labeling "Other Waters", see "Other Waters of the United States" under Mapping Conventions of Specific Wetland Types, page 18.)

Mapping Conventions for Specific Wetland Types

General:

For "agricultural lands", the signatory agencies will use the procedures for delineating wetlands as described in the NFSAM, Third Edition, Part 514. Only mapping conventions, in this section, concurred upon by all signatory agencies will be used for delineating wetlands on "agricultural lands".

Wetland determinations/delineations will be labeled and recorded on ASCS photocopies and USGS topographic maps (1:24,000) with labels specified in this section for each wetland type (See NFSAM, Part 514). Also, see Exhibit No. 3 for a list of labels.

Personnel making wetland delineations on "agricultural lands" should utilize the mapping tools checklist (Exhibit No. 7) to document procedures and/or mapping tools used.

NOTE: Certain wetland types may be exempt from FSA restrictions, however, COE restrictions may still apply. For guidance where this may apply, see NFSAM, Part 513.22d.

Prior Converted Cropland (PC)

Definition: Prior converted croplands are wetlands that were drained, dredged, filled, leveled, or otherwise manipulated before December 23, 1985, for the purpose of, or to have the effect of, making the production of an agricultural commodity possible, and do not meet farmed wetland criteria.

To be considered prior converted cropland, wetlands occurring on saturated, ponded, or flooded hydric soils must meet all of the following criteria:

- before December 23, 1985:
 - were drained or otherwise manipulated, and/or had woody vegetation removed.
- have produced an agricultural commodity
- have not been abandoned
- do not flood or pond for 15 consecutive day periods during the growing season.

ASCS records may be used to determine if an agricultural commodity (annually planted crop) was produced prior to 1985. In the absence of ASCS records and for non-program participants, documentation of cropping history should be based on aerial photography, crop expense or receipt records, or other suitable documentation.

Making production possible means the use of any practice that results in the growth of annual crops by subjecting the land to intensive management such that the natural hydrophytic vegetation is suppressed.

To determine if an area is Prior Converted Cropland (PC), follow the steps below:

- Step 1:** Review soil survey, RSWI maps, NWI maps, aerial photography and/or ASCS color slides (**See Exhibit 4**) to determine if the site was drained or manipulated, or had the natural vegetation removed before December 23, 1985. Also determine if site has been abandoned from aerial photos or ASCS slides and ACSC crop records.
- Step 2:** Using soil survey and hydric soil listing, determine if the site contains map units with hydric soil components or hydric inclusions. (**NOTE:** These tools are not 100% accurate. Users should realize that any map unit could have hydric inclusions.)
- Step 3:** Review sufficient mapping tools to confirm that the site does not flood or pond for 15 consecutive day periods during the growing season under average conditions (50% chance of occurrence).
- Step 4:** Complete mapping tools check-list; **clearly** document findings on ASCS photocopy, USGS topographic map, and SCS-CPA-026. Label site as "PC" if appropriate.

Converted Wetland for Non-Agricultural Purposes (CWNA)

Conversion of wetland for non-agricultural purposes include conversions for any of the following:

- | | |
|---------------|-------------------------------|
| - Fruit trees | - Livestock Ponds |
| - Trees | - Fish Production |
| - Vineyards | - Irrigation Reservoirs |
| - Shrubs | - Parking Lots |
| - Roads | - Firebreaks |
| - Buildings | - Agri. Waste Mgt. Structures |

Specific conditions and limitations of this exemption are contained in the NFSAM, Part 514.32. (**Provisions of the CWA may not exempt these activities and a Section 404 permit may be needed.**) Persons who request a CWNA exemption should provide SCS with a written plan as outlined in the NFSAM, Part 514.32e.

To determine if an area meets the criteria for Converted Wetland for Non-Agricultural Purposes (CWNA), follow the steps below:

- Step 1:** In consultation with FWS, SCS will review the plan for required documentation, and revise the plan to include any additional conditions or monitoring requirements.

Step 2: If the plan and added conditions meet all requirements for CWNA exemption, the SCS will advise the person that implementing the plan will meet requirements for FSA, but not necessarily other state or federal regulations. SCS will also advise that the person is responsible for complying with CWA. (For additional instructions see NFSAM, Part 514.32g)

Step 3: SCS will notify the appropriate COE District of request for CWNA exemption.

Step 4: Once the plan is signed and approved, furnish ASCS and the person a copy of ASCS aerial photocopy with CWNA delineated and clearly labeled, and a copy of revised SCS-CPA-026.

Step 5: Record site location and label on USGS topographic map.

Artificial and Irrigation-Induced Wetland (AW) *Randy*

Definition: Land that was formerly nonwetland under natural conditions, but now exhibits wetland characteristics because of human activities.

Artificial wetlands may be created for purposes such as: livestock watering; fish production; irrigation; rice production; flood control; recreation; wildlife habitat; gravel pits; borrow pits; and other uses.

NOTE: Wetlands created by beaver activity are not artificial wetlands.

To determine if an area should be identified as Artificial Wetland (AW) follow the steps below:

Step 1: Using soil survey and hydric soil listing, determine if the site contains map units with hydric soil components or hydric inclusions. If so, an on-site investigation may be necessary to determine if the site was originally non-wetland under natural conditions.

Step 2: If site is determined to be non-wetland under natural conditions: complete mapping tools check-list; document findings on ASCS photocopy, USGS topographic map; and SCS-CPA-026. Clearly label site as "AW", if appropriate.

Step 3: Return the CPA-026 to the landowner and/or operator with the following statement attached:

"Any activity, which includes alteration of hydrology and/or the removal of woody vegetation, may require contact with the Corps of Engineers for a Section 404 permit. Please contact the Soil Conservation Service for additional information or assistance."

Converted Wetland Technical Error (CWTE)

Definition: A converted wetland technical error occurs if SCS makes a wetland determination that is incorrect and results in a person taking action that would be considered a violation.

Incorrect wetland determinations made by SCS officials will be corrected at any time such incorrect determinations become known. The new determinations become effective when made; however, no person shall be adversely affected by actions based on a prior incorrect determination. See NFSAM, Part 514.34 for instructions on documentation and correction of CWTE.

To determine if an area should be identified as Converted Wetland Technical Error (CWTE) follow the steps below:

- Step 1:** Review soil survey, RSWI maps, NWI maps, aerial photography and/or ASCS slides (**See Exhibit No. 4**) and other available tools to determine if potential CWTE has occurred. Conduct on-site investigation if necessary to confirm CWTE.
- Step 2:** Review SCS-CPA-026 provided by SCS to determine if incorrect information was provided.
- Step 3:** Consult with FWS on CWTE, and notify appropriate COE District of findings. Also notify SCS Area Office of CWTE.
- Step 4:** Complete mapping tools check-list; document findings on ASCS photocopy, USGS topographic map, and SCS-CPA-026. **Clearly** label site as "CWTE", if appropriate.
- Step 5:** Promptly notify the landowner/operator of the corrected determination. Also inform the person that CWA requirements and other federal or state regulations may still apply.
- Step 6:** Consult NFSAM, Part 514.34 for additional instructions and/or requirements concerning a CWTE.

Third Party Conversion (TP)

Definition: Third party exemptions apply where wetlands are converted after December 23, 1985, by actions of persons other than the person applying for USDA program benefits.

ASCS, in consultation with SCS and FWS, will determine whether a third party is responsible for converting a wetland.

SCS will follow instructions as provided in the NFSAM, Part 514.35 in processing requests for third party exemptions.

To determine if an area should be identified as Third Party Conversion (TP) follow the steps below:

- Step 1:** At the request of ASCS, SCS will make a wetland determination for the area using appropriate procedures.
- Step 2:** Document the scope and effect of third party activity for which the request is made.

Step 3: Notify ASCS of findings in Steps 1 & 2.

Step 4: If ASCS notifies SCS that TP request is approved, SCS will issue a revised CPA-026 and ASCS photocopy with TP clearly labeled. The area will also be recorded on USGS Topographic Map. The following statement will be attached to the CPA-026:

"Any activity, which includes additional alteration of hydrology and/or the removal of woody vegetation, may be subject to additional Food Security Act restrictions and also require contact with the Corps of Engineers for a Section 404 permit. Please contact the Soil Conservation Service for additional information or assistance."

Step 5: Notify the FWS and COE of request for third party conversion and copies of findings in Step 4 above.

Commenced Conversion Exemption Determinations (CC)

To avoid unnecessary hardship, FSA allows persons who had expended or legally committed substantial funds for the primary and direct purpose of converting wetland before December 23, 1985, to complete the conversion.

The ASCS County Committee, in consultation with FWS, and with assistance from the SCS will determine if an area meets the criteria for CC exemption.

To determine if an area should be identified as Commenced Conversion Exemption (CC) follow the steps below:

Step 1: SCS will follow instructions as provided in the NFSAM, Part 514.36 in processing requests from ASCS for CC exemption determinations.

Step 2: If a CC exemption is granted, SCS will notify the appropriate COE District of findings.

Step 3: Document findings on ASCS photocopy, USGS topographic map, and CPA-026. **Clearly** label site as "CC". Attach following statement to CPA-026:

"Commenced Conversion Exemptions apply to Food Security Act requirements only. Any activity, which includes alteration of hydrology and/or the removal of woody vegetation, may also require contact with the Corps of Engineers for a Section 404 permit. Please contact the Soil Conservation Service for additional information or assistance."

Non-Wetland (NW)

Non-wetland (NW) is land that under natural conditions does not meet wetland criteria (sometimes called an upland). Non-wetland also includes wetlands which were converted to the extent that wetland criteria was not present prior to December 23, 1985, but were not cropped.

Non-wetlands include areas that:

- under natural conditions never did and currently do not meet wetland criteria; or
- were converted so as not to meet wetland criteria as of December 23, 1985, and wetland criteria has not returned and area has not been abandoned.

NOTE:

The following steps apply only to "agricultural lands" in determining appropriate use of the label "NW". The label "NW" if used on "non-agricultural lands", must be used following procedures in the 1987 COE Wetland Delineation Manual.

To determine if an area should be identified as Non-Wetland (NW) follow the steps below:

- Step 1:** Using the soil survey and hydric soil list, confirm that the site does not contain map units with hydric components or hydric inclusions. (**NOTE:** These tools are not 100% accurate. Users should realize that any map unit could have hydric inclusions.)
- Step 2:** Review soil survey, RSWI maps, NWI maps, aerial photography and/or ASCS slides (**See Exhibit No. 4**) and other available tools to determine if wetland signatures are present.
- Step 3:** If hydric soils, hydric inclusions, or wetland signatures are present, consider other applicable conventions for those areas. An on-site investigation may be necessary to delineate wetland types accurately.
- Step 4:** Review sufficient mapping tools to confirm that the site or any portion of the site does not flood or pond for 15 consecutive day periods during the growing season under average conditions (50% chance of occurrence).
- Step 5:** Complete mapping tools check-list; document findings on ASCS photocopy, USGS topographic map, and SCS-CPA-026. Clearly label site or portions of site as "NW", if appropriate.

Wetlands (W)

Wetlands are areas that meet wetland criteria under natural conditions and have typically not been manipulated by altering hydrology and/or removing woody vegetation. Wetland can include areas that have been abandoned.

Wetlands may be used to produce an agricultural commodity under natural conditions after December 23, 1985, so long as all of the following requirements are met:

- production is made possible as a result of a natural condition, such as drought;
- water regimes are not altered;
- woody vegetation is not removed; and
- tillage does not fill, level, or otherwise cause conversion of the wetland.

NOTE: Removal of herbaceous vegetation is not considered manipulation.

To determine if an area should be identified as Wetland (W) follow the steps below:

Step 1: Determine if site meets the criteria for "non-agricultural" inclusions of narrow bands (50 feet wide or less) or small pockets (5 acres or less individually) interspersed among "agricultural lands" (See Wetland Delineations on "Non-Agricultural Lands", page 6).

Step 2: If answer to Step No. 1 is "YES", proceed to Step 3 below. If answer to Step No. 1 is "NO", proceed to Step 4 below.

Step 3: If the site meets the criteria for inclusions of narrow bands and/or small pockets, follow steps under "Wetland Delineations of Small Pockets and Narrow Bands", Exhibit No. 5.

Step 4: For other wetland delineations, follow steps under "Other Wetland Delineations, Exhibit No. 5.

NOTE: Individuals making wetland delineations on "non-agricultural lands" must have received training in use and application of the 1987 COE Wetland Delineation Manual.

Wetlands Manipulated But Production Not Made Possible (WX)

Manipulated wetlands are wetlands that have been manipulated after December 23, 1985, but the manipulation did not make production of agricultural commodities possible.

Examples of WX:

- An open ditch constructed through a woody wetland removed the hydrology, but the trees were not removed and the area is not capable of agricultural commodity production.
- Trees cut with stumps left in place, no manipulation of hydrology and the area is not capable of agricultural commodity forage crop production.

If an agricultural commodity is produced on the wetland, or production is made possible, the area will become a converted wetland (CW).

See NFSAM, Part 514.38 for additional information on use of WX.

To determine if an area should be identified as Wetlands Manipulated But Production Not Made Possible (WX) follow the steps below:

- Step 1:** Review soil survey, RSWI maps, NWI maps, aerial photography and/or ASCS slides (See Exhibit No. 4) and other available tools to confirm that site was manipulated after 12/23/85. Conduct on-site investigation if necessary.
- Step 2:** Following procedures in the 1987 COE Wetland Delineation Manual determine if the site under natural conditions and before manipulation met the criteria for wetland.
- Step 3:** Document the scope and effect (See NFSAM, Part 515) of existing drainage systems or other manipulations that altered the wetland.
- Step 4:** Notify FWS and appropriate COE District of findings.
- Step 5:** Complete mapping tools checklist; document findings on ASCS photocopy, USGS topographic map, and SCS-CPA-026. **Clearly** label site as "WX". Return the CPA-026 to the landowner/operator with the following statement attached:

"Any activity, which includes alteration of hydrology and/or the removal of woody vegetation, may require contact with the Corps of Engineers for a Section 404 permit. Please contact the Soil Conservation Service for additional information or assistance."

Farmed Wetland (FW)

Randy

Farmed wetlands are wetlands that were drained, dredged, filled, leveled or otherwise manipulated before December 23, 1985, for the purpose of, or to have the effect of, making the production of an agricultural commodity possible, and continue to meet specific hydrologic criteria.

To be considered farmed wetlands, the following criteria must be met:

- The area is seasonally ponded or flooded for at least 15 days during the growing season, or 10 percent of the growing season, whichever is less under average conditions (50 percent chance of occurrence).
- production was not possible before the manipulation;
- an agricultural commodity has been produced at least once prior to December 23, 1985; and
- the area has not been abandoned.

This is not a wetland farmed under natural conditions. It has been manipulated.

To determine if an area should be identified as Farmed Wetland (FW) follow the steps below:

Step 1: Review soil survey and hydric legend (NOTE: These tools are not 100% accurate. Users should realize that any map unit could have hydric inclusions.), RSWI maps, NWI maps, aerial photography and/or ASCS slides (See Exhibit No. 4) and other available tools to determine if site meets the above criteria for FW. Conduct on-site investigation if necessary to confirm findings.

Step 2: Using the above tools in Step 1, as well as ASCS cropping history records, determine cropping history of site. Also determine if the site has been abandoned during any period of 5 years or more. *Set Aside does not constitute abandonment.*

Step 3: Review past and present ASCS slides and photos to determine if site has been altered or manipulated since December 23, 1985, beyond the scope and effect of original drainage in 1985. If the areas has been altered, it may meet the converted wetland criteria (See **Converted Wetland, page 17**).

Step 4: Document the scope and effect of existing drainage systems and other hydrologic manipulations if landowner/operator indicates an intent to perform maintenance, or in the case of an appeal.

Step 5: Complete mapping tools checklist; document findings on ASCS photocopy, USGS topographic map, and SCS-CPA-026. Clearly label site as "FW".

Farmed Wetland Pasture or Hayland (FWP)

Farmed wetland pasture or hayland are wetlands that were manipulated and used for pasture, hay, or other forage production prior to December 23, 1985, and still meet wetland criteria. An area meets hydrology criteria for FWP if it is inundated for seven consecutive days during the growing season or saturated for 14 days during the growing season.

Farmed wetland pasture is land that meets wetland criteria and either:

- was not planted to an agricultural commodity in any year 1981 through 1985, although an agricultural commodity may have been planted prior to 1981, or
- has not been planted to an agricultural commodity in the past five years, but has been used for pasture or hay production.

FWP also includes former PC's and FW's on which maintenance has been abandoned but was used for pasture or forage.

FWP is considered abandoned if pasture and/or hayland production ceases for a five-year period.

For use of FWP, see NFSAM, Part 514.23d.

To determine if an area should be identified as Farmed Wetland Pasture (FWP) follow the steps below:

- Step 1:** Review soil survey and hydric legend (**NOTE:** These tools are not 100% accurate. Users should realize that any map unit could have hydric inclusions.), RSWI maps, NWI maps, aerial photography and/or ASCS slides (**See Exhibit No. 4**) and other available tools to determine if site meets the above criteria for FWP. Conduct on-site investigation if necessary to confirm findings.
- Step 2:** Using the above tools in Step 1, as well as ASCS cropping history records, determine cropping history of site. Also determine if the site has been abandoned during any period of 5 years or more.
- Step 3:** Review past and present ASCS slides and photos to determine if site has been altered or manipulated since December 23, 1985, beyond the scope and effect of original drainage in 1985. If the areas has been altered, it may meet the converted wetland criteria (**See Converted Wetland, page 17**).
- Step 4:** Document the scope and effect of existing drainage systems and other hydrologic manipulations if the landowner/operator indicates an intent to perform maintenance, or in the case of an appeal.
- Step 5:** Complete mapping tools checklist; document findings on ASCS photocopy, USGS topographic map, and SCS-CPA-026. Clearly label site as "FWP".

Converted Wetland and Converted Wetland + Year *Randy*

When FSA was signed in 1985, it provided that persons shall be ineligible for USDA benefits if an agricultural commodity is planted on wetland that was converted after December 23, 1985. When FACTA was signed, additional restrictions were imposed for land converted after November 28, 1990. For this reason, SCS is required to determine whether a wetland was converted before or after November 28, 1990. Conversions made after 1990, are labeled CW+Year.

Manipulation is the alteration of hydrology and/or the removal of woody vegetation, and includes any action which removes water from a wetland.

Converted wetlands can occur on naturally vegetated wetlands (W), farmed wetland pasture (FWP), and farmed wetlands (FW). When significant alteration has occurred, wetland delineations for converted areas with natural vegetation should be conducted using the guidance in the 1987 COE manual. On wetlands where the natural vegetation has been removed (e.g. FW and FWP) delineations will be made using the NFSAM.

Converted wetland is land that meets all of the following criteria:

- was wetland (W, FW, or FWP) under natural conditions, but
- after December 23, 1985, has been drained, dredged, filled, leveled, or otherwise manipulated, including any activity that results in impairing or reducing the flow, circulation, or reach of water and/or
- woody vegetation, including stems and stumps, was removed and increased production was made possible such as:
 - 1) Making an area farmable in more years that it was previously.
 - 2) Increasing yield because of reduced crop stress due to wetness.

To determine if an area should be identified as Converted Wetland (CW or CW+Year) follow the steps below:

Step 1: Review soil survey and hydric soil list (NOTE: These tools are not 100% accurate. Users should realize that any map unit could have hydric inclusions.), RSWI maps, NWI maps, aerial photography and/or ASCS slides (See Exhibit No. 4) and other available tools to determine if site meets the above criteria for CW.

Step 2: Using the above tools in Step 1, as well as ASCS cropping history records, confirm that the site does not have a cropping history, or was abandoned for a period of 5 years or more.

- Step 3:** Review past and present ASCS slides and photos, or other mapping tools to confirm that site has been altered or manipulated (e.g. alteration of hydrology and/or removal of woody vegetation) since December 23, 1985.
- Step 4:** Document any manipulation of hydrology by means of on-site or off-site activities that exceed the original scope and effect present in 12/23/85.
- Step 5:** If review of off-site tools indicates any possibility of converted wetland, an on-site field investigation is required before any site is designated as "CW".
- Step 6:** Complete mapping tools checklist; document findings on ASCS photocopy, USGS topographic map, and SCS-CPA-026. If site was converted between December 23, 1985 and November 28, 1990, clearly label as "CW". If site was converted after November 28, 1990, clearly label site as "CW + Year"
- Step 7:** If site is determined to be CW or CW+Year, notify appropriate COE District.

Other Waters of the United States (OW)

Randy

SCS will also identify "Other Waters of the U.S." for purposes of Section 404 of the Clean Water Act (CWA), in coordination with the COE, on lands on which SCS is otherwise engaged in making wetland delineations and/or determinations.

"Other Waters" would include all of the following:

Lakes	Intermittent Streams
Ponds	Perennial Streams
Rivers	Man-made ditches

To determine if an area should be identified as Other Water (OW) follow the steps below:

- Step 1:** Review USGS Topographic and most recent aerial photography, and identify areas which are noted above.
- Step 2:** Confirm that identified areas do not meet the criteria for wetland (W), artificial wetland (AW), or other applicable wetland types.
- Step 3:** Complete mapping tools checklist; document findings on ASCS photocopy, USGS topographic map, and SCS-CPA-026. Clearly label site as "OW". Return the CPA-026 to the landowner/operator with the following statement attached:

"Any activity, which includes alteration of hydrology, may require, contact with the Corps of Engineers for a Section 404 permit. Please contact the Soil Conservation Service for additional information or assistance."

EXHIBITS

EXHIBIT NO. 1

Listed below are counties with full or partial coverage of Remote Sensing Wetland Inventory (RSWI) mapping which identifies potential farmed wetland areas and potential naturally vegetated wetland areas. These maps are not 100% accurate and should be used in conjunction with other wetland mapping tools. Counties with full coverage are identified with an asterisk (*).

County Code	County Name	County Code	County Name
-----	-----	-----	-----
001	ARKANSAS*	073	LAFAYETTE*
003	ASHLEY*	075	LAWRENCE
		077	LEE*
011	BRADLEY	079	LINCOLN*
		081	LITTLE RIVER*
013	CALHOUN	085	LONOKE*
017	CHICOT*		
019	CLARK	091	MILLER*
021	CLAY*	093	MISSISSIPPI*
023	CLEBURNE	095	MONROE*
025	CLEVELAND*		
027	COLUMBIA*	099	NEVADA
029	CONWAY*		
031	CRAIGHEAD*	103	OUACHITA
035	CRITTENDEN*		
037	CROSS*	105	PERRY
		107	PHILLIPS*
039	DALLAS*	111	POINSETT*
041	DESHA*	115	POPE
043	DREW*	117	PRAIRIE*
		119	PULASKI*
045	FAULKNER*		
		121	RANDOLPH
051	GARLAND		
053	GRANT*	123	ST FRANCIS*
055	GREENE*	125	SALINE*
		133	SEVIER
057	HEMPSTEAD		
059	HOT SPRING	139	UNION
061	HOWARD		
		141	VAN BUREN
063	INDEPENDENCE		
		145	WHITE
		147	WOODRUFF*
067	JACKSON		
069	JEFFERSON*	149	YELL

EXHIBIT NO. 2

Listed below are counties with full or partial coverage of National Wetland Inventory (NWI) maps published by the U. S. Fish and Wildlife Service. These maps are not 100% accurate and should be used in conjunction with other wetland mapping tools.

COUNTY NAME -----	COUNTY NAME -----
ARKANSAS	LAWRENCE
ASHLEY	LEE
	LINCOLN
BENTON	LITTLE RIVER
BRADLEY	LOGAN
	LONOKE
CHICOT	
CLARK	
CLAY	MILLER
CLEBURNE	MISSISSIPPI
CLEVELAND	MONROE
	MONTGOMERY
CRAIGHEAD	PERRY
CRAWFORD	PHILLIPS
	PIKE
CRITTENDEN	POINSETT
CROSS	POLK
	PRAIRIE
DESHA	
DREW	RANDOLPH
FRANKLIN	SALINE
FULTON	SCOTT
	SEBASTIAN
GARLAND	SEVIER
GREENE	SHARP
HEMPSTEAD	STONE
HOT SPRING	
HOWARD	ST FRANCIS
INDEPENDENCE	WASHINGTON
IZARD	WHITE
	WOODRUFF
JACKSON	
JEFFERSON	YELL

EXHIBIT NO. 3

Wetland Labels

The following labels should be used for identifying wetlands with FSA restrictions. Definitions and detailed explanations of these labels can be found in Part 514, Subpart B of the NFSAM. Also see Part 523.21, NFSAM.

W ----- Wetlands

FW ----- Farmed Wetland

FWP ----- Farmed Wetland Pasture or Hayland

CW ----- Converted Wetland (Converted between December 23, 1985
and November 28, 1990)

CW + Year - Converted Wetland (Converted after November 28, 1990)

The following labels should be used for identifying wetlands with FSA exemptions. Definitions and detailed explanations of these labels can be found in Part 514, Subpart C of the NFSAM. Also see Part 523.21, NFSAM. COE restrictions may still apply on certain wetland delineations. For guidance where COE restrictions may apply, see NFSAM, Part 513.22d.

PC ----- Prior Converted Cropland

CWNA ----- Converted Wetlands for Non-Agricultural Purposes

AW ----- Artificial and Irrigation-Induced Wetlands

CWTE ----- Converted Wetland Technical Error

TP ----- Third Party Conversion

CC ----- Commenced Conversion Exemption Determination

WX ----- Wetlands Manipulated But Production Not Made Possible

NW ----- Non-Wetland

OW ----- Other Waters of the United States

EXHIBIT NO. 4

Using ASCS Slides and Aerial Photography As A Mapping Tool

Acquire available ASCS 35mm color slides and aerial photography. Spring slides and aerial photography, which were generally taken in April or May, should be used whenever available. The spring slides and photos more accurately reflect ponding and flooding and will offer a more accurate analysis of farmed wetlands than summer slides. However, summer slides could be used to document wet conditions, if the rainfall was normal or below normal, and wetland signatures were still present. *10 years if available.*

Climatological information, provided to each field office should be used to correlate average rainfall to the slides and aerial photography. (See Climatic Data, Section I, Field Office Technical Guide for a detailed explanation of how this data will be used.) This information should provide average precipitation for 3 months prior to the slide or photo. Slides and photos should be divided into three groups (Normal (N), Wet (W) or Dry (D)) depending on deviation from a 30-year normal for the 3 months prior to the slide or photo.

If available, years with normal precipitation are used. If the wetland signatures are present on 50% or more of slides/aerial photos with normal year conditions (minimum of 5) then wetland hydrology is confirmed.

If five normal years are not available, an equal number of wet and dry year condition slides or photos can also be used in combination with normal year conditions.

Use of dry year condition slides/photos: Presence of wetland signatures is a positive indicator of wetland hydrology. Absence of wetland signatures is not conclusive, and other tools should be used.

Use of wet year condition slides/photos: Absence of wetland signatures is a positive indicator that wetland hydrology is not present. Presence of wetland signatures is not conclusive, and other tools should be used.

Depending on quality and time of year, wetland signatures that may be observed on ASCS slides and/or aerial photography includes:

- Overhead*
- surface water;
 - saturated conditions;
 - drowned out or unharvested crops;
 - stressed or discolored crops;
 - isolated or idle land not farmed with rest of field;
 - depressions;
 - drainage ways;
 - hydrophytic vegetation;
 - differences in vegetation due to different planting dates;
 - presence of green vegetation in a recently clean-tilled field
 - absence of vegetation in a naturally vegetated area.

EXHIBIT NO. 4 CONTINUED

The most obvious condition is standing water. Standing water is more likely to be detected on spring slides. Discolored or stressed crops are usually quite obvious and are good indicators of wet areas. The presence of one or more of these indicators may indicate a farmed wetland.

Using Slides/Photos to Verify Accuracy of RSWI or NWI Maps

When using ASCS slides and photos to verify the accuracy of a RSWI or NWI map, use the following table to determine the minimum number of slides that must agree with the RSWI or NWI map to support it.

(Note: The RSWI or NWI Map would count as one observation)

No. Years Slides/Photos Reviewed	Number Agreeing With RSWI or NWI Map
5	2
6	2
7	3
8	3
9	4
10	4

TOPO overhead

Engr Survey overhead

EXHIBIT NO. 5

INSTRUCTIONS FOR MAKING WETLAND DELINEATIONS ON "NON-AGRICULTURAL LANDS"

Wetland Delineations of Small Pockets and Narrow Bands:

SCS will make wetland determinations and/or wetland delineations on "non-agricultural lands" that are either inclusions of narrow bands (50 feet wide or less) immediately adjacent to, or small pockets (5 acres or less in size individually) interspersed among, "agricultural lands". Delineations of small pockets and narrow bands will be accepted by the COE and EPA without coordination. However, periodic review of these delineations will be conducted under provisions set forth in the interagency MOA.

Step 1: Following procedures contained in the 1987 COE Wetland Delineation Manual (WDM), delineate wetland boundaries.

Step 2: Record basic information required by the 1987 COE WDM.

Step 3: Document findings on ASCS photocopy, USGS topographic map, SCS-CPA-026.

Step 4: Provide a copy of the ASCS photocopy and SCS-CPA-026 to ASCS and the landowner/operator.

Step 5: Send a copy of the ASCS photocopy and SCS-CPA-026 to the appropriate COE District. No coordination is required.

Other Wetland Delineations:

SCS, at the request of USDA program participants may also make delineations on areas of "non-agricultural lands" which do not meet the definition of small pockets or narrow bands above. Wetland delineations made on "non-agricultural lands" by SCS which do not meet the criteria of small pockets or narrow bands must be coordinated with the COE or EPA, and in consultation with the FWS.

Step 1: Following procedures contained in the 1987 COE Wetland Delineation Manual (WDM), delineate wetland boundaries.

Step 2: Record basic information required by the 1987 COE WDM.

EXHIBIT NO. 5 CONTINUED

Step 3: Document findings on ASCS photocopy, USGS topographic map, SCS-CPA-026.

Step 4: Provide a copy of the ASCS photocopy, SCS-CPA-026, and basic information required by the 1987 COE WDM to the appropriate COE District for review, comment, and approval of the findings of SCS prior to making a final delineation and providing the information to ASCS and the landowner/operator. The COE should respond to SCS within 45 days of receipt of the information above.

Step 5: After receiving approval from, or reaching concurrence with, the COE District, send a copy of the ASCS photocopy and SCS-CPA-026 to the ASCS and landowner/operator.

Note: Wetland Determinations Made Using Off-Site Procedures will be considered approximate wetland boundaries, or an indication that wetland may be present within the area of interest. Determinations made using this procedure are not considered to be final wetland delineations and will not meet the requirement of Food Security Act or Clean Water Act jurisdiction.

See Exhibit No. 6 for specific instructions in using this procedure.

EXHIBIT NO. 6

PROCEDURE FOR MAKING OFF-SITE WETLAND DETERMINATIONS ON NON-AGRICULTURAL LANDS

General: This procedure will be used as a basis for making off-site wetland determinations on "non-agricultural land". Determinations made following this procedure will be considered approximate wetland boundaries, or an indication that wetland may be present within the area of interest. Determinations made using this procedure are not considered to be final wetland delineations and will not meet the requirement of Food Security Act or Clean Water Act jurisdiction. Coordination with the COE or EPA is not required.

When this procedure is used, SCS should notify the landowner and/or operator that any "manipulation" of wetland will first require a wetland delineation. Wetland delineations on "non-agricultural lands" must be made following procedures in the COE 1987 Wetland Delineation Manual.

STEPS

1. Review mapping tools.
2. Determine if area is naturally vegetated (i.e. woody vegetation).
3. Determine if hydric soils or areas with hydric inclusions are present.
4. If hydric soils and/or hydric inclusions are present and hydrophytic vegetation is likely, label the area wetland (W).
5. Return the CPA-026 to the landowner and/or operator with the following statement attached:

"This determination is an indication of approximate wetland boundaries, or that wetland may be present within the area. Any activity, which includes alteration of hydrology and/or the removal of woody vegetation, will require an on-site delineation of wetlands and may subsequently require contact with the Corps of Engineers for a Section 404 permit. Please contact the Soil Conservation Service for additional information or assistance."

NOTE: This procedure cannot be used to make a finding of non-wetland. All "non-agricultural lands" labeled as non-wetland (NW) must be delineated using the 1987 COE Wetland Delineation Manual. Coordination with the COE or EPA, and consultation with the FWS may be required (See Exhibit No. 5).

