

# Wetland Conservation Program (SWAMPBUSTER)

## 1. Introduction to Program: Purpose, Goals and Objectives:

The Food Security Act of 1985, as amended, requires that persons receiving USDA benefits comply with wetland conservation (Swampbuster) provisions of the Act. Upon a client request, wetlands must be identified, determined, certified and delineated. NRCS is the lead agency responsible for certified wetland determinations on all agricultural lands for which an NRCS-CPA-38 has been received.

Upon request, the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) will determine if a producer's land has areas subject to Swampbuster. The agency maintains a list of the plants and combinations of soils and plants found in wetlands, and uses these technical tools, along with the hydrology of the area, to conduct determinations. These determinations stay in effect as long as the land is used for agricultural purposes (unless a violation occurs) or until the producer requests a review due to natural events. NRCS certifies previous wetland determinations upon request.

To maintain eligibility, participants must certify that they have not produced crops on converted wetlands after December 23, 1985, and did not convert a wetland after November 28, 1990, to make agricultural production possible.

If Swampbuster is violated, USDA farm program benefits may be lost. If participants produce a crop on a converted wetland, they may lose benefits for that year. If participants convert a wetland after November 28, 1990, they risk loss of benefits for the year the conversion took place, and for the years that follow until the wetland's functions and values are restored.

Wetland (Swampbuster) program information can be accessed at the following web site: <http://www.nrcs.usda.gov/programs/wetlands/ChngFact.html> Additional information on Wetlands can be found in the National Food Security Act Manual (NFSAM), Third Edition, Amendment 2, Part 514

## 2. Fact sheets:

The following documents are attached:  
NRCS Wetland Conservation Provisions Fact Sheet

## 3. Application process: Step-by-step with timeframes for actions

1. Producer completes the AD-1026.
2. If the producer answers yes to question 9 on the AD-1026, the producer must submit an NRCS-CPA-038 to request a Certified Wetland Determination. The producer can submit an NRCS-CPA-038 to request a Certified Wetland Determination if the request is on Agriculture Land without signing the AD-1026.

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3. Once the NRCS-CPA-038 has been received by NRCS, the NRCS Wetland Conservationist will make an on-site Certified Wetland Determination.
4. Once the Wetland Conservationist makes the Certified Wetland Determination, the determination is forwarded to the District Conservationist. The District Conservationist will then complete the NRCS-CPA-026E indicating the Certified Wetland Determination that was made.
5. NRCS must send the producer a Preliminary Technical Determination Letter and a copy of the NRCS-CPA-026E.
6. The Preliminary Technical Determination Letter becomes final 30 days from the date of the letter unless the producer requests any of the following options:
  - A field visit made by NRCS
  - The right to review the case file records
  - Mediation
  - The right to file an appeal with the FSA County Committee when the 30-day final decision deadline is reached.

**Note: If the producer chooses the right to review the case file records, that will not extend the final determination date. If a field visit is made, a final determination will be issued to the producer within 30 days following the field visit. If the mediation process is used, a final determination will be issued to the producer within 30 days following the completion of mediation.**

## 4. Forms Required:

AD-1026  
NRCS-CPA-026E  
Preliminary Technical Determination Letter  
COE Data Sheet  
Listing of NRCS Wetland Conservationist in Indiana

## 5. Indiana contact information:

Eric Banks, Soil Conservationist - Programs Staff  
Indianapolis, IN Phone: (317) 290-2269, Ext. 311