

**PROCEDURE FOR WETLAND MINIMAL EFFECT EXEMPTIONS
INDIANA**

WORKSHEET

Step 1: Identify and characterize the wetland to be impacted

Name: _____ County: _____ Farm No. _____ Tract No. _____

Field No. _____ Soil Survey Atlas No. _____ Performed by _____

Date: _____ Section, Township, Range _____

Certified wetland determination (from NRCS-CPA-026E) of the impacted area _____

Proposed activity (filling, tiling, vegetation removal, etc.) _____

Note: do not proceed unless a certified wetland determination has been completed for the area in question.

Step 2: Determine if the wetland contains "Red Flags"

1. Bogs- including Acid Bogs and Circumneutral Bogs
2. Cypress Swamps
3. Dune & Swales
4. Fens
5. Flats- including Muck and Sand
6. Marl Beaches
7. Sinkhole ponds
8. Sinkhole swamps
9. Threatened and Endangered Species

Information on the above Red Flag wetlands can be found at:

[Indiana Department of Environmental Management – NWP and RGP/401 Conditions](#)

Under Attachment 2 - Critical Wetlands and Critical Special Aquatic Sites

IF the answer is YES to any of the above, a Minimal Effect exemption can not be granted, notify the person by letter. Note: mitigation is not permitted for Red Flag wetlands.

IF the answer is NO proceed to 3.

Step 3: Size of the Proposed Manipulation

IS the proposed manipulation for an individual wetland that is equal to or less than 0.1 acres? **Yes** **No**

IF YES, proceed to step 4. **IF NO**, Notify the person in writing that minimal effect cannot be granted.

Note: Under Farm Bill Policy NRCS can approve more than one minimal effect per request if all of the following applies to each request:

- ◆ A wetland is separated by NW, PC, PC/NW, road, railroad grade, or other manmade barrier
- ◆ The wetland is not connected to a larger wetland
- ◆ Additional wetlands considered for minimal effect meet the above criteria and must be at least 500 feet from the outer wetland boundary to the outer wetland boundary of any another wetlands.
- ◆ Appropriate functional assessment or biological assessments will be used to address cumulative impacts before approving more than 1 minimal effect exemption per applicant.

Step 4: Minimal Effect Agreement

The site is eligible for minimal effect and NRCS will complete a minimal effect agreement for each site. After the agreement is signed by the landowner and NRCS proceed to step 5.

Step 5: Wetland Determination

After the minimal effect agreement has been implemented NRCS will issue a new NRCS-CPA-026E using the appropriate wetland label.

Agency Notification and Other Permits

NRCS will notify the applicant in writing that minimal effect exemptions approved by NRCS are only valid for Food Security Act purposes. NRCS will also notify applicants that they should contact the following agencies to check if a permit is required before manipulation of any wetlands under a minimal effect agreement.

Louisville District
USAED, Louisville
P. O. Box 59
Louisville, KY 40201-0059
(502) 315-6766

Detroit District
U.S. Army Corps of Engineers
Detroit District
477 Michigan Ave.
Detroit, MI 48226
1-888-694-8313

IDEM:
IDEM
Section 401 WQC Program
100 North Senate Avenue, Room 1255
Indianapolis, IN 46206-6015
(800) 451-6027

Indiana Division of Water: A permit may be required if the wetland proposed for impact is located within the floodway of a stream or along the shoreline of a public freshwater lake.

Indiana DNR, Division of Water
402 W. Washington Street, Rm. W264
Indianapolis, IN 46204-2748
(877) 928-3755

Mitigation Options

If the wetland is not eligible for minimal effect, mitigation can be considered if the landowner is interested. A functional assessment will be used to calculate the mitigation ratio.

If the landowner is interested in mitigation, explain mitigation options and contact your area wetland specialist or Ken Collins, NRCS, State Office (317) 290-3200, ext. 356, to proceed with mitigation requests.