

Wetlands and Agriculture

Ag MOA. On January 18, 2005, the Natural Resources Conservation Service withdrew from the 1994 Memorandum of Agreement , followed by the Department of the Army on January 24, 2005. As a replacement, the Corps and NRCS issued "Joint Guidance on Conducting Wetland Delineations for the Food Security Act of 1985 and Section 404 of the Clean Water Act" on February 25, 2005. This guidance addresses the responsibility of NRCS for performing wetland delineations for the Food Security Act and the Corps for delineations for Section 404 purposes. It encourages development of local partnerships between Corps Districts and NRCS state offices to provide timely and accurate wetland information to the public. Both agencies will inform property owners that their delineations are valid only for the Federal statutes for which each is responsible. It also states that the identification of prior-converted croplands (PC) made by NRCS remains valid as long as the area is devoted to an agricultural use. If the land changes to a non-agricultural use, the PC determination is no longer applicable and a new wetland determination is required for Clean Water Act purposes. Specific guidance will be provided by the Corps in the near future addressing how the Corps will treat PC designations for land that changes from agricultural to non-agricultural use. This guidance is currently in development by the Corps and EPA with help from NRCS and is planned to be completed in the next few months.

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Point of Contact: Regulatory Reception or
Contact a Specific Staff Member

Phone: (206)
764-3495

Email:
MARNE.A.PACKER@USACE.ARMY.MIL