

January 6, 1994 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.

Interagency Questions and Answers

DEFINITION OF AGRICULTURAL LANDS

1.Q. Why doesn't the MOA's definition of agricultural land include rangeland and forestland?

1.A. The intent of the MOA is to minimize redundancy and duplication between Food Security Act (FSA) and Clean Water Act (CWA) wetland delineation activities. Because rangeland and forestland wetland delineations have typically been conducted by the Corps, without overlapping delineations conducted by the Natural Resources Conservation Service (NRCS - formerly Soil Conservation Service) the signatory agencies saw no need to include rangeland or forestland in the definition. The rangeland and forestland exclusion creates a practical, identifiable distinction that can be used to identify areas where the different delineation manuals will be used and where the agencies will continue their traditional lead roles for wetland delineation.

The MOA signatory agencies recognized NRCS' traditional role in delineating wetlands in consultation with FWS on intensively used and managed agricultural lands for Swampbuster. Refer to Question 22 for more information regarding the role of FWS. NRCS personnel are trained and experienced in making these predominantly off-site delineations on agricultural lands using the National Food Security Act Manual (NFSAM) procedures. A significant increase in resources would be required if the definition of agricultural lands was expanded to include rangeland and forestland. It was determined, therefore, that NRCS would maintain its traditional role in identifying wetlands on intensively used and managed lands in consultation with FWS, and have the Corps and EPA maintain their traditional roles on other less-intensively used lands, such as rangeland and forestland, for the purposes of Section 404 of the CWA.

In addition, the field staff need a straightforward means of determining the areas where their agency has the lead for determining wetlands jurisdiction under the MOA. Rangeland and forestland typically are predominated by natural vegetation that can be relied upon as an indicator of whether an area has hydrophytic vegetation; as such, the 1987 Manual must be used to determine jurisdiction. Conversely, cropland and other intensively used agricultural lands typically do not support a predominance of natural vegetation, therefore providing no reliable indicator of whether an area has hydrophytic vegetation. As the procedures for delineating wetlands under these two conditions are distinct (i.e., the 1987 Manual and the FSA Manual, respectively), field staff must be trained and experienced in applying the appropriate techniques.

2.Q. Do tree farms that have the natural vegetation replaced by planted trees fit within the agricultural land definition?

2.A. No. While tree farms typically replace native plant communities with selected tree species, thus establishing atypical plant communities, on-site delineation procedures contained in the 87 Manual are appropriate for the delineation of such wetlands. The off-site procedures used on agricultural lands were not developed for delineating wetlands in heavily managed timber stands, particularly since mapping conventions generally are not sensitive enough to detect differences between wetlands and non-wetlands in timber production areas. Such sensitivity, required for accurate delineations, is generally provided through on-site techniques, which are described in the 1987 Manual.

3.Q. Is there a time-frame associated with the term "intensively-used"?

3.A. No, the term is independent of the time or duration of the land management or use. The term "intensively used" refers to the degree of management or use of lands such 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.

4.Q. For the purposes of differentiating between agricultural land and non-agricultural land, are blueberries a wetland crop?

4.A. Blueberries, when grown or harvested under natural conditions and in the absence of intensive land management, are not considered a wetland crop, but, rather natural vegetation. When blueberries are grown under intensively managed conditions, such as an orchard, such lands may be considered agricultural lands. If the individual owner or manager is a USDA program participant, as defined in the MOA, and blueberries are part of a larger farm operation, then NRCS, in coordination with the Corps, would have the lead for delineating wetlands on the land, including the blueberry area.

5.Q. If land is set aside from crop production under a USDA set-aside program, and wetland conditions (including wetland vegetation) return, will the land be considered agricultural land or non-agricultural land for the purposes of the MOA?

5.A. It should be considered agricultural land, unless it has been abandoned, as defined by the NFSAM. Cropland set aside from crop production under a USDA set-aside program will be considered agricultural land for the purposes of the MOA if it was agricultural land when it entered the set-aside status.

6.Q. Are lands intensively used and managed for growing turf and/or sod considered agricultural lands under the MOA?

6.A. Yes, to the extent that such areas typically are intensively used and managed such that the vegetation cannot be relied upon to indicate whether or not the area would support hydrophytic vegetation.

7.Q. Are there any size limitations associated with "narrow bands" and "small pockets" of non-agricultural lands interspersed among agricultural lands?

7.A. No, the MOA provides the flexibility for the agencies to determine the extent of these areas based on agreements reached between the agencies in each State. Nevertheless, it is the intent of the signatory agencies to limit these areas to truly narrow bands and small pockets.

8.Q. To what extent does the MOA affect PL 99-349 "Exclusion of Permafrost Soils From the Definition of Wetland?"

8.A. The MOA does not affect PL 99-349 and the exclusion of permafrost soils in Alaska for FSA purposes. However, wetlands on permafrost soils generally are subject to CWA jurisdiction.

9.Q. What is the difference between disturbed areas and agricultural lands, and what manual is used for each?

9.A. The term "disturbed area" typically refers to a wetland that has been degraded or disturbed such that routine on-site delineation procedures may not be suitable for identifying wetlands and non-wetlands. Agricultural land may be considered a type of disturbed area, and therefore off-site procedures, such as mapping conventions, may be the best tool when identifying wetlands in these areas. On-site delineations on agricultural lands and delineations on other types of disturbed areas, such as those where unauthorized activities have taken place, may be conducted using the Corps 1987 Manual "Atypical Situations" section.

ALLOCATION OF RESPONSIBILITY

10.Q. The Memorandum of Understanding (MOA) designates the NRCS as the lead Federal agency for wetland determinations and delineations on agricultural lands. In urbanizing areas, however, landowner requests for wetland delineations are often for the purpose of urban development and may involve activities in wetlands that require Clean Water Act (CWA) authorization. Is it permissible for local offices of the MOA agencies to reach agreement that the Corps of Engineers (Corps) will have the lead for wetland delineations in such areas?

10.A. No. The agencies should not locally modify the basis upon which the MOA has allocated lead wetland delineation responsibilities among the Federal agencies. The MOA has affirmed the traditional role of NRCS in serving agricultural landowners. It is more clear, less subjective, and provides for greater consistency to allocate delineation responsibilities between the Corps and NRCS based on present land use, rather than upon knowledge or speculation of intended future use. There may be circumstances, however, where it would be appropriate for NRCS to request the Corps' assistance in meeting an urgent demand for wetland delineation. NRCS, however, shall remain the lead point of

contact among the Federal agencies for wetland delineations on all agricultural lands and on non-agricultural lands for U.S. Department of Agriculture (USDA) program participants.

11.Q. Who are USDA program participants?

11.A. USDA program participants are those individual landowners or operators who are eligible to receive USDA program benefits covered under Title XII of the Food Security Act of 1985, as amended by the Food, Agriculture, Conservation and Trade Act of 1990 (FACTA). Questions regarding an individual's eligibility should be directed to the appropriate local office of the NRCS.

12.Q. Who is considered a USDA program participant for purposes of the MOA?

12.A. For purposes of the MOA, a USDA program participant is a client that has an AD-1026 (Highly Erodible Land and Wetland Conservation Certification) form on file with NRCS/Consolidated Farm Services Agency (CFSA - formerly Agricultural Stabilization and Conservation Service).

13.Q. The MOA indicates that NRCS may make determinations of other waters of the United States on non-agricultural lands if requested by USDA program participants. Why is this provision included and what guidance and manual will be used?

13.A. Since NRCS is in a position to provide information on other waters of the U.S. along with wetlands information, the agencies believe NRCS should have the latitude to provide that information to USDA program participants where feasible. As such, NRCS may make determinations of "other waters" consistent with Part IV.C. of the MOA. NRCS will need guidance and training prior to making determinations of other waters for CWA purposes, and, as stated in Part IV.C., will only make these determinations where the interagency oversight team has agreed on local procedures and guidance for making such determinations. The MOA does not require NRCS to make these determinations, but provides a mechanism for NRCS to do so if the agencies agree upon and implement local guidance and procedures.

14.Q. Whom do landowners contact if they are seeking a wetland delineation on non-agricultural land for purposes of Section 404?

14.A. The Corps unless the landowner is a USDA program participant. NRCS will make the delineation in consultation with FWS and in coordination with the Corps or EPA if the person is a USDA program participant.

15.Q. If an area of agricultural land is reclassified by a local government zoning authority to residential, commercial, or other non-agricultural use but

the land remains in agricultural use, which agency has the lead for conducting wetland delineations on the land?

15.A. NRCS has the lead. The MOA allocates lead responsibility for wetlands delineations based upon the present condition of the land and the agencies' traditional wetland delineation responsibilities. Local zoning changes should not change the agencies' roles as designated in the MOA.

16.Q. If a non-agricultural activity is proposed that would cross agricultural and non-agricultural land, should the project proponent go to the NRCS or the Corps for a wetland delineation?

16.A. If a single linear project, such as a utility corridor or highway is proposed that would cross both agricultural and non-agricultural lands, the Corps would have the lead for the wetland delineation for the project. The Corps would consult with NRCS and rely on previous wetland delineations made by NRCS in accordance with the MOA.

17.Q. Why is NRCS required to coordinate with the Corps or EPA for wetland delineations on large tracts of non-agricultural lands, but not for wetland delineations on narrow bands and small pockets of non-agricultural lands immediately adjacent to or interspersed among agricultural lands?

17.A. NRCS has traditionally delineated small pockets and narrow bands of wetlands that occur in agricultural lands as part of the wetland mapping and inventory effort, particularly since those types of wetland areas have a high potential for conversion to agriculture. In contrast, the delineation of large areas of non-agricultural lands is not amenable to the application of the off-site delineation procedures commonly used by NRCS, and instead would typically require the use of on-site techniques as contained in the 1987 Manual. Thus, in order to expand NRCS delineation on non-agricultural lands beyond small, incidental inclusions, a significant increase in NRCS training and field resources would be required.

18.Q. In states that have assumed the Section 404 program, what agency will be responsible for making wetland delineations on agricultural land?

18.A. In states that have assumed the Section 404 program, the state will make the delineations on agricultural lands for the purposes of Section 404 only in the waters in which the state has assumed the Section 404 program. In categories of waters for which the State has not assumed the program, the MOA applies.

19.Q. Can landowners hire private consultants to make wetland delineations of agricultural land?

19.A. Individuals routinely hire consultants to conduct delineations for Section 404 purposes, and such delineations are submitted to the Corps or EPA

for review or approval. Similarly, NRCS will review delineations on agricultural lands performed by private consultants on behalf of landowners. These delineations will be carefully reviewed on an individual basis, and a determination will be made by NRCS as to the acceptability of the delineations for FSA and Section 404 purposes.

20.Q. If a landowner obtains a wetland delineation from a private consultant, to whom should the landowner submit the delineation for approval?

20.A. The agencies will process the landowner's request for approval of a consultant's delineation in accordance with the MOA in the same manner as a landowner's request for a delineation will be processed. For example, NRCS will have the lead for approval of consultant delineations on agricultural lands and NRCS's decision will be recognized by the Corps and EPA for the Section 404 program.

21.Q. When will NRCS begin making delineations for Section 404 purposes on agricultural lands?

21.A. The MOA provides that only mapping conventions concurred upon by all signatory agencies will be used by NRCS for wetland delineations, and establishes the process for mapping convention development, review and approval in Part V.A. of the MOA. In addition, the MOA provides that delineations on agricultural lands must be performed by personnel who are trained in the use of the NFSAM, and delineations on non-agricultural lands must be performed by personnel who are trained in the use of the 1987 Manual. The specific provisions for training are contained in Part V.E. of the MOA and discussed in Question 50.

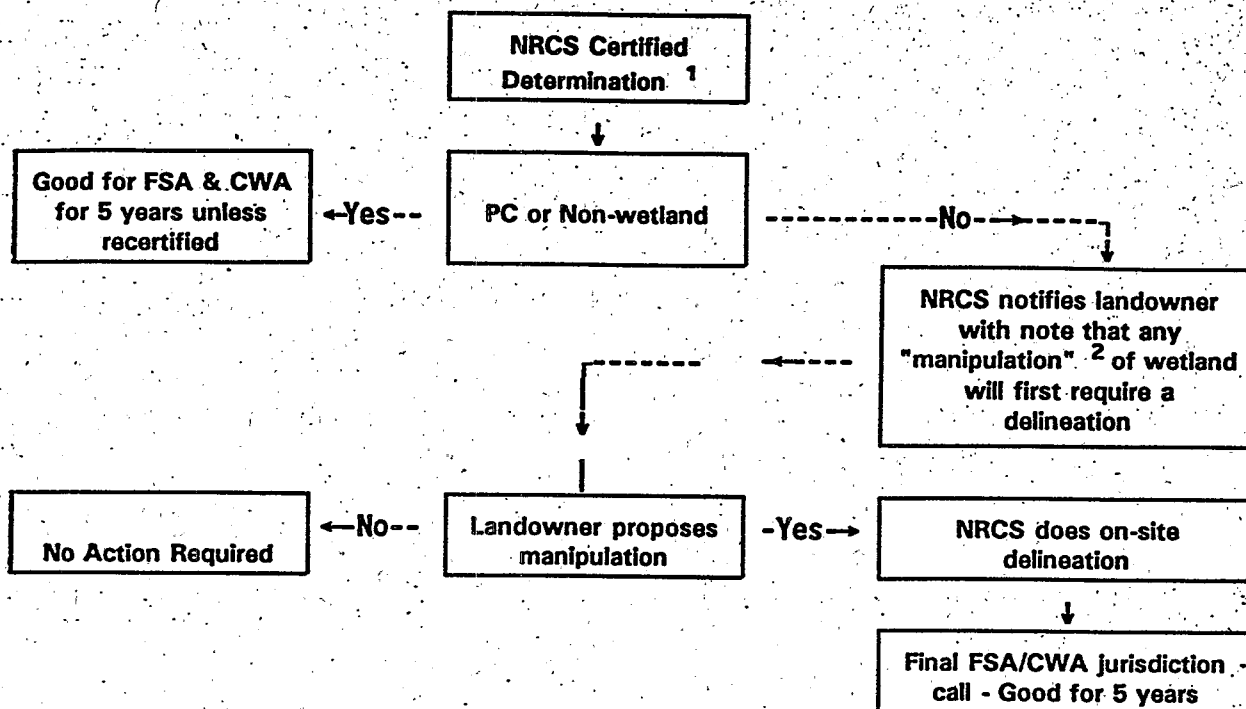
When the requirements of the MOA relative to these delineation issues are met by NRCS, NRCS will begin the delineation of wetlands on agricultural lands for the purposes of determining Section 404 jurisdiction.

22.Q. How will the tiered process of NRCS providing a determination which may be refined by an on-site delineation at a later date work?

22.A. Once mapping conventions are agreed upon and NRCS personnel are adequately trained, off-site wetland determinations and on-site wetland delineations will be valid for both FSA and CWA. A tiered process for on-site delineations should be developed on a state-by-state basis to be activated when manipulation of sites on which NRCS has made positive wetland determinations is planned. NRCS is revising the SCS-CPA-026 (Highly Erodible Land and Wetland Conservation Determination) form to indicate to landowners that wetland determinations represent approximate wetland boundaries and proposals to manipulate wetlands identified will require an on-site delineation from NRCS and may subsequently require contact with the Corps for CWA purposes.

A flow chart describing the tiered determination/delineation process as developed during the May 1994 interagency MOA meeting in St. Paul, Minnesota follows:

Tiered approach to wetland determinations/delineations.



¹ All certified wetland determinations are valid for FSA and CWA for 5 years.

² Manipulation (see NFSAM 514.20) is the alteration of hydrology and/or the removal of woody vegetation (including stems and stumps) on a wetland. Hydrology alterations that are considered manipulation may result from: dams, dikes, ditches, diversions, subsurface drains, pumps, terraces, and the discharge of dredge or fill material (i.e., including mechanized land clearing and excavation of ditches and dugouts). These measures may alter hydrology even if installed off-site from the affected wetland.

Attach to SCS-CPA-026 a statement that the determination is an indication of approximate wetland boundaries. Proposals for manipulation of wetland will require an on-site delineation from NRCS and may subsequently require contact with the Corps of Engineers for CWA purposes.

RELATIONSHIP BETWEEN THE FSA AND CWA AND OTHER PROGRAMS

23.Q. Has the MOA made NRCS responsible for implementing Section 404 on all agricultural lands?

23.A. No, the MOA only allocates the responsibility for the delineation of wetlands on agricultural lands to NRCS, in consultation with FWS. The Corps and EPA will continue to regulate activities that involve the discharge of

dredged or fill material into waters of the U.S., including wetlands, pursuant to Section 404 of the Clean Water Act.

24.Q. Does the MOA supersede or rescind agreements entered into previously by any of the signatory agencies, such as local agreements between EPA and FWS regarding Section 404 enforcement or the 1984 Wetlands Technical Assistance MOU between NRCS and Farmers Home Administration?

24.A. No. Other than giving NRCS the lead for wetland delineation on agricultural lands for the purposes of Swampbuster and Section 404, the MOA does not affect previous policy, procedures or agreements established between any of the signatory agencies.

25.Q. Under what circumstances will NRCS accept Corps or EPA delineations for Swampbuster?

25.A. NRCS will accept Corps or EPA wetland delineations for purposes of determining Swampbuster jurisdiction in situations where a delineation has already been made by the Corps or EPA in conjunction with a potential CWA violation, and where NRCS has not made a final delineation. NRCS will use such delineations in the appeals process, if any.

26.Q. How does the MOA affect the Section 404 permit process?

26.A. The Section 404 permit process (e.g., permit application, public notice, comment period, etc.) are not affected by the MOA. As discussed in Question 13, the MOA only allocates the responsibility of delineation of wetlands on agricultural lands to NRCS, not the implementation of the regulatory program.

27.Q. Will the MOA affect EPA's authority under Section 404(c)?

27.A. No. The MOA has no effect on EPA's authority under Section 404(c).

28.Q. Has the role of FWS changed as a result of the MOA?

28.A. No. NRCS is required by FSA to consult with FWS on wetland issues involving Swampbuster. With regard to the Section 404 program, FWS has the opportunity to review and comment on all proposed individual permit activities through the public notice process. FWS will continue its USDA technical assistance role during the implementation of Swampbuster, as well as comment on proposed activities under review by the Corps.

29.Q. How does the MOA affect State and local wetlands programs?

29.A. The MOA creates no new, explicit policies binding upon State or local agencies. Nevertheless, certain state and local government agencies currently rely upon wetland delineations conducted for the purposes of Section 404 in the implementation of their own programs, and those agencies should recognize that NRCS will now conduct some portion of those delineations as per the provisions of the MOA.

30.Q. Under the MOA, will a Corps CWA permit allow USDA participants to manipulate a wetland and remain eligible for USDA program benefits?

30.A. No. The MOA does not supersede the requirements of the CWA and FSA. There will be cases where an activity authorized under CWA could result in a swampbuster violation. Likewise, there are cases where FSA-exempted activities (such as Converted Wetland Non-Agricultural Use (CWNA)) are regulated under CWA. To handle any differences that may exist between CWA and FSA regarding authorization of activities in wetlands, the agencies should advise persons who propose activities in wetlands to contact both NRCS and the Corps to ensure authorization under both programs.

31.Q. Does the MOA affect implementation of the Endangered Species Act or other environmental laws?

31.A. No. The MOA is an agreement among the signatory agencies on wetland delineation only for purposes of FSA and CWA. The requirements and implementation of these and other programs are not otherwise affected.

INTERAGENCY COORDINATION PROCEDURES AND ENFORCEMENT

32.Q. What will the role of the Corps and EPA be in NRCS wetlands delineations on agricultural lands?

32.A. The MOA provides specific opportunities for Corps and EPA involvement in NRCS wetland delineations on agricultural lands. This will primarily occur through the interagency concurrence on mapping conventions, the wetland delineation certification process, and the EPA and Corps programmatic review of NRCS delineations. These functions are designed to achieve interagency consistency in wetland delineations on a programmatic basis, thereby avoiding the difficulties inherent in case-by case dispute resolution.

33.Q. Why are delineations made by NRCS on non-agricultural lands for program participants done so in coordination with the Corps or EPA?

33.A. At this time, the agencies believe that proper coordination is necessary to ensure that there is consistency between NRCS wetland delineations on non-agricultural lands and those made by the Corps and EPA. Typically, delineations on non-agricultural lands require the use of on-site procedures, and NRCS is not as experienced as are the Corps and EPA in the

application of the 1987 Manual for such purposes. By working with more experienced delineators in the Corps and EPA, NRCS field personnel will have the opportunity to become proficient in the use of the 1987 Manual and on-site delineations, thereby ensuring the accuracy and consistency of wetland delineations among the agencies.

34.Q. Why is there a 45-day time frame required for coordination, and how does it relate to existing Section 404 program time frames?

34.A. Section VI.A. defines the term "coordination" as the Corps or EPA review, comment and approval of NRCS wetland delineations. The 45-day coordination period begins for the Corps or EPA with the date of receipt of all pertinent information from NRCS. This time frame is not related to the Corps or EPA deadlines for processing permit applications or any other aspect of the Section 404 program. The agencies believe the 45-day time frame is a reasonable period of time for the Corps or EPA to review the delineation documentation, conduct an on-site field inspection, if necessary, and to provide NRCS with a response as to the acceptability of the delineation for Section 404 purposes. Furthermore, if a 404 permit application is involved, the Corps will generally respond within 30 days.

35.Q. What role will NRCS have in Clean Water Act enforcement?

35.A. If within the course of administering their responsibilities, NRCS personnel observe activities that may require Clean Water Act authorization, they will advise the local Corps District. Any ensuing CWA enforcement will be handled by the Corps or EPA consistent with the Army and EPA Enforcement MOA dated January 19, 1989.

In pursuing enforcement activities, the MOA signatory agencies will rely upon delineations made by the lead enforcement agency, providing a single Federal delineation for potential violations of Section 404 and/or Swampbuster. To avoid potential conflicts among the agencies regarding a delineation for an enforcement case, Part IV.K. of the MOA includes provisions for appropriately identifying and recognizing the lead enforcement agency.

36.Q. What role will NRCS play with regard to CWA enforcement? If an NRCS employee observes a potential CWA violation, what procedure should be followed?

36.A. Any Federal employee (Corps, NRCS, Environmental Protection Agency (EPA), Fish and Wildlife Service (FWS)) who observes a potential violation of Federal statute must report the violation to the appropriate enforcement agency. Suspected CWA violations should be reported to the Corps; suspected Food Security Act (FSA) violations should be reported to NRCS or CFSA. The procedure for reporting suspected violations should be developed and agreed-to on a state-by-state basis.

37.Q. Does the MOA provide a mechanism for merging and streamlining the CWA permit application review process and the coordination procedures between NRCS and FWS under FSA?

37.A. No. The MOA by itself does not provide a mechanism for integrating implementation of CWA and the FSA beyond the wetland delineation process. However, the Administration's August 1993 wetlands plan includes a commitment to develop nationwide permits to authorize some regulated activities that obtain FSA exemptions contingent upon NRCS and FWS agreement (e.g., minimal effect and mitigation on frequently cropped wetlands).

38.Q. What are the roles of State agencies in disputed cases of wetland delineations on agricultural lands?

38.A. The MOA addresses the roles of the four signatory Federal agencies only. No new roles are defined for State agencies, and although State agencies may provide technical input, they generally would not be involved in the resolution of differences among the Federal agencies regarding wetlands delineations on agricultural lands.

39.Q. Do determinations on inclusions of non-agricultural lands inside large tracts of agricultural land need to be coordinated with the Corps?

39.A. No. NRCS does not need to coordinate with the Corps on determinations or delineations on non-agricultural inclusions if they are identified off-site by NRCS using agreed upon mapping conventions which are able to properly identify non-ag lands, consistent with the 1987 Corps Manual. Once NRCS personnel have received the required training on the Corps 1987 Manual (Part V.E.1.), they may make on-site determinations of either narrow bands immediately adjacent to, or small pockets interspersed among, agricultural lands without coordination with the Corps.

DELINEATION REVIEW AND OVERSIGHT

40.Q. Are all wetland determinations previously made for FSA on "non-agricultural" land now invalid?

40.A. Wetland determinations on non-agricultural lands that meet the quality criteria as set forth in the jointly approved mapping conventions will be certified for use for both CWA and FSA. Determinations previously made on non-agricultural lands through means other than use of jointly approved mapping conventions must be rechecked to ensure they meet quality criteria using the new mapping conventions.

41.Q. If the Corps or EPA exercises the option to declare a "special case" in a specific geographic area, what will be the effect on the timeliness with

which landowners obtain wetland delineations for the purposes of CWA Section 404?

41.A. If an area is designated a "special case" under the MOA, the NRCS cannot make the wetland delineation for Section 404 until final guidance addressing the concerns raised in the special case is issued by the Corps or EPA. During that interim period and within the special case area, the Corps would strive to prioritize the delineation of those sites for which activities regulated pursuant to Section 404 were proposed over the delineations of sites for which no 404 activity was proposed. In addition, as is common practice in the Section 404 program, project proponents could employ the services of a qualified consultant to perform the delineation during the interim period and submit the delineation directly to the Corps for review.

42.Q. For the purposes of the first-year interagency quarterly review of NRCS wetland delineations, when will the first year begin?

42.A. The first year began on October 1, 1994. The first quarterly report is due on January 31, 1995.

DELINEATION METHODS AND PROCEDURES

43.Q. What are the differences between the wetland criteria and procedures to be used on agricultural lands (i.e., the National Food Security Act Manual) and those to be used on non-agricultural lands (i.e., the Corps 1987 Manual), and what is the practical implication of those differences?

43.A. The two manuals differ slightly in the wetland hydrology and wetland vegetation criteria. The agencies have worked together to minimize the inconsistencies between the two manuals, and the slight differences between the criteria in the two manuals should have no practical effect. It should be emphasized that under the provisions of Section IV of the MOA, the two manuals will not both be used for any single wetland area. The NFSAM will be used to delineate wetlands on agricultural lands and the 1987 Manual will be used on non-agricultural lands.

Most NRCS delineations have been and will continue to be done on cropland using the NFSAM. The critical criteria in the NFSAM for cropped wetlands are in the definitions of prior converted cropland and farmed wetland. To be delineated as farmed wetland and subject to both Swampbuster and CWA Section 404, a cropland area must be inundated by ponding or flooding during the growing season for at least 15 consecutive days or a number of consecutive days greater than or equal to 10% of the growing season in most years, whichever is less. For cropped playas, potholes and pocosins, ponding for at least 7 consecutive days or saturation for at least 14 consecutive days during the growing season in most years is required. The NFSAM recognizes a number of data sources that can be used to determine whether or not these criteria are met, including aerial photographs, climate data, and site-related hydrologic data. The NFSAM procedures for on-site delineations of

agricultural lands are similar to those found in the 1987 Manual for natural wetlands, and include hydrology indicators, soils indicators and remotely sensed data.

For non-agricultural lands, the 1987 Manual and supplemental guidance on wetland hydrology criterion requires that an area be ponded, flooded, or saturated to the surface during the growing season in most years for a number of consecutive days equivalent to at least 5% of the growing season. The 1987 Manual includes a number of field indicators for use in determining whether this criterion is met, with an emphasis on on-site observations.

44.Q. What manual will be used for on-site wetland delineations on agricultural lands and non-agricultural lands?

44.A. The 3rd edition of the NFSAM will be used for conducting on-site and off-site delineations of agricultural lands. For on and off-site delineations of non-agricultural lands, the 1987 Manual will be used. As discussed in Question 52, training in the NFSAM and the 1987 Manual is required in order to conduct on-site delineations on agricultural land, and non-agricultural land, respectively.

45.Q. How will NRCS delineate "other waters" for Section 404 purposes?

45.A. Delineations of "other waters" that are regulated pursuant to Section 404 of the CWA, may be made by NRCS only after the interagency oversight team, convened pursuant to Section V.B.2. of the MOA, has agreed on appropriate local procedures and guidance for the delineation of "other waters" by NRCS. In many instances, properties on which NRCS is identifying wetlands also contain other waters of the United States, such as rivers and lakes. These waters are not wetlands, and may not be identified by NRCS mapping conventions. These waters, while not regulated by FSA, are subject to Section 404 jurisdiction. Thus, in order to streamline the federal process of identifying all waters that may be subject to regulation, the MOA provides for the delineation of "other waters" by NRCS in coordination with the Corps or EPA.

46.Q. Does the MOA require the NRCS field office personnel to go on-site before wetland delineations are made final and used by the Corps or EPA for Section 404 purposes?

46.A. It is dependent upon the degree to which site-specific delineation precision is required. The use of off-site mapping conventions will likely continue to be the most common method for delineating wetlands on agricultural lands. The wetland mapping conventions, which interpret a combination of remotely sensed data, such as low-altitude aerial photography, soil survey maps, and Fish and Wildlife Service National Wetland Inventory maps, along with the processes in the MOA for interagency review and oversight, are intended to ensure that off-site delineations made by NRCS are of the appropriate accuracy for use in the Section 404 program.

If detailed, site-specific information is needed to precisely delineate a wetland boundary, a field delineation by NRCS is required. The NFSAM contains specific technical guidance on the application of on-site delineation procedures, and advocates on-site delineations wherever off-site procedures are deemed inadequate to accurately delineate wetlands.

47.Q. One of the primary purposes of the MOA is to provide landowners with a single unified Federal position regarding the identification of wetlands on their property. How do you reconcile this policy with the fact that two different wetland delineation manuals (the National Food Security Act Manual (NFSAM) and the Corps 1987 Manual) will be used to identify wetlands, potentially on adjacent tracts within the same property?

47.A. There are differences between the wetland criteria of the NFSAM and Corps 1987 Manual. However, it should be recognized that, under the MOA, for any single area, one or the other of the manuals will be applied, depending upon whether the area is agricultural or non-agricultural land. We intend to reconcile the technical differences in the manuals following receipt of the report from the National Academy of Sciences/National Research Council Committee for the Study of Wetlands Characterization. We expect to receive that report in March, 1995.

Manual differences notwithstanding, the MOA minimizes duplication of effort and potentially conflicting wetlands determinations by the Federal agencies, simplifying the interface between landowner's and the Federal government regarding wetlands.

48.Q. Which criteria, indicators and procedures should be used when on-site conditions are atypical or disturbed, and a reference site must be used?

48.A. If on-site conditions are disturbed to the point that a natural, undisturbed reference site must be used to evaluate wetland parameters, the criteria, indicators and procedures contained in the 1987 Corps delineation manual shall be applied for delineation purposes.

In clarification of the NFSAM section on disturbed site investigations, the appropriate soils sections of the 1987 Corps manual should be used, in addition to the Field Indicators of Hydric Soils contained in Section III of Part 527.4, to indicate if the soils criterion is met. Paragraphs 1 and 3 (pages 527-73 - 74) of the Disturbed Areas portion of Part 527.4 should refer to Section III for indicators, not Section II.

49.Q. Will NRCS use the NFSAM for non-agricultural lands and wetlands adjacent to and small pockets within agricultural lands?

49.A. No. NRCS will use the NFSAM on agricultural lands and the 1987 Corps Manual on non-agricultural lands, which includes off-site procedures. These off-site procedures may be incorporated into mapping conventions developed and agreed to at the state level. In addition, the agencies at the state level

may wish to further define the size of "narrow bands and/or pockets" through the mapping conventions.

50.0 Does the Corps require a metes and bounds survey of wetland delineations for CWA purposes?

50.A Generally not. However, in situations where the Corps is issuing a permit for fill in wetlands, additional information, such as surveys or some other mechanism to ensure recoverable points on the ground, may be required of the landowner (but not NRCS) to verify permit compliance.

51.0 Which edition of the NFSAM will be used for making wetland determinations and certifications?

51.A NRCS will follow the wetland determination and certification processes contained in Chapter 514 of the NFSAM Third Edition (current version).

52.0 Does the requirement for on-site delineations where a wetland conversion is proposed make off-site determinations meaningless?

52.A No. Off-site conventions have been developed to locate approximate wetland boundaries and, as such, are most useful for planning purposes. However, for proposed manipulations, precise wetland boundaries must be known; thus, on-site wetland delineations are necessary in these situations. If an area is determined to be non-wetland through off-site procedures (approved mapping conventions), and no wetlands have been identified anywhere near a proposed project site, then no additional on-site work is necessary.

53.0 If Corps personnel conduct wetland determinations on agricultural lands using the NFSAM, will they assign FSA labels (e.g. AW for artificial wetland, FW for farmed wetland, etc.) for use by NRCS?

53.A No. For CWA, a determination is made as to whether an area is or is not wetland. NRCS will continue to be responsible for assigning labels for FSA purposes.

54.0 Section 513.3(e) of the NFSAM states that NRCS District Conservationists (DC's) can change wetland determinations based on "input from local residents." Is a drainage system work sheet showing existing tile considered "input from local residents" such that the DC can change a wetland identified by approved mapping conventions to PC based on this information?

54.A No. If mapping conventions reveal an area to exhibit wetland signatures over the long-term average conditions, the area shall not be changed to PC.

55.Q. What constitutes "current national Corps guidance" on the Corps 1987 Manual, as referenced in Part IV, Allocation of Responsibility, paragraph D, page 3, of the MOA?

55.A. Current national Corps guidance refers to the October 7, 1991, Questions & Answers and the March 6, 1992, Memorandum "Clarification and Interpretation of the 1987 Manual" issued by Corps Headquarters on use of the 1987 Manual.

MAPPING CONVENTIONS

56.Q. What are wetland mapping conventions?

56.A. Mapping conventions are state-specific procedures to interpret and correlate off-site and remotely sensed data to long-term hydrologic conditions. In areas where the natural vegetation has been removed and where hydrology may have been modified, off-site techniques may be necessary to correctly elucidate long-term wetland conditions. Thus, mapping conventions are generally applicable to repeatedly disturbed areas, such as crop fields. Mapping conventions may vary slightly by state or region in response to regional differences in wetland characteristics and the availability of off-site data. The NFSAM contains guidance for use in developing these conventions.

57.Q. Under the MOA, will new mapping conventions be developed for every state?

57.A. Not necessarily. The MOA requires the concurrence of the signatory agencies on the mapping conventions used to delineate wetlands on agricultural lands in the future. Previously, NRCS worked with the FWS and State Technical Committees to develop mapping conventions; the other signatory agencies were rarely involved. In many states, the interagency oversight teams may find that previously developed mapping conventions are acceptable without modification; in other states, mapping conventions may require refinement. By obtaining concurrence of all four signatory agencies on mapping conventions, the agencies ensure that the best off-site procedures will be used for delineating wetlands subject to both Swampbuster and Section 404.

58.Q. What is the relationship between the interagency mapping convention review and approval process and the certification process?

58.A. Once mapping conventions are agreed to by the agencies, an evaluation of the accuracy of delineations conducted by NRCS prior to the effective date of the MOA will be conducted by the interagency oversight team as part of the certification process. If, during this review, two of the four signatory agencies agree that NRCS wetland delineations in a certain area, or a generic class of wetlands in a particular area, are inaccurate, those delineations will be given high priority for certification.

For those certifications done after the effective date of the MOA that require the use of mapping conventions, the agreed-upon mapping conventions resulting from the interagency review process will be used.

59.Q. What is the process if the agencies cannot agree on mapping conventions within the 120 day time-frame?

59.A. If unresolved issues prevent agreement on the mapping conventions at the state level, and all attempts to reach agreement between the agencies have been exhausted, such unresolved issues will be elevated to the headquarters offices of the signatory agencies for resolution.

PREVIOUS DETERMINATIONS AND DELINEATIONS, CERTIFICATION, AND RECERTIFICATION

60.Q. When are previous NRCS wetland delineations acceptable for Section 404 purposes?

60.A. The MOA established a certification process for those NRCS delineations made prior to the effective date of the MOA to determine their use for Section 404. Based on the findings of the certification process, existing NRCS wetland delineations on agricultural lands and those small pockets of non-agricultural lands interspersed among agricultural lands may be relied upon for establishing CWA jurisdiction. However, previously made NRCS delineations may not apply to Section 404 in certain areas where problems with mapping conventions or the application of mapping conventions have been identified by the interagency oversight team. Specifically, where two of the four signatory agencies agree that NRCS wetland delineations in a certain area, or a generic class of wetlands in a particular area, are inaccurate, those delineations will be given high priority for certification by NRCS. Until the high priority certification is completed, and the requisite corrective measures are taken, wetland delineations in that area may not be relied upon for Section 404 purposes. In the interim, the Corps will provide delineations in that area for 404 purposes.

61.Q. Under the provisions of Paragraph IV. G. of the MOA, a final written delineation made by NRCS will be adhered to by all the signatory agencies for five years, unless new information warrants revision of the delineation before the expiration date. What constitutes "new information"?

61.A. The MOA gives two examples of the kind of new information that could warrant revision of a delineation before its expiration date: data on landscape changes caused by a major flood; or a landowner's notification of intent to abandon agricultural use associated with the return of wetland conditions on a prior converted cropland. The MOA also provides flexibility for consideration of other types of new information that would warrant such revision of a delineation.

62.Q. What is the landowner's responsibility in regard to the expiration of the delineation?

62.A. Upon the expiration of the existing delineation, landowners should contact the agency that conducted the delineation, particularly if they intend to alter the wetland area. At that time, NRCS will conduct a new delineation. In addition, NRCS intends to update the delineations every five years, and will notify landowners of the new delineations.

63.Q. How will the new priority certification process change NRCS's wetland delineation certification process?

63.A. The process by which NRCS will conduct and prioritize wetland certifications is established in Part V.C. of the MOA. The certification process remains an important tool by which NRCS ensures the accuracy of its wetland delineations, and is required by FSA for all wetland delineations made prior to 11/28/90. Because these delineations, as well as more recent ones, may be relied upon for the purposes of Section 404, it is necessary for their accuracy to be reviewed by an interagency oversight team. The interagency oversight team will determine the technical acceptability of mapping conventions used to make delineations prior to 11/28/90, and the degree of accuracy in which those conventions were applied, to determine where to prioritize certification efforts. This process of prioritization differs only slightly from that mandated by FSA in that the signatory agencies, rather than NRCS alone, may identify delineations in need of re-evaluation.

Because of the nature of off-site delineations, NRCS has always anticipated that some inaccurate wetland delineations have been made that will require correction through the certification process. While allowing the signatory agencies to jointly identify such errors may increase the number of priority certification areas, the agencies jointly believe that the process will improve the overall validity and reliability of NRCS delineations, which in turn benefits the landowner and the wetland resource.

64.Q. Many USDA program participants already have wetland determinations. Is certification of these determinations subject to interagency review?

64.A. Yes. The state interagency oversight team must review the accuracy of previous NRCS wetland determinations made on agricultural lands by NRCS within that state. If this review finds that previous determinations are adequate (see Part V.C. of the MOA), and there are no problem areas identified (through two of the four agencies identifying priority areas for certification), then previous determinations made by NRCS on agricultural lands will be considered certified. Subsequent determinations will be certified only if any off-site procedures used, employ mapping conventions agreed to by the four signatory agencies. In addition, all certified determinations are subject to review as part of the oversight procedures contained in the MOA.

65.Q. How will the signatory agencies in a state know if the accuracy of previous NRCS delineations on agricultural lands are suitable for Section 404 purposes?

65.A. Through the review of mapping conventions, or based on previous experience with NRCS delineations, the agencies will be aware of accuracy problems with previous NRCS wetland delineations on agricultural lands. In other instances, interagency oversight procedures will be used to check the accuracy of previous delineations, with an emphasis on field verification. If accuracy problems are found through these oversight procedures, recertification priorities can be adjusted accordingly, and if necessary, Section 404 applicability of previous delineations may be suspended by EPA or the Corps, as appropriate, until recertified.

For example, NRCS procedures previously allowed the application of scope and effect drainage calculations for delineation purposes on wetlands that were manipulated through installation of drainage systems in the past, but still exhibit wetland conditions. Because of changes in the 3rd edition of the NFSAM that disallow this practice, maps produced using this practice will most likely need to be revised.

66.Q. What is the process for updating certified wetland maps?

66.A. The 1990 Farm Bill requires that certified NRCS wetland maps be periodically updated. NRCS will conduct such updates on a five-year cycle using the agreed-upon mapping conventions developed by the interagency oversight team. Updated maps will be subject to interagency review and oversight as detailed in Part V.B. of the MOA. Such updating occurs subsequent to the certification of wetland maps, the process for which is detailed in Part V.C. and discussed in Question 39.

67.Q. Why are NRCS delineations on agricultural lands valid for the purposes of FSA and Section 404 for five years, while Corps delineations for 404 purposes are valid for as little as three years?

67.A. By establishing a five-year update cycle for NRCS delineations, the MOA is reconciling the current differences between the effective period of Section 404 delineations and FSA delineations, which are three to five years and ten years, respectively. To further close the gap between the two agencies, the Corps intends to reissue Regulatory Guidance Letter 90-6 to provide that Corps districts generally make written delineations valid for 5 years.

68.Q. In cases where NRCS delineations in a geographic area are being reevaluated under the high priority certification process, will all landowners in the geographic areas be notified by letter as to the status of their delineations?

68.A. No. Only persons who are USDA program participants will be notified of the high priority certification status of their existing wetland delineation.

It is impracticable and unnecessary to identify all non-USDA participants in the area as such persons will not typically be aware of the NRCS mapping efforts.

69.Q. Through the certification process, can PC's be changed to FW's, and vice versa?

69.A. Yes. The purpose of the certification process is to identify and correct inaccuracies in original wetland delineations that have relied heavily on off-site procedures. The agencies recognize that large-scale, off-site delineation efforts can result in incorrect wetland delineations, and that some areas designated PC will, upon closer examination, be changed to FW, and vice versa. Furthermore, the procedures in the NFSAM have been revised such that wetland delineations in crop fields will rely more heavily on the exhibition of long-term wetland conditions rather than the scope and effect of existing drainage systems if maintained to maximum efficiency.

70.Q. In many states, NRCS has prepared wetland inventory maps, using mapping conventions, that identify "potential wetland areas." Since landowners have not had the opportunity to appeal these wetland inventory maps, these potential wetland areas are not considered final wetland delineations by NRCS. How will these wetland inventory maps and the potential wetland areas be treated in the certification process?

70.A. Wetland inventory maps depicting wetlands on agricultural lands will be subject to the same interagency review for accuracy in the certification process as would other previously made NRCS wetland delineations.

71.Q. The MOA provides that final written wetland delineations (and determinations) by NRCS will be adhered to by all the signatory agencies and will be effective for a period of five years from the date the delineations are made final, unless new information warrants revision of a delineation before the expiration date. Do off-site NRCS determinations stand for five years even if an on-site inspection reveals errors?

71.A. No. It is the responsibility of the signatory agencies to correct errors in wetland determinations and delineations when they are discovered. The five-year shelf-life of wetland determinations and delineations does not obviate that responsibility.

72.Q. When did NRCS begin making wetland determinations for FSA purposes, and how will previous determinations be used?

72.A. NRCS began making wetland determinations in 1986 and continued through May of 1991 for FSA purposes only. NRCS shall resume making determinations in each state as soon as mapping conventions are agreed to. The certification process will evaluate previously completed determinations to ascertain if they meet the quality criteria established by the approved mapping conventions.

This process will ensure that all past determinations deemed acceptable by the agencies at the state level and those completed in the future will be applicable for CWA and FSA purposes.

73.Q. Where wetland determinations have been completed in a state for FSA, must all these determinations be recertified?

73.A. The 1990 Food, Agriculture, Conservation and Trade Act of 1990 requires existing wetland determinations to be certified by NRCS. All wetland determinations completed to date will need to be checked to determine if they meet the mapping conventions as agreed-to by the four signatory agencies and if the quality of these determinations is acceptable. The goal is to have all determinations/delineations valid for both CWA and FSA. The certification process is detailed in Part 514.52 of the NFSAM. Revision of some previous determinations may result.

In addition, a wetland determination completed on a tract, say in 1989, will need to be reviewed to ascertain if any FSA violations have occurred in the years following the determination. In other words, the certified determination will bring current all FSA wetland labels to the date the certification is signed.

INFORMATION/OUTREACH

74.Q. Is NRCS responsible for providing landowners with guidance on the Section 404 program?

74.A. Technical assistance provided by NRCS to landowners on the Section 404 program shall be limited to general, published material relating to the Section 404 program as provided by the Corps or EPA for this purpose. The Corps and EPA remain the primary point of contact for specific guidance on the regulatory requirements of the Section 404 program. NRCS will direct landowners to the Corps or EPA for such information, particularly if the landowner is proposing a project that may involve a discharge of dredged or fill material in a wetland area or other waters of the U.S.

75.Q. In the sentence to be included with the wetland delineation whereby the landowner is informed that he/she needs to contact the Corps if activities are proposed that are regulated under CWA, should a statement be included addressing the possible penalties for unauthorized work or for non-compliance with FSA?

75.A. This is a good suggestion. Standard statements that clearly communicate to the client the necessity of continued contact and assistance from all of the appropriate agencies, not only at the Federal level but also at the state and local levels, provides improved client service. The following statements have been suggested from states:

"Failure to notify the appropriate agencies before commencing a manipulation can subject the landowner to substantial penalties and/or loss of USDA benefits."

"WARNING! Confirmation of Exact Wetland Boundaries Are Subject to On-Site Investigation and Refinement"

"Areas of wetlands may exist in non-cropland areas which are not identified. Request a wetland determination before clearing or drainage is undertaken."

"Wetland determinations have been made only for areas specifically indicated. Contact NRCS for any additional determinations outside of this area before starting land use change or drainage activity."

76.Q. The MOA provides that NRCS and FWS will provide landowners/operators general written information (i.e., EPA/Corps fact sheets) regarding CWA permit requirements, general permits, and exemptions. Who will produce these fact sheets and how should they be distributed by NRCS?

76.A. At Headquarters, the agencies are coordinating the development of a single fact sheet that can be used nationwide. We encourage production and distribution of additional informative materials such as local adaptations of the Headquarters materials to highlight local circumstances. Agency field offices should coordinate efforts and resources to produce such materials. The Corps/EPA leaflet "Farming and Section 404 of the Clean Water Act" (U.S. Government Printing Office - 1993:722-158; EPA 843-F-93-002) serves as a reliable basis for such local adaptations, provided corrections are made to the first and last questions and the flow chart in that leaflet in order to correctly reflect provisions of the MOA. Copies of the EPA/Corps leaflet are available from the EPA Wetlands Hotline (1-800-832-7828).

APPEALS

77.Q. What is the current NRCS appeals process?

77.A. The 3rd Edition of the NFSAM will retain the 4-step appeals process currently utilized by NRCS. This process includes the reconsideration of wetland delineations at the Field Office level, and subsequent appeals to the Area Conservationist, the State Conservationist, and the Chief of NRCS. Appeals at the Area and State level typically involve a field review of the wetland area in question, while the Chief's level is restricted to an administrative review of the appeal record. The Chief's level is the final level of the FSA appeals process.

78.Q. Why does the MOA contain a provision allowing the Corps or EPA to not accept an NRCS wetland delineation which resulted from an appeal?

78.A. It is possible for NRCS to make an appropriate delineation, consistent with the MOA and acceptable for Section 404 purposes, which is subsequently overturned as a result of an appeal. At that time, the Corps and EPA may find that the new delineation, which resulted from the appeal, is no longer representative of CWA jurisdiction, and therefore unacceptable for statutory reasons.

TRAINING

79.Q. How will delineation training for all federal agencies be handled?

79.A. Section V.E. of the MOA provides that field staff of all signatory agencies who delineate wetlands on non-agricultural lands must complete interagency wetland delineation training on the 1987 Manual through headquarters approved interagency training courses. Delineations on agricultural lands must be performed by personnel who are trained in the use of the NFSAM.

Due to the great demand by agency field personnel for training, it is anticipated that training courses in the 1987 Manual will be added to those currently available through the Corps training program. These courses will be developed as equivalent, interagency courses in the 1987 Manual and will be taught by interagency instructors. As the development of these additional courses is in preliminary stages, details as to location, cost and timing cannot be provided at this time.

Because the NFSAM procedures for conducting on-site wetland delineations on agricultural lands rely heavily upon the 1987 Manual, NRCS field staff conducting any on-site delineations on agricultural lands must also receive the 1987 Manual training prior to conducting such delineations. The NFSAM delineation procedures shall also be taught during the interagency delineation training to ensure all field personnel are trained in the technical procedures for off-site delineations, mapping convention development, etc. NRCS is currently working with the other agencies to plan for this and other similar training needed by NRCS field staff.

Through this approach, NRCS anticipates training a core group of wetland delineation specialists to implement the MOA. The number and location of these specialists will depend primarily on the relative wetland delineation workload for a given state or geographic area. These trained specialists will subsequently serve on interagency oversight teams and wetland mapping teams, as well as conduct on-site delineations. The products of these specialists, such as county wetland maps, may be relied upon by other NRCS staff in conducting day-to-day FSA responsibilities.

80.Q. Is it appropriate for NRCS personnel not trained in the Corps 1987 manual to conduct on-site wetland delineations on non-agricultural lands so long as someone trained in the Corps manual signs off on these delineations?

80.A. No. Only those individuals who have received formal training in the 1987 Corps delineation manual may conduct on-site wetland delineations where the use of the 1987 Corps manual is required (e.g., natural wetlands and non-agricultural inclusions). This training may be obtained through the Corps Regulatory IV course or locally organized 1994 Pilot Program interagency wetland delineation training as approved by the agency's Headquarters. Requirements for approval of locally organized training courses were contained in the May 9, 1994 memorandum from Corps Headquarters.

81.Q. How will agency staff be trained in the use of the wetlands procedures contained in the NFSAM?

81.A. NRCS National Technical Centers (NTC's) are responsible for providing training to the states, and state program leaders are responsible to provide training to field staff. NRCS will invite the other signatory agency field staff to participate in this training.

82.Q. Do NRCS, EPA and FWS delineators need to be "certified" through the Corps Wetland delineation Certification Program to delineate wetlands?

82.A. As with the Corps, NRCS, EPA and FWS delineators do not need to be certified to delineate wetlands. However, all federal agency staff must receive the training currently provided through headquarters approved interagency training course prior to delineating wetlands for the 404 program. This training is considered equivalent to the certification training required of non-governmental delineators.

RECORD KEEPING

83.Q. How will states with few NRCS personnel trained in use of the 1987 Corps manual deal with the workload involved with the large volume of non-agricultural inclusions in agricultural landscapes?

83.A. Each state should be conducting a workload analysis and developing strategies to implement the MOA. In most states, this will be a transitional process that will require extensive training and educational processes over several months. All individuals working in the wetland arena should have knowledge of CWA and Swampbuster. Coordination and cooperation to share the workload will be key to successful implementation of the MOA.

In addition, where mapping conventions can be developed that are capable of generating determinations on non-agricultural inclusions consistent with the off-site procedures in the 1987 Corps manual, the training requirement is waived, reducing the workload problem considerably.

84.Q. CFSA is the keeper of the official FSA wetland determination maps, yet that agency is not specifically referenced in the MOA. Who is responsible to

ensure that NRCS wetland determinations sent to CFSA are correctly maintained as part of the official record?

84 A CFSA is currently the official record keeper only for clients who participate in USDA financial assistance programs. The agencies are investigating alternative methods to record and maintain determinations for all clients on a common, automated and geo-referenced database that can be shared by all agencies. The Federal Geographic Data Committee (FGDC) is involved in this effort. In the interim, NRCS, as the USDA point of contact with the other agencies under the MOA, will be responsible for ensuring that the Federal wetland determinations per the MOA are maintained. Therefore, the Corps, EPA, and FWS should obtain wetland determinations for their purposes from NRCS rather than CFSA until a standardized database is available. NRCS will provide a copy of all determinations and delineations to CFSA using the CPA-026 process.

85 Q CFSA mentioned long-term goals of digitizing FSA wetland determinations. Are there any plans to digitize wetland delineations made under the MOA to provide for use of the data by all signatory agencies?

85 A The agencies, in coordination with the FWS National Wetlands Inventory (NWI), are discussing opportunities to work with U.S. Geological Survey (USGS) and other members of the FGDC to tie jurisdictional wetland determinations/delineations made by NRCS on agricultural lands, as well as determinations/delineations made by NRCS for USDA program participants and by the Corps for other parties on non-agricultural lands, to the digitizing effort currently underway by NWI.

