



United States Department of Agriculture



USDA Food Security Act of 1985, as amended

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What are we talking about today?

Why is the USDA Food Security Act important?



How does USDA evaluate my drainage actions?

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- ONLY applies to wetlands that existed on **December 23, 1985**
- ONLY applies to **USDA Program Participants** (ALL USDA Programs & Payments)
- ONLY applies to **Agricultural Commodities**
- Administration Authority by  **Farm Service Agency**
U.S. DEPARTMENT OF AGRICULTURE
- Technical Authority by  **Natural Resources Conservation Service**
U.S. DEPARTMENT OF AGRICULTURE



A Food Security Act of 1985, as amended, Wetland Determination is based on 3 factors

1. SOILS that formed in wet/saturated conditions (“Hydric Soil”)
2. VEGETATION that grows in hydric soils
3. HYDROLOGY (water) that was in place for at least 15 consecutive days in the spring before December 23, 1985

And USDA Program Participants have appeal rights!

What is a Food Security Act of 1985, as amended Wetland?

It depends on what the land was like on December 23, 1985.



Dec. 23, 1985



After
Dec. 23, 1985

What can USDA Program Participants do with a Food Security Act of 1985, as amended Wetland?

USDA Program Participants can do just about anything with drainage and land clearing as long as the action does not MAKE POSSIBLE the production of an agricultural commodity



What about old drainage?

Drainage in a **PC** (Prior Converted) crop field or a **NW** (Non-Wetland) woods can be improved and even increased

Drainage of a **grassland** or ponded **FW** (Farmed Wetland) or **W** (Wetland) in a field can be maintained at its current capacity

Drainage in or around a **W** (Wetland) **woods** can be improved - or even installed - as long as the woods remain in trees, even if harvested

Clearing the trees in a wetland enough to make it croppable is the violation

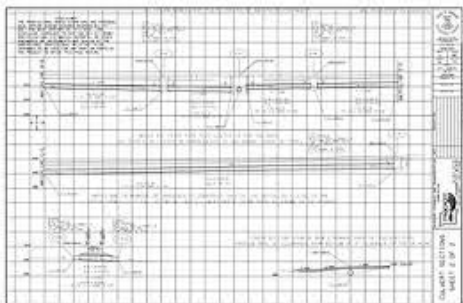


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How will USDA evaluate drainage improvements on cropland near a Food Security Act of 1985, as amended, Wetland?

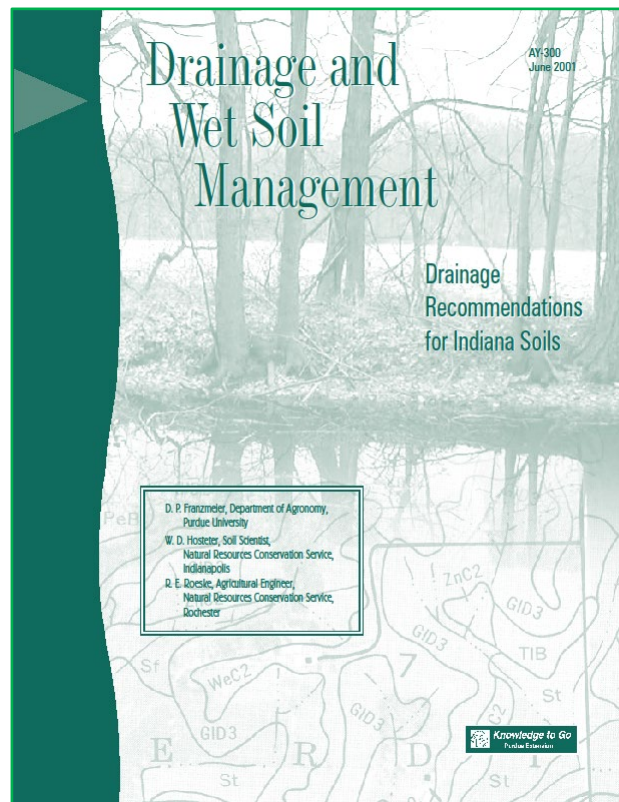
Design plans or documents from drainage contractors that show drainage has been kept away from non-woody wetlands



Nearby drainage must not have the effect of making possible the production of an agricultural commodity on areas labeled as a Wetland

Remember though, a woody wetland can be drained as long as the wetland stays woody because the woods is not croppable

Purdue Extension bulletin AY-300





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A background photograph showing four people standing in a field of tall, green plants, possibly a field of wildflowers or a similar natural area. The people are seen from behind or in profile, looking towards the horizon. The image is overlaid with a semi-transparent green filter.

QUESTIONS??

www.in.nrcs.usda.gov

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