

NEVADA
MEMORANDUM OF AGREEMENT
AMONG THE DEPARTMENT OF AGRICULTURE, THE
ENVIRONMENTAL PROTECTION AGENCY,
THE DEPARTMENT OF THE INTERIOR, AND
THE DEPARTMENT OF THE ARMY

CONCERNING THE MAPPING CONVENTIONS FOR USE
IN MAKING
WETLAND DELINEATIONS ON AGRICULTURAL LANDS
FOR
THE 1985 FOOD SECURITY ACT (FSA), THE 1990 FOOD AND
AGRICULTURE CONSERVATION TRADE ACT (FACTA),
THE 1987 CORPS OF ENGINEERS MANUAL,
and SECTION 404 OF THE CLEAN WATER ACT (CWA)

NEVADA
WETLAND MAPPING CONVENTIONS
FOR THE 1985 FOOD SECURITY ACT (FSA),
THE FOOD, AGRICULTURAL, CONSERVATION, AND TRADE ACT OF
1990 (FACTA), AND SECTION 404 OF THE
CLEAN WATER ACT (CWA)

I. INTRODUCTION

The wetland mapping conventions (tools) contained in this document are provided to implement the Memorandum of Agreement (MOA) regarding the delineation of Waters of the United States ("Waters"), including wetlands for purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act. This MOA was signed by the US Army Corps of Engineers (Corps), US Environmental Protection Agency (EPA), US Fish and Wildlife Service (FWS), and the USDA Soil Conservation Service (SCS) on January 6, 1994.

This information is intended to assist federal agency personnel in Nevada with wetland regulation and protection responsibilities. These mapping conventions are intended to provide a framework to produce reliable, consistent, high quality wetland determinations for the purposes of the Food Security Act (FSA) as amended by the Food, Agricultural, Conservation and Trade Act (FACTA); and the Clean Water Act (CWA) on agricultural lands as defined in the MOA.

Mapping conventions (tools) are intended to facilitate off-site reconnaissance level wetland determinations where remote sensing techniques, existing assessment inventories and methodology can clearly identify the presence or absence of "Waters". These conventions are not to be used to produce a precise wetland delineation. Wetland delineations will require on-site investigation, documentation and mapping techniques.

When remote sensing techniques, tools and methodologies are not suitable to reliably determine wetland parameters or where a precise delineation map is required because of a proposed project activity an on-site determination will be required for FSA/FACTA and/or CWA-Section 404 purposes. Required on-site "Waters" delineations will be conducted only by agency personnel that have received required training in the National Food Security Act Manual (NFSAM) and in the Corps 1987 Wetlands Manual (1987 Manual). Procedures for on-site evaluations are contained in the NFSAM Part IV 527.4 and 1987 Manual.

These mapping conventions have been approved by Inter-agency concurrence and by the USDA SCS West National Technical Center (WNTC). These conventions will be used immediately in place of previous conventions. Any further changes in these mapping conventions will require concurrence and approval of the MOA signatory agencies.

II. GENERAL INFORMATION

- A. In accordance with the terms and procedures of the 1/6/94 MOA, wetland delineations made by SCS on agricultural lands, in consultation with FWS, will be accepted by EPA and the Corps for the purposes of determining Section 404 wetland jurisdiction. In addition EPA and the Corps will accept SCS wetland delineations on non-agricultural lands that are either narrow bands immediately adjacent to, or small pockets interspersed among agricultural lands. (Sec. IV A MOA 1-6-94)
- B. The principal tools used to make the wetland determinations are: SCS Hydric Soil List, SCS soil survey, United States Geological Survey USGS quads, weather data, National Wetlands Inventory (NWI) maps, stream gage data, Agricultural Stabilization and Conservation Service (ASCS) color slides and black and white aerial photos, the Federal Emergency Management Agency (FEMA) flood hazard maps, and aerial photographs. Other data, such as Federal, State, local, or applicant maps may also be used. (See attached Appendix E)
- C. Areas large enough to be detected on 1:24000 scale when interpreting aerial photography will be mapped. The size of an area may be less than an acre.
- D. SCS may conduct delineations of other waters of the US for the purposes of Section 404 of the CWA, such as lakes, ponds, and streams in coordination with the Corps, or EPA as appropriate, on lands on which SCS is otherwise engaged in wetland delineations pursuant to paragraphs IV A, B, C of the 1/6/94 MOA.
- E. At any step in the process that the reviewing person or mapping team is satisfied that the area in question either is or is not a wetland, further evaluation for the wetland determination is unnecessary. Decisions and the supporting material used will be documented for each step of these guidelines. Field checking should be done until the reviewing person or mapping team has become proficient at photo interpretation in each mapping location.
- F. Final Food Security Act (FSA) wetland determination decisions are the responsibility of the SCS. An on-site inspection may be needed before a final determination is issued. If a wetland determination/delineation has not been completed for the entire tract, then other wetlands may occur within the tract and may be subject to FSA and/or CWA regulations.
- G. Any activity that involves the discharge of dredged or fill material into waters or wetlands including excavation will be referred to the Corps of Engineers Regulatory Branch.

III. PROCEDURES

Wetlands will be identified using these procedures.

A. GET EXISTING DATA

1. **Review the Form AD-1026.** If the producer has answered affirmatively to questions 11, 12, and 13 utilize on-site or off-site procedures to identify wetlands in accordance with the NFSAM or the CEWDM (See Appendix C3).
2. Complete the following procedures and record the results on the Wetland Determination Record (See Appendix C1).
3. **Review the appropriate hydric soil list in the SCS Field Office Technical Guide (FOTG) and official soil survey.** Determine if the site is a hydric soil map unit or a map unit with hydric inclusions or any wet miscellaneous areas or spot symbols such as marshes, depressional areas, river wash, or water areas that meet hydric water table, ponding, or flooding criteria. See Appendix A2 for hydric soil definition taken from "The Hydric Soils of the United States."
4. **Review NWI maps where available.** NWI maps will give an overview of the wetlands in the area. All wetlands on the NWI map may be considered wetlands for these conventions unless review of the ASCS slides or local information fails to confirm the area as meeting wetland criteria. This could happen for the following reasons:
 - a. Review of the ASCS slides does not show basins as having water, hydrophytic vegetation, drowned out crops, or difference in crop colors during abnormally dry years. To make a hydrology determination where hydrophytic vegetation is present, slides must be from the appropriate time of year.
 - b. The wetland has been drained since the NWI photos were taken. Look for manipulation such as ditches, new tile lines, dikes, or levees.
 - c. The NWI maps are prepared primarily by stereoscopic analysis of high altitude aerial photographs. Wetlands are identified on the photographs based on vegetation, visible hydrology, and geography, in accordance with "Classification of Wetlands and Deep Water habitats of the United States" (Cowardin et Al., 1979). The aerial photographs typically reflect conditions during the specific year and season in which they were taken. In addition,

there is a margin of error inherent in the use of aerial photographs. Thus, a detailed on-the-ground and historical analysis of a site may result in a revision of the wetland boundaries established through photo interpretation.

Note: Many farmed wetlands are excluded on NWI maps because of an agreement between Fish and Wildlife Service and Soil Conservation Service to map only the following types of farmed wetlands: pothole wetland, playa wetland, cranberry wetland, and farm tidelands of the San Joaquin delta.

5. **Review USGS quad sheets for drainage and other manmade water features (ponds, canals, drainage ditch, etc.).** Depending upon the vintage of quad sheets, altered vs. natural drainage conditions may be determined from present photography.
6. **Review the ASCS aerial photograph received with the 1026 form.** Where quality of the photocopy provided by ASCS is poor refer to original photo at ASCS office.
7. **Review other available ASCS or SCS photographs, such as 4" = 1 mile black and white or color infrared photographs.**
8. **Obtain ASCS color slides (and/or color infrared), if available.** In most cases 5 years of slide records will be available in most counties. Use hydrological and/or climatological data to determine those years which were above or below normal precipitation 6 months prior to the date of the slide.

Review the climatological data to identify long term hydrological conditions, using the following procedures:

- a. Obtain the month and year of aerial photography or ASCS slides. A minimum of 3 years of precipitation and aerial photos or slides should be used.
- b. Obtain growing season precipitation data, preferably before each flight. The precipitation data can be obtained from the Climatic Data Access Facility (CDAF) or National Climatological Data Center. Check with the CDAF liaison (water supply specialist) in the SCS State Office when obtaining the precipitation data.
- c. If the wetland signature occurred in only wet years, more detailed hydrologic analysis is needed. If the signature occurs in both wet and dry years, the hydrology of the site has been confirmed. If possible, select an equal number of wet and dry years.

- d. Photographs must be representative of the growing season, the precipitation seasons and years of normal rainfall. The Conservationist should use judgement and document decisions made in drawing conclusions based on the photography when hydrology is known to be drier or wetter than conditions in most years.
 - e. Record on Appendix C1 the years wet signatures appeared.
9. **When reviewing aerial photography (including ASCS slides), the following criteria may be considered indicators of a wetland:**
- hydrophytic vegetation
 - surface water
 - saturated conditions
 - flooded or drowned-out crops
 - stressed crops due to wetness
 - differences in vegetation due to different planting dates
 - inclusion of wet areas as set-aside
 - unharvested crops
 - isolated areas that are not farmed with rest of field
 - patches of greener vegetation

(Reference: 180-V-NFSAM, Third Ed., Mar 1994)

10. **Other waters may be identified after approved training is received by SCS. A statement can be included with wetland determinations (IV-6 MOA 1/6/94).**
11. **Possible unauthorized filling of wetland areas will be reported to the Corps and EPA.**
12. **Obtain any other available information on the wetland character of the site and record the results and the source of the information in the "Other Data" column.**

B. MAKE A WETLAND DETERMINATION DECISION

1. **If the available data supports a wetland call, the appropriate FSA wetland determination will be documented on the official SCS map (photo) and SCS-CPA-026. Pertinent supporting data will be added to the case file. Mark the wetland boundary on the aerial photograph ensuring that the entire wetland is included within the boundary. Also, label the site with the appropriate FSA wetland map label.**

2. **If the available data is inconclusive**, an onsite determination will be made. If the wetland determination has been appealed, the SCS will complete a field wetland delineation using the NFSAM or the CEWDM as appropriate.
3. **Each photocopy used to outline wetland boundaries** by offsite methods will be annotated with a note to the effect that "The wetland boundaries depicted on this photocopy were determined from aerial photocopy and not field checked. Therefore, the boundary does not represent an on-site wetland determination or a wetland delineation. Wetlands determined by this methodology will be accepted by the Corps, FWS and the EPA for the purposes of the FSA and Section 404 of the CWA. Cases involving manipulation of the wetlands depicted will require an on-site delineation."
4. **The SCS will consult with FWS** by sending copies of the AD-1026, Wetland Determination Record, aerial photographs, copies, USGS quad coordinates, and preliminary findings. FWS will have 30 days to respond to SCS. If FWS fails to respond within 30 days, SCS will have fulfilled its responsibility for consultation or agreement with FWS. Where FWS does not respond, SCS may proceed as if FWS coordination has occurred but must report such action to the state conservationist (SCS) who will in turn keep a record of such "non-responses by FWS."

Where there is lack of agreement between SCS and FWS at the field level on determinations where agreement is required, the decision will be made by the state conservationist in consultation or agreement with FWS. Where there is lack of agreement between SCS and FWS, this will be reported to both the SCS and FWS National Offices, although the final decision will be made by the SCS state conservationist.

5. **The COE and EPA will accept the SCS determination** on agricultural lands. For non-agricultural land or other waters, the SCS will coordinate with 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 wetland delineation by sending copies of the appropriate data sheets, and the aerial photograph to the Nevada Regulatory Office, US Army Corps of Engineers, Sacramento District, for review. Allow the COE 45 days to review and respond with their approval. The delineation will be sent to the Director, Water Management Division, US EPA Region 9 as required by the MOA. If comments from the Corps are not received within 45 days, the SCS will notify Corps or EPA, as appropriate, in writing of the final delineation made.
6. **Wetlands that may be exempt under the provisions of FACTA** may not be exempt under CWA Section 404. The following table provides guidance for determinations where CWA Section 404 restrictions may apply. In addition this table provides guidance on action to be taken when wetlands exempt under FACTA are delineated.

IF...	Then...
The SCS determination made or proposed to be made is: -wetland (W) -wetland (WX) that has been manipulated -artificial wetland (AW) -converted wetland non-agricultural use (CWNA) -mitigation (MIW) -farmed wetland (FW) -farmed wetland pasture (FWP) -minimal effect (MW) -restoration (RSW,RVW) -replacement (RPW) -converted wetland technical errors (CWTE)	Notify the person in writing that a Clean Water Act Section 404 permit may be required for any proposed action that would involve the discharge of dredged or fill material or evacuation and may not be exempted from the Section 404 permit requirements, general permits, and exemptions, which allow the continuation of normal farming, ranching, and silvicultural practices.

IV. LIST OF APPENDICES

- A. DEFINITIONS/ACRONYMS
- B. FSA WETLANDS MAP SYMBOLS
- C. FORMS
 - 1. Wetland Determination Record
 - 2. AD-1026 "Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification"
 - 3. SCS-CPA-026 "Highly Erodible Land and Wetland Conservation Determination"
- D. FLOW CHARTS
 - 1 - Wetland Determination or Delineation
 - 2 - FSA Wetland Labeling Procedure
- E. WETLAND INFORMATION RESOURCES

V. CHANGES IN PROCEDURES

Any changes in procedures, as concurred upon in this document, will be agreed upon by all four signatory Federal agencies at the State level. The SCS will consult and coordinate with all four signatory agencies to make any changes in procedures as they are proposed. Such changes in procedures will take effect upon concurrence of the modified document by all signatory agencies at the state level. After each EPA oversight team periodic review, these mapping conventions will be re-evaluated and modified as necessary.

Any changes in mapping conventions will be made in accordance with procedures as outlined in the Memorandum of Agreement, Section V-A, concerning the wetland delineation for purposes of Section 404 of the Clean Water Act and subtitle B of the Food Security Act.

These state mapping conventions, as concurred upon, will take effect on the date of the last signature below and will continue in effect until modified or terminated by agreement of all signatory agencies or terminated by any of the signatory agencies alone upon 30 days written notice.

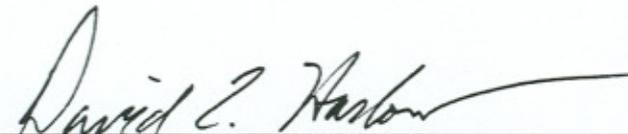
VI. CONCURRENCE

The following signatory agencies concur in the mapping conventions as outlined in this document, "Nevada Wetland Mapping Conventions for The 1985 Food Security Act (FSA), The 1990 Food, Agriculture, Conservation, and Trade Act of (FACTA), the 1987 Corps of Engineers Manual, and Section 404 of the Clean Water Act (CWA)".



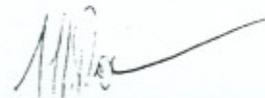
USDA, Soil Conservation Service
William Goddard, State Conservationist
Nevada State Office, Reno, NV

10/17/94
Date



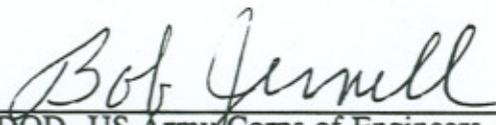
DOI, United States Fish and Wildlife Service
David L. Harlow, State Supervisor
Nevada State Office, Reno, NV

10/4/94
Date



USEPA, Water Management Division
Steve Pardieck, Branch Chief
Watershed Protection Branch, San Francisco, CA

9/9/94
Date



USDOD, US Army Corps of Engineers
Bob Junell, Chief
~~Regulatory Unit, Sacramento, CA~~
Nevada/Sierra Regulatory office

September 7, 1994
Date:

APPENDIX A - DEFINITIONS/ACRONYMS

Agricultural Lands: Those lands intensively used and managed for the production of food or fiber 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 delineation. (See Part III 1/6/94 MOA)

ASCS - Agricultural Stabilization and Conservation Service

CEWDM - Corps of Engineers Wetland Delineation Manual (1987) or approved revision

CDAF - Climatic Data Access Facility

COE - United States Army Corps of Engineers (Corps)

Corps - United States Army Corps of Engineers

Coordination - The SCS will coordinate with the Corps, or EPA as appropriate, providing an opportunity for review, comment, and approval of the findings of the SCS prior to issuing a final determination or delineation. The Corps, or EPA as appropriate, will review the proposed delineation and response to SCS regarding its acceptability for CWA Section 404 purposes within 30 days of receipt of all necessary information. SCS will not issue a final delineation until agreement is reached between SCS and the Corps or EPA, as appropriate. (Para VI A. of USDA/EPA/DOI/Army MOA)

Consultation - The SCS, consistent with current provisions of the FSA, will provide the FWS the 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 determination and/or delineation pursuant to the requirements of the FSA (Para VI B. of USDA/EPA/DOI/Army MOA)

CWA - Clean Water Act

Delineation (wetland) To draw or outline the boundary of the waters of the United States wetland area that will be site specific (onsite). They will be made on maps acceptable to the Corps in relation to the size of the wetland (scale of map). The method will be using approved wetland mapping conventions and procedures as outlined in the National Food Security Act Manual (NFSAM) or the USA Corps of Engineers (Corps) 1987 Wetland Delineation Manual (CEWDM). A "wetland delineation" is any determination of the presence of wetlands and their boundaries (Para 10 MOA 1/6/94).

Determination (wetland) - A recorded decision identifying an area as possibly having wetlands within the drawn boundaries. This can be a general inclusive area. These will be on ASCS or SCS black and white aerial photos (Wetland Inventory Maps) with map scale of 4" = 1 mi; or 8" = 1 mi. The procedure can be onsite or offsite and will use approved wetland mapping conventions and procedures as outlined in the National Food Security Act Manual (NFSAM).

Dry Year - A year when the precipitation is below normal.

EPA - United States Environmental Protection Agency

FACTA - Food, Agriculture, Conservation and Trade Act of 1990

FEMA - Federal Emergency Management Agency

FHA - Federal Housing Administration

FmHA - Farmers Home Administration

FSA - 1985 Food Security Act

FOTG - Field Office Technical Guide (SCS)

FWS - United States Fish and Wildlife Service (USDI)

Growing Season - That part of the year when soil temperatures at 19.7 inches below the soil surface are higher than biologic zero (5 degrees C). As this quantitative determination requires in-ground instrumentation, growing season may be estimated by approximating the number of frost free days at 28 degrees F..

Hydric Soils - A hydric soil is a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. (Hydric Soils of the United States, 1991)

Hydrophytic vegetation - Sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present. (CEWDM paragraph 29)

Long Duration - Seven days to one month consecutively (from Soil Taxonomy, AH-436).

MOA - Memorandum of Agreement among the Department of Agriculture, the Environmental Protection Agency, the Department of the Interior, and the Department of the Army Concerning the Delineation of Wetlands for Purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act, dated January 6, 1994, or as revised.

Narrow Bands - Narrow bands are linear non-agricultural areas immediately adjacent to agricultural tracts and which contain less than 100 foot wide swaths of "Waters".

NFSAM - SCS National Food Security Act Manual, 3rd edition.

Non-Ag lands - Lands where the natural vegetation has not been removed or replaced, e.g. uncultivated meadows, prairies, rangeland, forest land, wood lots or tree farms.

Non-wetland - Those lands not having all 3 components of a wetland: hydric soils, hydrophytic vegetation, wetland hydrology.

NWI - National Wetlands Inventory (FWS)

Pasture - Those lands intensively used and managed for the production of food and fiber to the extent that the natural vegetation has been removed and replaced with planted grasses or legumes such as ryegrass, bluegrass, or alfalfa. (The vegetation cannot be used to determine whether an area meets hydrophytic vegetation criteria in identifying wetlands.)

SCS - Soil Conservation Service (USDA)

Small Pockets or Inclusions - Small pockets or inclusions are non-linear, non-agricultural areas which contain a total of less than 1 acre of "Waters."

USA - United States Army (USDOD)

USGS - United States Geological Survey (USDI)

Very Long Duration - Thirty consecutive days or longer. (From Soil Taxonomy, AH-436)

Waters or Waters of the United States - Waters of the United States are defined in 33 CRF (328.3). Examples of areas typically included as Waters of the U.S. are lakes, rivers, streams, intermittent streams, mudflats, sandflats, wetlands, sloughs, wet meadows, and ponds.

Wet Year - A year when the precipitation is above normal.

Wetland Hydrology - All hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface at some time during the growing season. Areas with evident characteristics of wetland hydrology are those where the presence of water has an overriding influence on characteristics of vegetation and soils due to anaerobic and reducing conditions, respectively. (CEWDM paragraph 46)

APPENDIX B - FSA WETLAND MAP SYMBOLS

AW - (Artificial and Irrigation-Induced Wetlands)

Land that was formerly non-wetlands in its natural state or was prior converted cropland that now exhibits wetland characteristics because of human activities. These areas are exempt from the FSA wetland provisions.

*enhanced flooding of areas meeting wetland criteria does ~~not~~ make the area AW

CW - (Converted Wetland)

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

*was wetland

*was neither highly erodible land, nor highly erodible cropland,

*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

*the production or increased production of an agricultural commodity was made possible such as:

*making an area farmable in more years than it previously was,

*increasing yield because of reduced crop stress due to wetness.

NOTE: It may be possible to determine what year (after November 28, 1990) the conversion occurred. If so, mark it CW + yr.

CWNA - (Converted Wetland Nonagricultural Use)

Converted Wetland Nonagricultural Use are wetlands that are converted to trees, shrubs, cranberries, vineyards, fish production, roads, buildings, and other nonagricultural uses and have been approved prior to conversion.

CWTE - (Converted Wetland Technical Error)

Converted Wetland Technical Error are wetlands that were converted by the person as result of incorrect information provided to the person by the SCS.

FW - (Farmed Wetland)

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 affect of, making the production of an agricultural commodity possible, and continue to meet specific hydrologic criteria. This applies if:

*such production was not possible before the manipulation; and

*an agricultural commodity has been produced at least once prior to December 23, 1985; and

*the area has not been abandoned to agricultural commodity production.

*if the area is a playa, pothole, or a pocosin, and is inundated for at least 7 days or saturated for at least 14 days during the growing season

*If the area is not a playa, pothole, or a pocosin, is seasonally ponded or flooded for at least 15 days during the growing season, or 10% of the growing season, whichever is less under normal conditions.

FWP - (Farmed Wetland Pasture)

Farmed wetland pasture or hayland (FWP) are wetlands that:

*were manipulated and used for pasture or hayland prior to December 23, 1985, still meet wetland criteria, and are not abandoned, or

*where FW that have not been cropped for 5 successive years, but were used for forage production during that time, and have not been abandoned, or

*where PC that meet wetland criteria, have not been cropped for 5 successive years, but were used for forage production during that time and have not been abandoned.

An area meets hydrology criteria for FWP if it is inundated for 7 consecutive days during the growing season or saturated for 14 days during the growing season.

MIW - (Mitigation Wetland)

A frequently cropped converted area or area converted between 12/23/85 and 11/28/90, for which a prior converted cropland was restored as per agreement or easement. (Wetlands restored through mitigation may or may not be protected by an easement.)

MW - (Minimal Effect)

Minimal Effect is an exemption that can be granted by SCS in agreement with F&WS for converted wetland or proposed conversions that will have minimal effects on the hydrological and biological functions of a wetland.

PC - (Prior Converted Cropland)

Prior converted croplands are wetlands that were drained, dredged, filled, leveled, or otherwise manipulated, including the removal of woody vegetation, before December 23, 1985, for the purpose of, or to have the effect of, making the production of an agricultural commodity possible, and an agricultural commodity was planted or produced at least once prior to December 23, 1985.

Converted wetland shall be labeled as PC if all of the following conditions apply:

*manipulation of the wetland:

- occurred before December 23, 1985
- was for the purpose of, or has the effect of making the production of an agricultural commodity possible

*an agricultural commodity was produced before December 23, 1985

*area has not been abandoned

*area does not meet farmed wetland criteria

RPW - (Replacement of Wetland Values) A not-frequently cropped wetland area converted to improve efficiency. A PC must be restored to replace it.

RSW - (Restoration of Converted Wetland without Violation) A wetland area converted between 12-23-85 and 11-28-90, on which a violation occurred that has been restored to pre-conversion conditions.

RVW - (Restoration of Converted Wetland with Violation) Wetland Converted after November 28, 1990, or between December 23, 1985 and November 23, 1990, on which agricultural commodity was planted, that has been fully restored.

W - (FSA - Wetlands) - Areas that meet wetland criteria under natural conditions and have typically not been manipulated by significantly altering hydrology and/or removing woody vegetation.

Wetlands are defined as lands that:

*have a predominance of hydric soil; and

*are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions:

*and under normal circumstances do support a prevalence of hydrophytic vegetation.

Definition of normal circumstance: Normal circumstances refers to the soil and hydrologic conditions that are normally present, without regard to whether the vegetation has been removed.

WX - (Wetlands that Have Been Manipulated)

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

Examples of WX would include:

An open ditch constructed through a forested 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.

Piles of trees, stumps, and soil covered areas on which land is not croppable without added land clearing activities.

APPENDIX C - FORMS

- C1 Form: Soil Conservation Service (Nevada draft form) - Wetland Determination Record"
- C2 Form AD-1026: Department of Agriculture Form - "Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification"
- C3 Form SCS-CPA-026: Soil Conservation Service Form - "Highly Erodible Land and Wetland Conservation Determination"

Township _____ Range _____ Section _____
 Attach USGS Quad Sheet and GPS reading if available
 Client Name: _____ Address: _____
 County: _____ State: _____
 SCS Field Office: _____
 Evaluator _____ Agency _____ Date: _____
 Copy given to client with written info. on 404 permit: Yes: _____ No: _____ Date: _____

Treat Number							
Hydric Soils* NRCS Soils Map							
NWI Map*							
USGS Quads*							
B&W Photos*							
Infrared Photos*							
5 Years ASCS Slides*							
Climatological Data*							
On-Site Visit Y or N When							
Hydrophytic Vegetation Y or N or U							
Hydrology Y or N or U							
Other Data							
ASCS Photo ID Number							
Mo/Year							
Spring: Wet or Dry							
Summer: Wet or Dry							
Mo/Year							
Spring: Wet or Dry							
Summer: Wet or Dry							
Mo/Year							
Spring: Wet or Dry							
Summer: Wet or Dry							
Mo/Year							
Spring: Wet or Dry							
Summer: Wet or Dry							
Mo/Year							
Spring: Wet or Dry							
Summer: Wet or Dry							
Wetland Determination made: Y or N							

*MAPPING CONVENTION USED Y=Yes N=No U=Unsure

Are there potential 404 violations (manipulations)? Yes _____ No _____ Unsure _____ Year _____

Waters of the US Present: Yes _____ No _____ Unsure _____

If mapping conventions support wetland criteria then boundary of determined area is drawn on official map and labeled and sent to FWS

If unsure of wetland criteria then perform an on-site visit.

Date sent to FWS _____ Date returned by FWS _____

Note: Reply must be returned to field office within 30 days, then if "non-response by FWS" then NRCS will proceed with certification process and report action to the NRCS State Conservationist. (514-65, 513-10 NFSAM)

Note: This wetland will be certified within 15 days from this determination and it will be effective for 5 years after being certified. An appeal must be filed within the 15 days or it will be certified.

This information is added, if needed, on the NWI map. Yes _____ No _____ (form attached)

The wetland boundaries depicted on this photocopy were determined from aerial photocopy and not field checked. Therefore, the boundary does not represent an on-site wetland determination or a wetland delineation. Wetlands determined by this methodology will be accepted by the Corps, FWS and the EPA for the purposes of the FSA and Section 404 of the CWA. Cases involving manipulation of the wetlands depicted will require an on-site delineation.

HIGHLY ERODIBLE LAND CONSERVATION (HELIC) AND WETLAND CONSERVATION (WC) CERTIFICATION

C-2

1. Name of Producer	2. Identification Number	3. Crop Year
4. Do the attached AD-1026A(s) list all your farming interests by county, and show current SCS determinations? <i>If "No", contact your County ASCS Office before completing this form.</i>	YES	NO
5. Are you now applying for, or do you have a FmHA insured or guaranteed loan?		
6. Do you have a crop insurance contract issued or reinsured by the Federal Crop Insurance Corporation?		
7. Are you a landlord on any farm listed on AD-1026A that will not be in compliance with HELC and WC provisions?		
8. Has a HELC exemption been approved on any farms listed on AD-1026A because the landlord refuses to comply?		
9. List here or attach a list of affiliated persons with farming interests. <i>See reverse for an explanation. Enter "None", if applicable.</i>		

If items 7 or 8 are answered "YES", circle the applicable farm number on AD-1026A.

During either the crop year entered in Item 3 above, or the term of a requested USDA loan:

10. Will you plant or produce an agricultural commodity on land for which a highly erodible land determination has not been made?	YES	NO
11. Will you plant or produce an agricultural commodity on any land that is or was a wet area on which planting was made possible by draining, dredging, filling, or leveling or any other means after December 23, 1985?		
12. Will you, or have you since November 28, 1990, made possible the planting of any crop, pasture, agricultural commodity, or other such crop by: (a) converting any wet areas by draining, dredging, filling, leveling, or any other means, or, (b) improving, modifying, or maintaining, an existing drainage system?		
13. Will you convert any wet areas for fish production, trees, vineyards, shrubs, building construction, or other non-agricultural use?		

If answers to Items 10, 11, 12, or 13 are: } "YES" for any one of these items, sign and date in item 14 below. Circle the applicable tract number on AD-1026A, or list tract number in item 12 on AD-1026A. ASCS will refer this AD-1026 to SCS for a determination. DO NOT sign in item 16 until SCS determination is complete.

"NO" for all of these items or SCS determinations are complete, complete item 16.

14. Signature of Producer	<i>I hereby certify that the above information, and the information on attached AD-1026A's, is true and correct to the best of my knowledge and belief.</i>	Date
15. Referral To SCS (Completed by ASCS)	Enter a <input checked="" type="checkbox"/> if a SCS determination is needed because "Yes" is answered in item 10, 11, 12, or 13.	Date Referred: _____ Signature of ASCS Representative: _____

NOTE: Before signing in item 16, Read AD-1026 Appendix.

<i>I hereby certify that the above information, and the information on attached AD-1026A's, is true and correct to the best of my knowledge and belief. It is my responsibility to file a new AD-1026 in the event there are any changes in my farming operation(s). In signing this form, I also certify that I have received and will comply with the compliance requirements on AD-1026 Appendix.</i>	Date
Signature of Producer	

17. Remarks:

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INSTRUCTIONS FOR ITEM 9 of AD-1026

The producer requesting benefits on AD-1026 shall attach to AD-1026 a list of the applicable affiliated persons with farming interests who are required to file AD-1026. Follow the rules in this table.

<i>IF producer requesting benefits is a(an) . . .</i>	<i>THEN affiliated persons who must file AD-1026 if they have farming interests are . . .</i>
individual NOTE: If the individual filing is a minor child, the father and mother shall be listed as affiliates	spouse with separate farming interests, or who receives benefits under their individual ID number.
	minor children with separate farming interests, or who receive benefits under their individual ID number.
	estates, trusts, partnerships, and joint ventures that the individual filing or the individual's spouse or minor children have an interest.
	corporations that the individual filing or the individual's spouse or minor children have more than 20% interest.
general partnership joint venture limited partnership estate revocable trust Indian tribal venture Indian group irrevocable trust	first level members of the entity
corporation with stockholders	first level members with more than 20% interest in the corporation.
State Church or other charitable organization county city public school corporation with no stockholders	none

KEY TO SCS DETERMINATIONS IN ITEMS 8 THROUGH 11 LISTED ON AD-1026A

- | | |
|--|--|
| <p>8. HEL = Highly Erodible Land:
 "Y" = SCS determined highly erodible land.
 "N" = SCS determined no highly erodible land.
 " " = SCS has not made a determination.</p> | <p>9. 027 = Approved Farm Plan (CPA-027):
 "Y" = Tract has an approved farm plan.
 "N" = Tract does not have an approved farm plan.
 "X" = HEL flag is "Y". Producer has a 2-year grace period after soil survey is available to obtain an approved farm plan.</p> |
| <p>10. A027 = Applying Farm Plan:
 "Y" = Producer is actively applying an approved farm plan.
 "N" = Producer is NOT actively applying an approved farm plan</p> | <p>11. W = Wetlands:
 "Y" = SCS determined wetlands on this tract.
 (* See footnote.)
 "N" = SCS determined no wetlands on this tract.
 " " = SCS has not made a wetland determination on this tract.</p> |

* SCS has determined a wetland does exist on this tract. Contact your local SCS office or ASCS office for details concerning the location of the wetlands and restrictions applying to the land according to SCS determination before planting an agricultural commodity or performing any drainage or manipulation on this tract.

**HIGHLY ERODIBLE LAND AND WETLAND
CONSERVATION DETERMINATION**

Name of USDA Agency or Person Requesting Determination

5. Farm No. and Tract No.

SECTION I - HIGHLY ERODIBLE LAND

	FIELD NO.(s)	TOTAL ACRES
6. Is soil survey now available for making a highly erodible land determination? Yes <input type="checkbox"/> No <input type="checkbox"/>		
7. Are there highly erodible soil map units on this farm? Yes <input type="checkbox"/> No <input type="checkbox"/>		
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.		
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.		
10. This Highly Erodible Land determination was completed in the: Office <input type="checkbox"/> Field <input type="checkbox"/>		

SECTION II - WETLAND

	FIELD NO.(s)	TOTAL ACRES
11. Are there hydric soils on this farm? Yes <input type="checkbox"/> No <input type="checkbox"/>		
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW) or Farmed Wetlands Pasture (FWP). Wetlands may be farmed under natural conditions. Farmed Wetlands and Farmed Wetlands Pasture may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.		
13. Prior Converted Cropland (PC). Wetlands that were converted prior to December 23, 1985. The use, management, drainage, and alteration of prior converted cropland (PC) are not subject to the wetland conservation provisions unless the area reverts to wetland as a result of abandonment.		
14. Artificial Wetlands (AW). Artificial wetlands includes irrigation-induced wetlands. These wetlands are not subject to the wetland conservation provisions.		
15. Minimal Effect Wetlands (MW). These wetlands are to be farmed according to the minimal-effect agreement signed at the time the minimal-effect determination was made.		
16. Mitigation Wetlands (MW). Wetlands on which a person is actively mitigating a frequently cropped area or a wetland converted between December 23, 1985 and November 28, 1990.		
17. Restoration with Violation (RVW-year). A restored wetland that was in violation as a result of conversion after November 28, 1990, or the planting of an agricultural commodity or forage crop.		
18. Restoration without Violation (RSW). A restored wetland converted between December 23, 1985 and November 28, 1990, on which an agricultural commodity has not been planted.		
19. Replacement Wetlands (RPW). Wetlands which are converted for purposes other than to increase production, where the wetland values are being replaced at a second site.		
20. Good Faith Wetlands (GFW+year). Wetlands on which ASCS has determined a violation to be in good faith and the wetland has been restored.		
21. Converted Wetlands (CW). Wetlands converted after December 23, 1985 and prior to November 28, 1990. In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits.		
22. Converted Wetland (CW+year). Wetlands converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.		
23. Converted Wetland Non-Agricultural use (CWNA). Wetlands that are converted for trees, fish production, shrubs, cranberries, vineyards or building and road construction.		
24. Converted Wetland Technical Error (CWTE). Wetlands that were converted as a result of incorrect determination by SCS.		
25. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.		
26. The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 22 for information on CW+year.		
27. The wetland determination was completed in the office <input type="checkbox"/> field <input type="checkbox"/> and was delivered <input type="checkbox"/> mailed <input type="checkbox"/> to the person on _____		
28. Remarks.		

29. I certify that the above determination is correct and adequate for use in determining eligibility for USDA program benefits, and that wetland hydrology, hydric soils, and phytic vegetation under normal circumstances exist on all areas outlined as Wetlands, Farmed Wetlands, and Farmed Wetlands Pasture.

30. Signature of SCS District Conservationist

31. Date

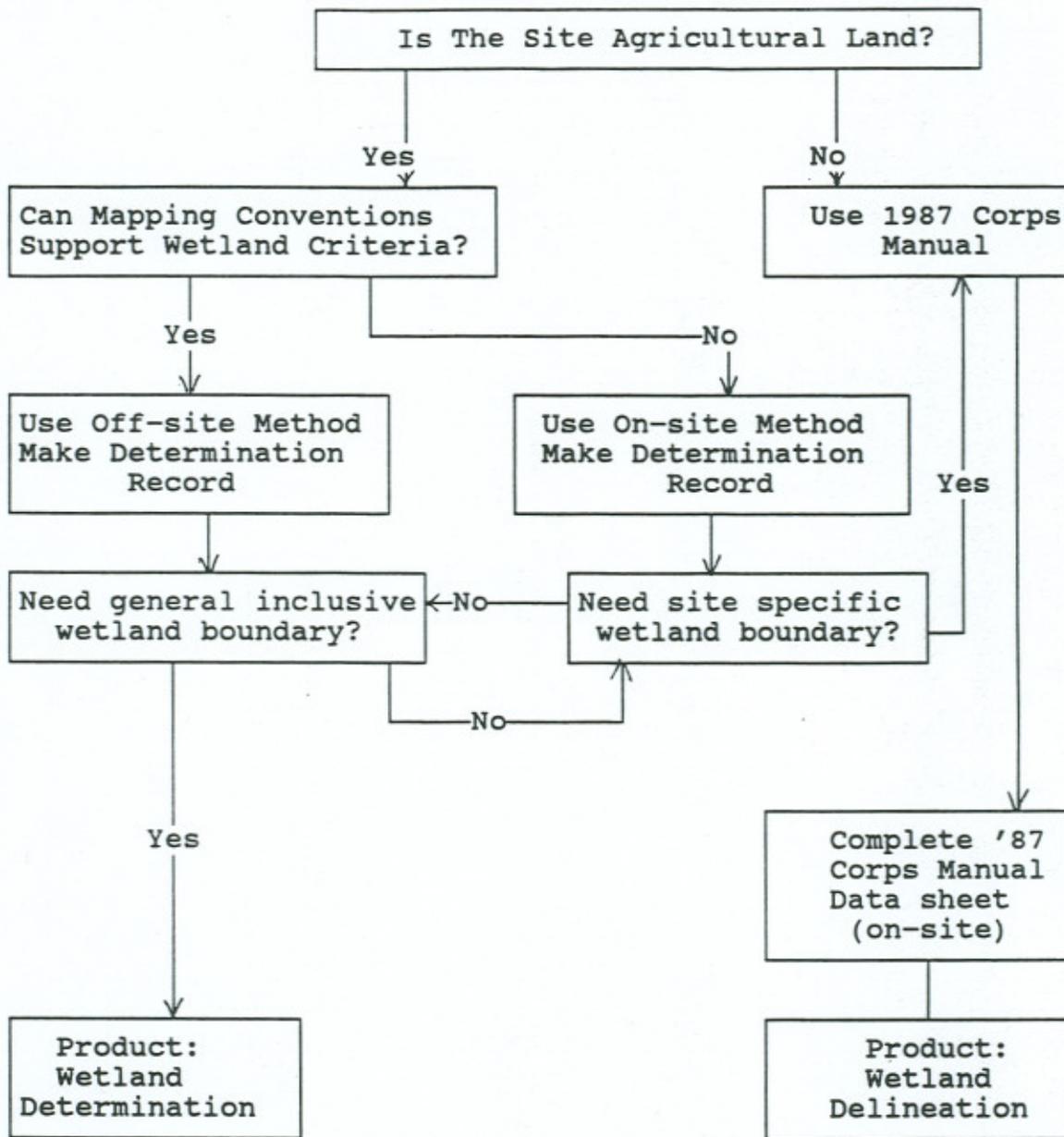
Assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, or handicap.

SCS Copy

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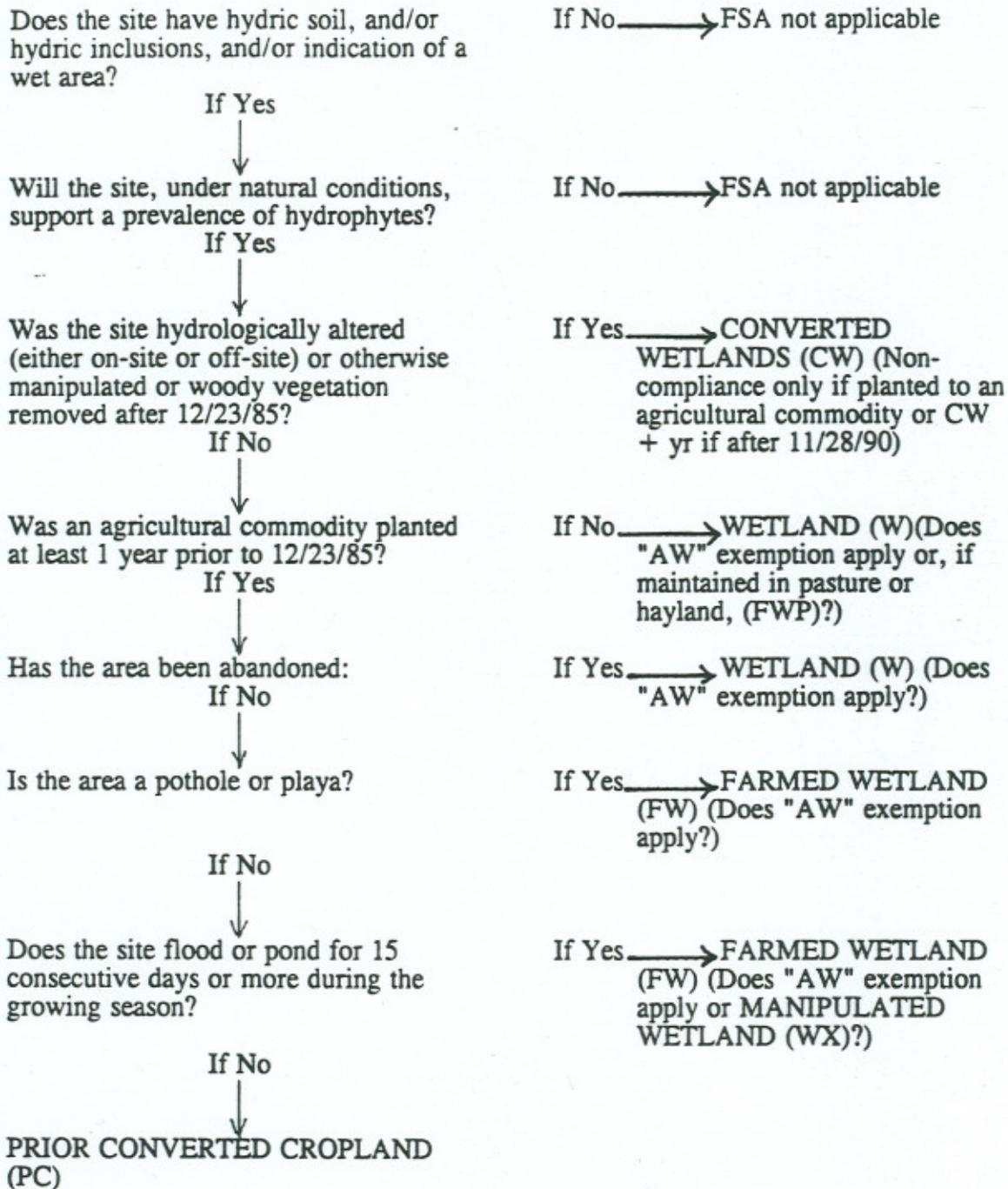
APPENDIX D - WETLAND DETERMINATION OR DELINEATION

#1 FLOW CHART



APPENDIX D - FSA WETLAND LABELING PROCEDURES

#2 FLOW CHART



APPENDIX E - WETLAND INFORMATION RESOURCES

<u>INFORMATION NEEDED</u>	<u>POSSIBLE SOURCES</u>
Hydric Soil	1) County list
	2) Soil survey - map unit description, wet symbols,, streams, springs, etc.
	3) USGS quads
	4) Climatological data
	5) Landowner interview
	6) Site investigation
	7) Investigation by a soil scientist onsite
	8) Flooding maps or inventories
Prevalence of hydrophytes	1) NWI
	2) ASCS color slides
	3) SCS black and white or color photos
	4) Soil survey vegetative info. map unit description tables
	5) Site investigation - including similar non-cropped areas
Altered or manipulated?	1) NWI
	2) ASCS color slides - pre- and post-1985, if possible
	3) SCS photos
	4) USGS quads
	5) Case file
	6) Site investigation including landowner interview
	7) Other employee interview
	8) Landowner interview
Planted prior 12/23/85	1) ASCS records and slides prior to 12/23/95
	2) Case file
	3) Photo interpretation
	4) Employee knowledge
	5) Landowner interview
Planted after 11/28/90	1) ASCS records and slides prior to 12/23/85
	2) Case file
	3) Photo interpretation
	4) Employee knowledge
	5) Landowner interview
	6) ASCS records and slides from 11/28/90

APPENDIX E - WETLAND INFORMATION RESOURCES

Abandoned?	<ol style="list-style-type: none">1) ASCS records and slides for the past 5 years2) SCS photos3) Case file4) Owner interview5) On-site inspection6) USGS quads
Pothole or Playa?	<ol style="list-style-type: none">1) NWI maps2) Soil survey maps and map unit description3) USGS quads4) ASCS slides5) SCS photos6) Site investigation7) Field office knowledge
Flooding or Ponding Duration	<ol style="list-style-type: none">1) Soils 5 (FOTG, Section 2)2) NWI3) Field inspection4) Landowner interview5) Case file6) Flood hazard study7) Watershed investigations8) Climatological data9) Flooded crops, stressed crops long term use as forage rather than cropland, always plan spring crops?
Hydrology	<ol style="list-style-type: none">1) NWI2) ASCS color slides-pre-and post-1985, if possible3) SCS photos4) USGS quads5) Case file6) Site investigation including landowner interview7) Other employee interview8) Landowner interview9) Adjacent landowner interview10) Other agencies