



If the wetland area is partially drained or altered it could be eligible for enrollment in a wetland mitigation bank. Mitigation banks are comprised of restored wetlands that are protected by a conservation easement. The wetland credits generated can then be sold to individuals and entities interested in mitigating wetland alterations at another location.

Conservation Compliance

If you wish to alter your wetland acreage, discuss the following options with NRCS:

CE Mitigate any wetland losses by compensating for the lost wetland functions and values through the restoration, enhancement or creation of a new wetland that is within the same watershed. The compensation cannot be at the cost of the Federal Government. Mitigation sites may be created, restored or maintained on:

- TM** your land,
- TM** another person's land, or
- TM** land held by a mitigation bank.

CE Where available, purchase wetland credits through a wetland mitigation bank to compensate for the expected adverse impacts of converting a wetland while at the same time maintaining eligibility for USDA programs.

CE Request a minimal effect determination. Producers who are planning a wetland manipulation can request a minimal effect determination from NRCS. If NRCS determines the planned activity has minimal or insignificant effect on the wetland, the conversion activity would be allowed without further need for mitigation. Minimal effect determinations vary by State and often are limited to very small acreages.

If you plan to drain wetlands in areas for production of a crop that is not an agricultural commodity (i.e., a crop which does not involve annual tilling of the soil and planting such as an apple orchard or grape vineyard) the USDA wetland conservation provisions do not apply. The wetland may be drained for those purposes without affecting eligibility status for USDA programs. However, wetland drainage activities may be subject to provisions under the Clean Water Act. Producers should contact their local Army Corps of Engineers office regarding the possible need for a Section 404 Clean Water Act Permit prior to undertaking any drainage activity.