

## **Food Security Act, Wetland Conservation Compliance Request for a Wetland Determination**

Purpose: To provide guidance to NRCS service centers on processing wetland determination requests for the purposes of wetland conservation compliance under the 1985 Food Security Act.

### **When a request for a wetland determination is received by the NRCS Service Center, by form:**

#### **FSA-569 NRCS Report of HELC and WC Compliance**

If form FSA-569 is received from FSA for a potential wetland compliance issue<sup>1]</sup>, stamp the form with the date it was received and contact your area's lead WCC agency expert *immediately*. Follow-up by providing the agency expert with the form by mail or encrypted email. This early notification is essential for the agency expert to meet NFSAM timelines. By policy, this is the extent of service center involvement.

<sup>1]</sup> A wetland compliance issue is identified on form FSA-569 when Part B question 2 or 3 is checked.

#### **AD-1026 Highly Erodible Land Conservation and Wetland Conservation Certification**

If form AD-1026 is received from FSA with a request for a wetland determination<sup>2]</sup>, stamp the form with the date it was received and send the form by mail or encrypted email to your area's lead WCC agency expert. By policy, this is the extent of service center involvement.

*Note:* when a participant answers 7(C) "yes" they may have questions or would like assurance that their actions are considered to be allowable maintenance. Contact a WCC agency expert to assist.

<sup>2]</sup> A wetland determination is requested when AD-1026 question 7(A) or 7(B) is answered "yes".

#### **NRCS CPA-038 Request for Certified Wetland Determination or Delineation**

If form CPA-038 is received from a participant with a request for a wetland determination, stamp the form with the date it was received and send the form by mail or encrypted email to your area's lead WCC agency expert. By policy, this is the extent of service center involvement in the process.

### **When a request for a wetland determination is generated by the NRCS Service Center:**

#### **FSA-569 NRCS Report of HELC and WC Compliance**

When NRCS finds a potential violation or receives a whistleblower complaint submit form FSA-569 to FSA with a copy to your area's lead WCC agency expert by mail or encrypted email. By policy, this is the extent of service center involvement.

*Note:* District Conservationists are required to investigate potential wetland compliance violations (NFSAM 510.21 (D)(vii)). With the establishment of the separation-of-duties policy, this requirement will be met when the DC submits a FSA-569 to the WCC agency expert with an indication what needs to be investigated (attach a map or short description).

**Note:** When assisting a participant, if it is identified that there may be a need for the USDA participant to request a wetland determination, provide the participant with form NRCS CPA-038 or assist them in re-submitting form AD-1026 with question 7(A) or 7(B) checked 'yes'. Then follow the guidance above.

Forms are maintained on [Colorado NRCS's SharePoint, under ECS, NFSAM](#) and on [eForms](#).

The roster of WCC Agency Experts is maintained in the [FOTG](#), Section III - Legislated Programs.

## Processing a Wetland Determination Request

