



U.S. Army Corps of Engineers
St. Paul District



Farmed Wetlands Information

Coordination with Natural Resources Conservation Service, Board of Water and Soil Resources and Agricultural Producers to Manage Agricultural Wetlands

The Saint Paul District U.S. Army Corps of Engineers (Corps) supports the multi-agency effort to work with agricultural producers to manage wetlands on agricultural land. The Corps is committed to working with the Natural Resources Conservation Service (NRCS) and the Minnesota Board of Water and Soil Resources (BWSR) to provide technical assistance concerning the identification of wetlands and the development of coordinated permitting and mitigation procedures.

Clean Water Act Jurisdiction on Agricultural Lands

Some waters and wetlands on agricultural lands are regulated by the Corps. Under Section 404 of the Clean Water Act the Corps regulates discharges of dredged or fill material into "waters of the United States, including the territorial seas." The Corps has further defined waters of the United States in its regulations. Of the several categories of waters listed in the regulations, a number are likely to be encountered on agricultural lands including wetlands and tributaries (in Minnesota, many of these wetlands are also regulated under the Wetland Conservation Act). Wetlands are identified and delineated using the current Corps wetland delineation manual and applicable regional supplement. (Wetlands are similarly identified and delineated for the Wetland Conservation Act and US Department of Agriculture (USDA) agricultural wetlands). Tributaries, which include streams, creeks, rivers, and in some situations ditches, may also be waters of the United States. Determining the extent of Corps jurisdiction on a site is a two-step process involving the delineation of the boundaries of the resource(s) and application of agency guidance to determine if the resource is a water of the United States. Often a site visit is required to collect the information necessary to complete these determinations.

Relationship with NRCS Wetland Determinations

Lands designated as prior converted cropland (PC) by the NRCS are, by definition, not waters of the United States. However, in certain situations, the Corps may

conduct an approved jurisdictional determination (JD) for lands designated as PC that are no longer in use for the production of an agricultural commodity. Parcels bearing other Farm Program labels for fields where wetlands are or may be present, such as "W" or "FW", may be waters of the United States. A site-specific determination in accordance with agency guidance is needed to determine if these wetlands were subject to the permitting requirements of Section 404 of the Clean Water Act.

Promotion of Coordination Permit and Mitigation Solutions

1. On August 7, 2013, the Corps issued a Regional General Permit (RGP-002-MN) for certain activities on agricultural lands involving discharges of dredged and fill material into waters of the United States. To the greatest extent possible, this permit was designed to align with similar programs administered by the NRCS and BWSR.
2. The Corps is working with BWSR and NRCS on establishment of mitigation banks to offset impacts to wetlands on agricultural lands. In general, banks that replace lost functions within a watershed and maximize the chemical, physical and biological benefits to downstream receiving waters are preferred.
3. The Corps is also working with BWSR and NRCS on an Interagency Memorandum of Understanding concerning agricultural wetlands.

Obtaining Corps Assistance

Corps staff members are available free of charge to assist landowners in completing a permit application. In addition, upon request, the Corps will provide technical assistance for work involving wetland impacts or mitigation, including a jurisdictional determination (JD). A JD will tell the landowner whether there are Corps regulated wetland or waters on the parcel and is valid for five years. You can contact a Corps representative at (651) 290-5525 or (800) 290-5847 ext 5525, or by visiting us at:

www.mvp.usace.army.mil/missions/Regulatory.aspx