NRCS Environmental Evaluation Series -

Planning for Wetlands and Clean Water Act Special Environmental Concerns

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8/21/2013

Topics addressed:

- Definition
- Purpose
- Authority
- Policy/Procedures
- Information/Data Sources & Tools
- Mitigation Measures
- Evaluation and Documentation
- Examples

Part 1

Wetlands
Special Environmental Concern

Planning for Wetlands

- National Environmental Policy Act (NEPA) requires Federal agencies to integrate environmental considerations into their decision making process
- NEPA specifically mentions wetlands as a required consideration

Planning for Wetlands

- Required as part of NRCS planning process in order to assure consistency with the NRCS Environmental Policy
- Applies to all NRCS-assisted programs – both financial and technical assistance

NRCS Wetland Protection Policy

Evaluates impacts through consideration of:

- NEPA requirements
- Executive Order 11990
- Clean Water Act
- Other Federal, State, Tribal and local laws which may also provide protection of wetlands

Executive Order 11990

- Government protection of wetlands
- Signed by former president Jimmy Carter on May 24, 1977
- Directs agencies to minimize negative effects, and preserve or enhance beneficial functions of wetlands

Other Federal Laws

- Clean Water Act – covered as a separate "Special Environmental Concern"
- The Wetland Conservation (WC) Provisions of the Food Security Act of 1985, as amended

The WC Provisions of the Food Security Act

- NRCS Wetland Protection Policy (WPP) applies to NRCS FA and TA
- The WC provisions, including exemptions, apply to USDA program participants
- The WC exemptions do not apply to other federal requirements

Common Exemptions

- Prior-converted cropland
- Artificial Wetlands
- Converted Wetland Third Party
- Manipulated Wetlands

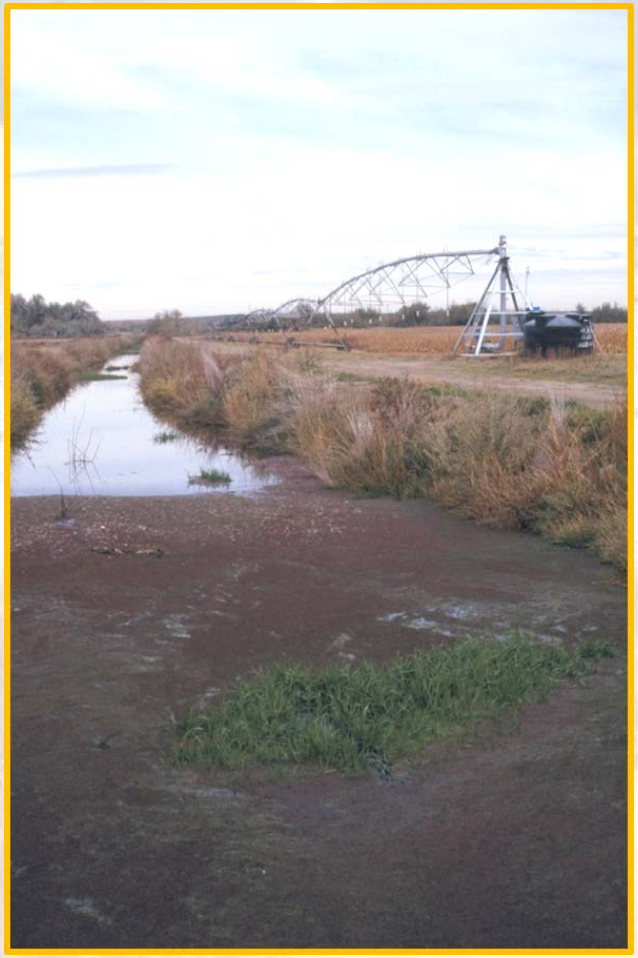
❖ These areas may retain wetland characteristics and are subject to the WPP

WC Provisions vs. WPP

WC Provisions	Wetland Protection Policy
Applies to a person's actions	Applies to federal agencies
Artificial wetlands are exempt	Applies to some artificial wetlands
PC, FW, FWP exemptions	Manipulated wetlands are not exempt
Corps permit may be accepted (CPD)	Corps permit not automatically sufficient

Artificial Wetlands

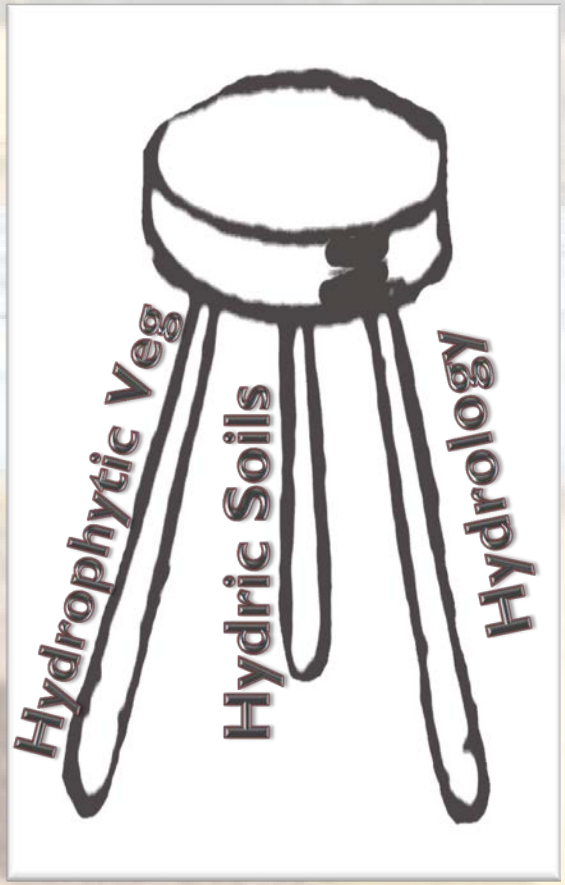
- Artificial wetlands are subject to the WPP unless hydrology is present through irrigation or leakage from storage structures
- Artificial wetlands exist where no natural wetlands existed previously



What is a Wetland?

- This policy defines wetlands as areas that have hydric soil, hydrophytic vegetation and indicators of wetland hydrology

- Appropriate wetland identification methods should be used based on the scope and intensity of proposed actions



NRCS Approved Methods

- Wetlands of the United States (Circular 39)
- Classification of Wetlands and Deepwater Habitats in the United States (Cowardin)
- ACOE Wetland Delineation Manual (1987 Manual)
- Food Security Act Wetland Identification Procedures (Circular 6)

Procedure

- *NRCS will consider protection of wetland functions to the maximum extent practicable when implementing planning and program activities, including when providing technical and financial assistance.* (GM-190, Part 410.26(F))

Mitigation Sequencing - Overview

- If the EE finds that wetlands will be affected, the following mitigation sequencing is followed:
  - Avoidance
  - Minimization
  - Compensation

How do we do this?

- Through the completion of the Environmental Evaluation (EE) Guidesheet and documentation of findings on the National Environmental Evaluation CPA-52 form

WETLANDS **NECH 610.34** **Evaluation Procedure Guide Sheet**	Client/Plan Information:
Check all that apply to this Guide Sheet review: ☐ Alternative 1 ☐ Alternative 2 ☐ Other	

This guide sheet addresses policy found in Title 190, General Manual, Part 410, Subpart B, Section 410.26. Use the Clean Water Act Guide Sheet for addressing wetland concerns relating to the Clean Water Act.

Wetlands Evaluation Procedure Guide Sheet

STEP 1.

Are wetlands present in or near the planning area?

NOTE: This includes **all** wetlands except those artificial wetlands created by irrigation water. Thus, areas determined as prior converted (PC) in accordance with the 1985 Food Security Act and nonirrigation induced artificial wetlands (AW), which retain wetland characteristics, are wetlands as they relate to the wetland protection policy.

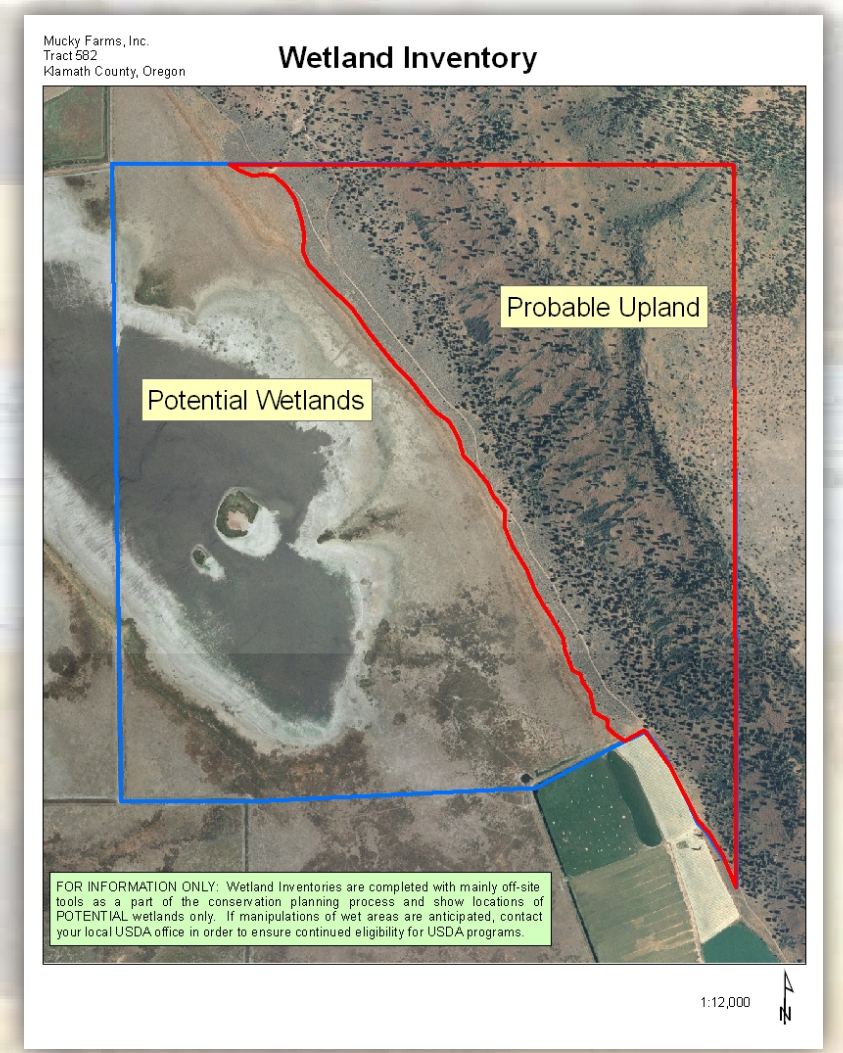
☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** (If the area could qualify as an "other water of the United States" such as lakes, streams, channels, or other impoundment or conveyances, a Clean Water Act Section 404 permit may be required from the Corps of Engineers. Refer to the Clean Water Act Guide sheet.)

☐ Yes **If "Yes," document the extent and location of wetlands and go to Step 2.**

- For Step 1, a "Wetland Inventory" should be sufficient

Wetland Inventory

- A Wetland Inventory primarily uses off-site tools to identify areas that potentially could be wetlands

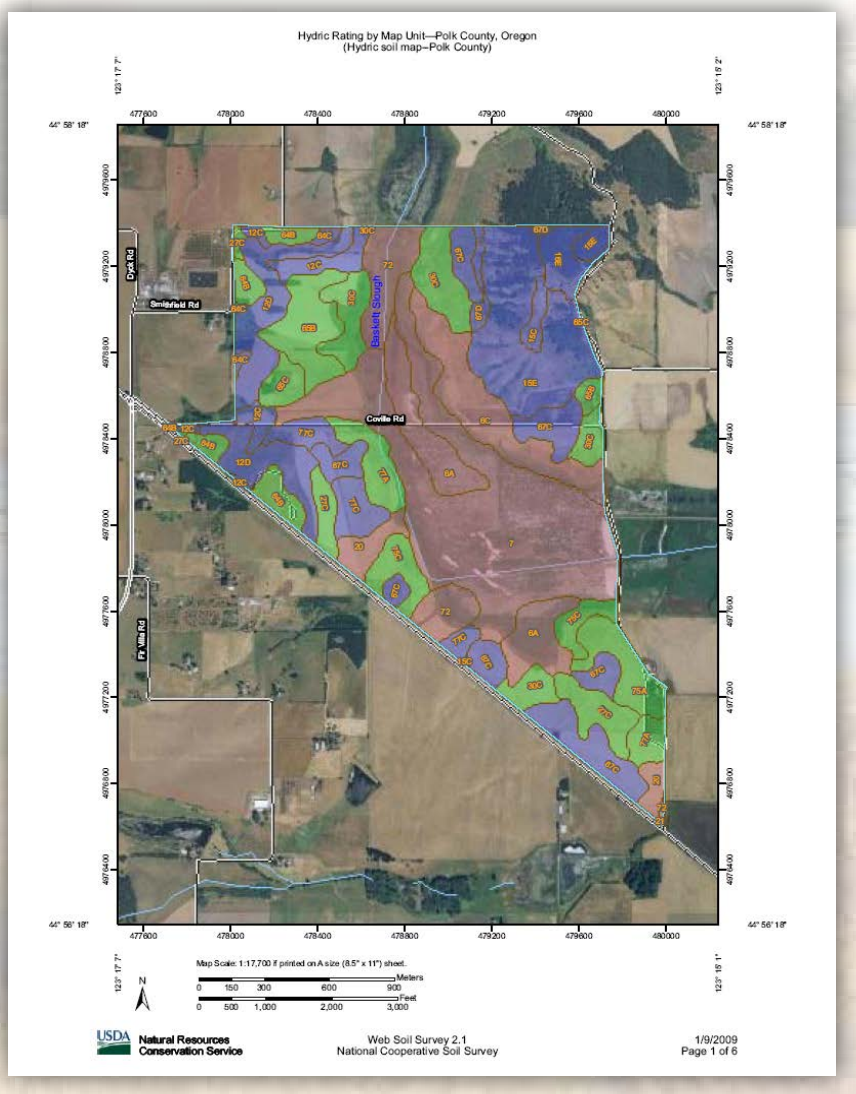


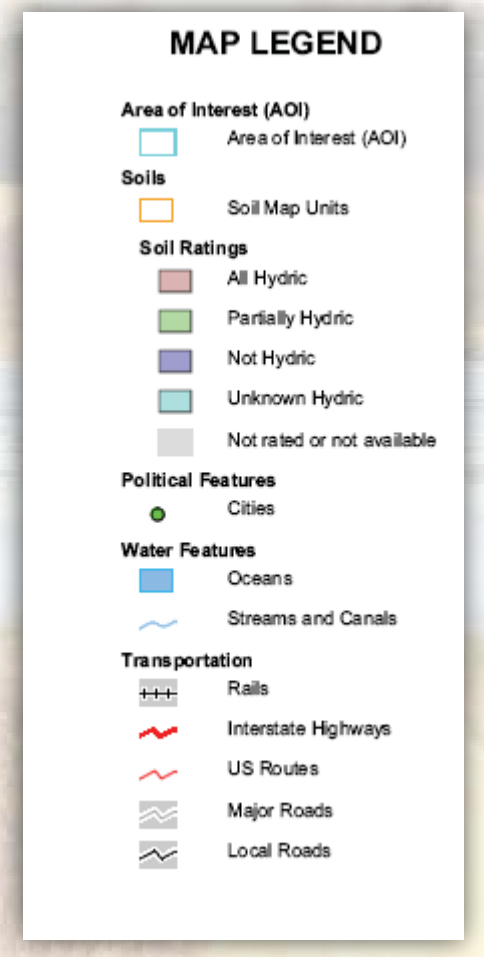
Wetland Inventory Tools

- Soil mapping and hydric soils list
- National Wetland Inventory maps
- Soil Survey Water Features Report
- USGS Topo Quads
- Ecological Site Descriptions
- Aerial Imagery Interpretation
- Field Verification

Wetland Inventory Tools- Soils

Web Soil Survey





Wetland Inventory Tools- Soils

Soil Survey and Hydric Soils List

Hydric Soils List - All Components (OR)

Coos County, Oregon

[This report lists all map unit components regardless of hydric rating. Dashes (---) in any column indicate that the data were not included in the database. Definitions of hydric criteria codes are included at the end of the report]

Map symbol and map unit name	Component	Percent of map unit	Landform	Hydric rating	Hydric criteria
2C:					
Bandon-Blacklock complex, 0 to 12 percent slopes	Bandon	60	Marine terraces	No	---
	Blacklock	20	Depressions, Marine terraces	Yes	2B3
	Heceta	7	Interdunes	Yes	2B2, 3
	Yaquina	6	Marine terraces	Yes	2A, 3
5A:					
Blacklock fine sandy loam, 0 to 3 percent slopes	Blacklock	75	Depressions, Marine terraces	Yes	2B3
	Blacklock, clayey substratum	8	Marine terraces	Yes	2B1, 3
7:					
Brallier mucky peat	Brallier	70	Flood plains, Terraces	Yes	1, 3
	Brallier, nonflooded	6	Marine terraces	Yes	1, 3
	Chetco	6	Flood plains	Yes	2B3, 4
	Coquille	6	Flood plains	Yes	2B3, 3
	Histosols, mineral soil substratum	6	Flood plains	Yes	1, 3
	Langlois	6	Flood plains	Yes	2B3, 3, 4
8C:					
Bullards sandy loam, 7 to 12 percent slopes	Bullards	75	Marine terraces	No	---
	Blacklock	8	Marine terraces	Yes	2B1, 3

Explanation of hydric criteria codes:
1. All Histels except for Folistels, and Histosols except for Folists.
2. Soils in Aquic suborders, great groups, or subgroups, Albolls suborder, Historthels great group, Histoturbels great group, Pachic subgroups, or Cumulic subgroups that:
   A. are somewhat poorly drained and have a water table at the surface (0.0 feet) during the growing season, or

Wetland Inventory Tools- Hydrology

Hydrology - Flooding, ponding, or saturation long enough to develop anaerobic conditions

Tools include: soil surveys, photo interpretation, land owner knowledge, etc.

Wetland Inventory Tools- Hydrology

Water Features

Coos County, Oregon

[Depths of layers are in feet. See text for definitions of terms used in this table. Estimates of the frequency of ponding and flooding apply to the whole year rather than to individual months. Absence of an entry indicates that the feature is not a concern or that data were not estimated. This report shows only the major soils in each map unit]

Map symbol and soil name	Hydrologic group	Surface runoff	Months	Water table		Ponding			Flooding	
				Upper limit	Lower limit	Surface water depth	Duration	Frequency	Duration	Frequency
				Ft	*Ft*	*Ft*				
2C:										
Bandon	C	---	Jan-Dec			---	---	None	---	None
Blacklock	D	---	January	0.0-1.5	1.0-1.7	---	---	None	---	None
			February	0.0-1.5	1.0-1.7	---	---	None	---	None
			March	0.0-1.5	1.0-1.7	---	---	None	---	None
			April	0.0-1.5	1.0-1.7	---	---	None	---	None
			May	0.0-1.5	1.0-1.7	---	---	None	---	None
			October	0.0-1.5	1.0-1.7	---	---	None	---	None
			November	0.0-1.5	1.0-1.7	---	---	None	---	None
			December	0.0-1.5	1.0-1.7	---	---	None	---	None
5A:										
Blacklock	D	---	January	0.0-1.5	1.0-1.7	---	---	None	---	None
			February	0.0-1.5	1.0-1.7	---	---	None	---	None
			March	0.0-1.5	1.0-1.7	---	---	None	---	None
			April	0.0-1.5	1.0-1.7	---	---	None	---	None
			May	0.0-1.5	1.0-1.7	---	---	None	---	None
			October	0.0-1.5	1.0-1.7	---	---	None	---	None
			November	0.0-1.5	1.0-1.7	---	---	None	---	None
			December	0.0-1.5	1.0-1.7	---	---	None	---	None

USDA Natural Resources Conservation Service

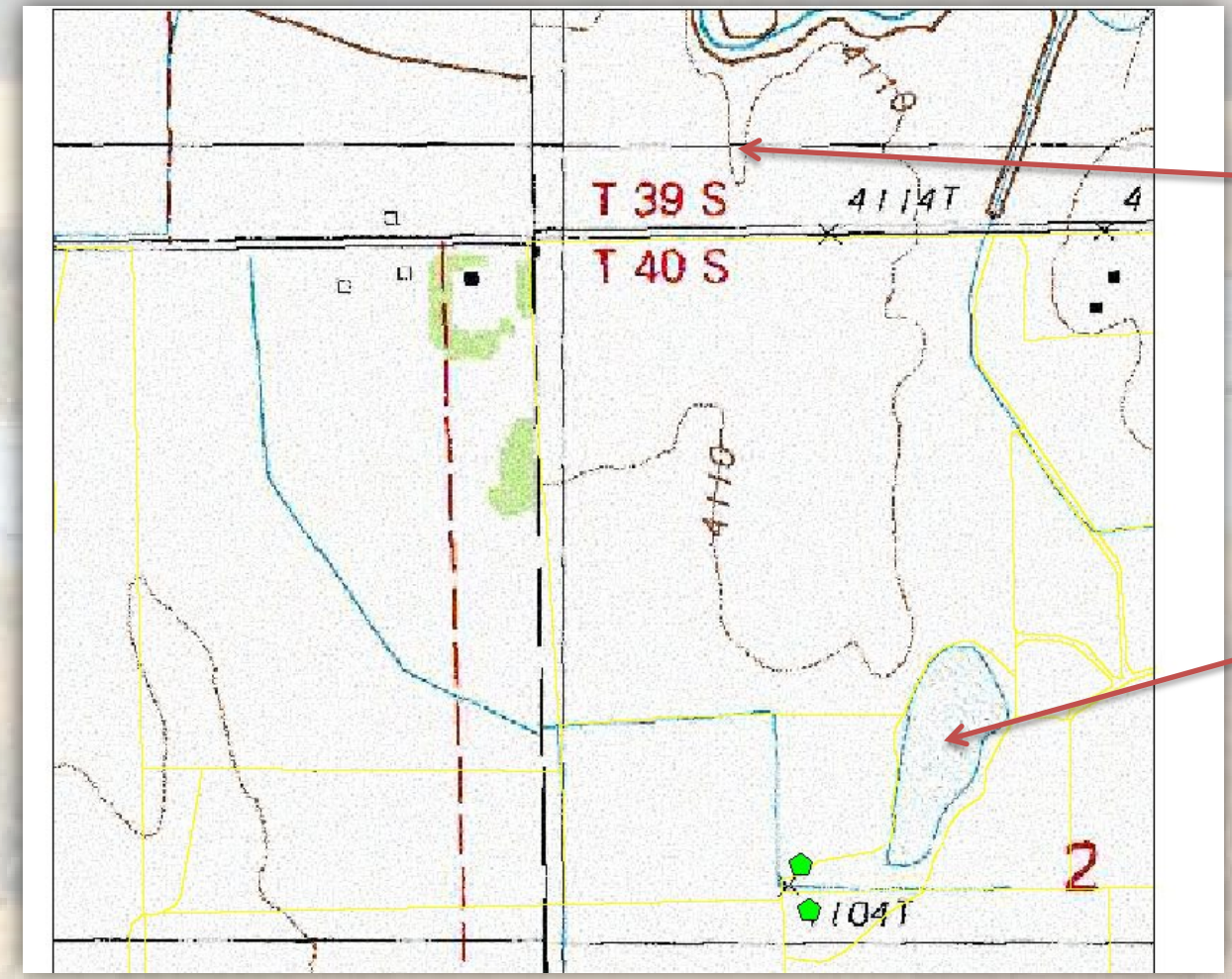
Survey Area Version: 4
Survey Area Version Date: 12/21/2006

Page 1

Soil Survey — Water Features Report

Wetland Inventory Tools- Hydrology

- Evaluate landscapes (USGS topo map)



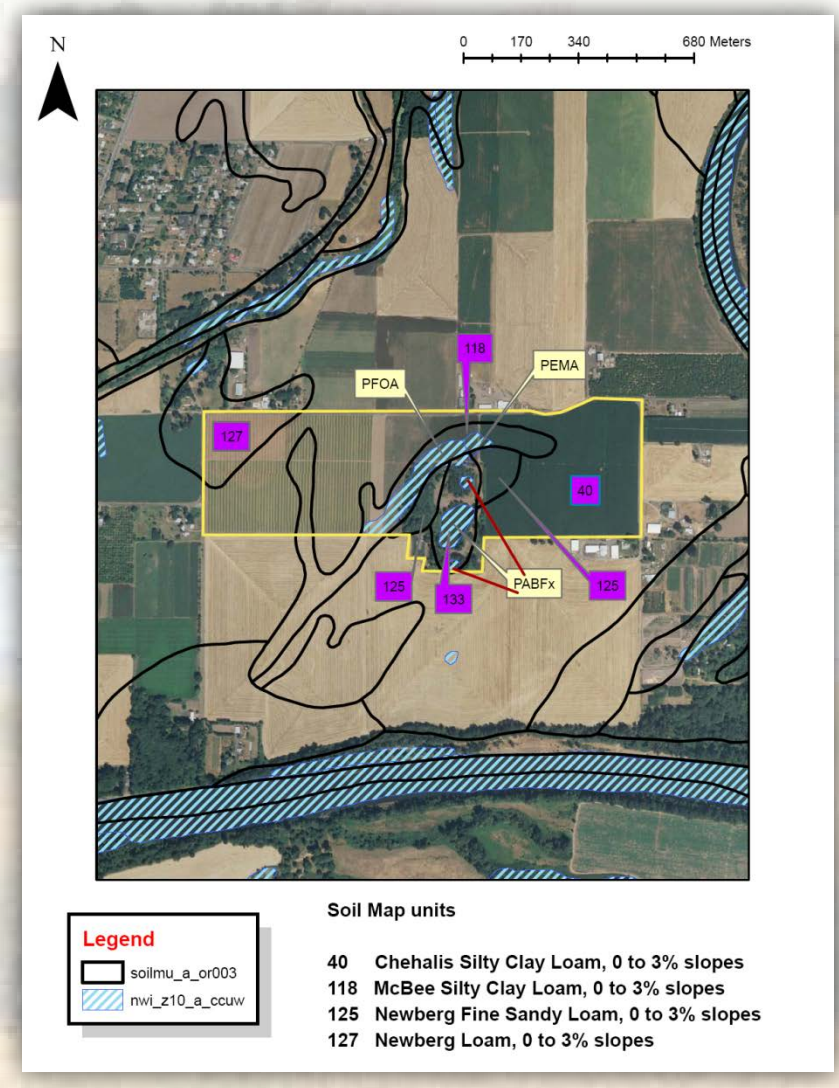
Am I in a water receiving landscape position?

Is it colored blue?

Wetland Inventory Tools- Hydrology

Saturation visible on aerial imagery

Wetland Inventory Tools- Vegetation



National Wetland Inventory maps

Available from:

- http://www.fws.gov/wetlands/
- Digital layer on F:\geodata

Wetland Inventory Tools- Vegetation

- Soil Survey – Ecological Sites

Ecological Site/Plant Association and Vegetation (OR)

Lake County, Oregon, Northern Part

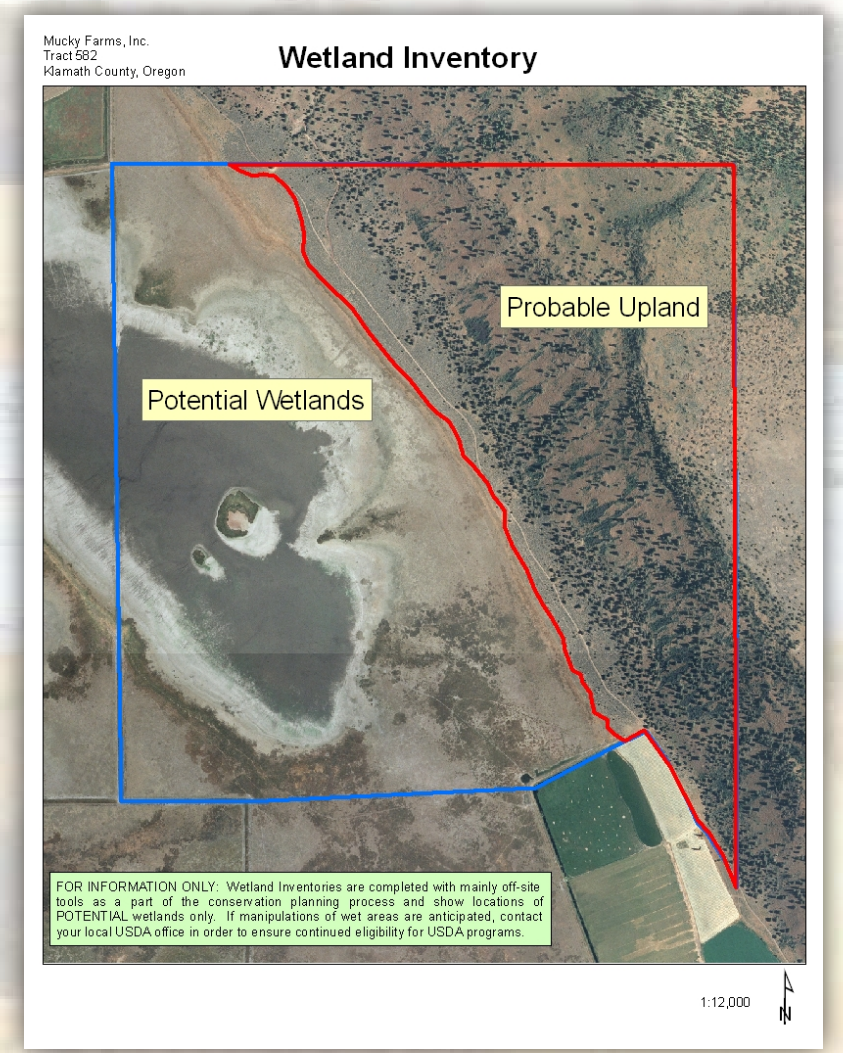
[Composition of forest understory vegetation is based on canopy cover. Composition of rangeland vegetation is based on dry weight]

Map symbol and soil name	Ecological site or plant association	Common trees	Forest understory or rangeland characteristic vegetation	Composition	
				Forest	Range
				Pct	
232:					
Bridgewell	LAKEBED (R023XY100OR)	---	spikerush	---	40
			dock	---	30
			Baltic rush	---	15
			mat muhly	---	10
			bottlebrush squirreltail	---	5
			povertyweed	---	5

- In some cases, a field investigation may be needed

Wetland Inventory

- A Wetland Inventory primarily uses off-site tools to identify areas that potentially could be wetlands



Wetlands Guide Sheet

- If potential wetlands are identified, go to Step 2

STEP 2.
Will the action(s) impact any wetland areas (this includes changing wetland types when considering wetland restoration projects)?

☐ No — **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes — **If "Yes," assess the wetland functions and describe (on the NRCS-CPA-52) the effects** of the proposed activity on the wetland area. If effects are solely beneficial, continue with planning. If adverse effects exist, **go to Step 3.**

- If "Yes" to Step 2, a more detailed wetland identification and assessment of wetland functions will be required

Wetlands Guide Sheet

- If adverse effects exist, go to Step 3

STEP 3.

Do practicable alternatives exist that avoid adverse impact to wetlands?

☐ No **If "No," go to step 4.**

☐ Yes **If "Yes,"** advise the client of the available alternatives. If the client chooses to implement the alternative that avoids adverse impact (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

- Step 3 = Avoidance

Mitigation Sequencing - Avoidance

- If practicable alternatives exist that avoid adverse impacts, client must choose the alternative or NRCS will terminate all assistance
- If there are no practicable alternatives, go to Step 4

Wetlands Guide Sheet

- If no practicable alternatives, go to Step 4

WETLANDS (continued)

STEP 4.

Do other measures exist that will minimize adverse effects to wetlands?

☐ No **If "No," go to step 5.**

☐ Yes **If "Yes,"** advise the client of the minimization measures. If the client chooses to implement the minimization measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

- Step 4 = Minimization

Mitigation Sequencing - Minimization

- If measures exist that minimize adverse effects to wetlands, client must choose to implement the measures or NRCS will terminate all assistance
- If there are no minimization measures, go to Step 5

Wetlands Guide Sheet

- If no minimization measures, go to Step 5

STEP 5.

Does the client wish to pursue an action that will result in adverse impacts to wetlands (where no practicable alternatives or minimization measures exist)?

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes,"** advise that client of the need to compensate for the lost wetland acres and functions. NRCS may assist the client in the development of a mitigation plan. If the client chooses to implement the compensation measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

- Step 5 = Compensation

Mitigation Sequencing - Compensation

- If the client wishes to pursue an option that will result in adverse impacts to wetlands, compensation for the lost wetland acres and functions is required
- NRCS may assist the client in the development of a mitigation plan
- Note: The willingness to provide compensation does not relieve the avoidance or minimization requirements

Mitigation Sequencing - Review

- If the EE finds that wetlands will be affected, the following mitigation sequencing is followed:
  - Avoidance
  - Minimization
  - Compensation

Review

- The Wetland Protection Policy directs NRCS to protect and promote wetland functions and values in all technical and financial assistance
- The Wetland Conservation (Swampbuster) provisions do not apply to agency actions
- A wetland inventory is usually sufficient for identifying wetlands subject to the WPP