

**For:** State and County Offices

**FSA Wetland Points GIS Layer, Notice CP-624, and Related HEL Questions and Answers**

**Approved by:** Deputy Administrator, Farm Programs



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**1 Overview**

**A Background**

Notice CP-624, issued January 28, 2008:

- advised County Offices about which wetland determinations to include in the wetland points GIS layer
- instructed County Offices to update their wetland points layer.

After issuing Notice CP-624, FSA and NRCS at the National level held a teleconference on March 12, 2008, with FSA and NRCS State Offices to:

- clarify issues raised as a result of Notice CP-624
- answer any questions and concerns on the wetland determinations and the FSA wetland points GIS layer.

**B Purpose**

This notice provides:

- answers to frequently asked questions about wetland determinations and the FSA wetland points GIS layer raised since issuing Notice CP-624
- answers to related questions about HEL determinations that were raised as a result of Notice CP-624 and/or the teleconference.

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<b>Disposal Date</b>	<b>Distribution</b>
January 1, 2009	State Offices; State Offices relay to County Offices

## Notice CP-626

### 2 Additional Information

#### A Questions and Answers

The following are provided in response to questions and concerns the National Office has received about wetland determinations and the FSA wetland points GIS layer since issuing Notice CP-624.

**Q1.** What determinations belong in the FSA wetland points GIS layer?

**A1.** All determinations that are supported by NRCS-CPA-026 or NRCS-CPA-026E sent to a producer belong in the FSA wetland points GIS layer, regardless of the certification status of the determination. Any determinations not supported by NRCS-CPA-026 or NRCS-CPA-026E should **not** be in the layer.

**Note:** In some cases FSA may not be able to locate NRCS-CPA-026 to justify a previously listed determination (lost, misplaced, archived etc.). In such cases the County Office may be able to obtain a copy of NRCS-CPA-026 from NRCS.

**Q2. What is the deadline for updating the wetland points layer? What if my State cannot meet this deadline?**

**A2.** The deadline for updating the wetland points layer is May 1, 2008. Send a status report to [daniel.culli@wdc.usda.gov](mailto:daniel.culli@wdc.usda.gov) by April 18, 2008, indicating whether or not the State will be finished by May 1, 2008. If the State cannot make the deadline, send a plan outlining the steps to finish the task and provide a new target date. The new target date should not exceed August 1, 008.

**Q3.** Does NRCS still have any intention of creating a wetland determination layer? If so, when and won't all this work on the wetland points layer become a wasted effort?

**A3.** At this time, NRCS has no firm plans at the National level to create a wetland determination layer. Therefore, there is no duplication of effort and the work is not wasted.

**Q4.** Do **all** determinations on NRCS-CPA-026 or NRCS-CPA-026E need to be included? Are certain determinations optional?

**A4.** Nonwetland (NW) and Noninventoried (NI) determinations are optional. No other determinations are optional.

**Q5.** If the County Office elects to put NW and NI determinations in the wetland points layer, what should the determination status be?

**A5.** NW determinations could be either "inventoried" or "certified" depending on the determination. NI determinations should be classified as "unknown".

## Notice CP-626

### 2 Additional Information (Continued)

#### A Questions and Answers (Continued)

- Q6.** Do prior converted wetland (PC) determinations need to be included on the wetland layer?
- A6.** PC is a valid wetland determination and should be included on the wetland points layer. The only wetland determinations that are optional on the layer are NW and NI determinations.
- Q7.** If NRCS has issued a determination on NRCS-CPA-026 or labeled a map with a wetland determination and that area is noncropland, are those determinations to be included on the wetland points layer?
- A7.** Yes. Include anything that is on NRCS-CPA-026, regardless of the land classification where it is located.
- Q8.** What is the difference between certified and inventoried wetland determinations?
- A8.** Certified wetland determinations are determinations that are of sufficient quality to make a determination of ineligibility for USDA benefits under the Food Security Act of 1985, as amended. Inventoried determinations are not of sufficient quality to make a determination of ineligibility for USDA benefits under the Food Security Act of 1985, as amended. Determinations made after July 3, 1996, are considered certified wetland determinations. It is possible that determinations made before this date have become certified at the request of a producer or due to a whistleblower.
- Q9.** In many areas, NRCS personnel are indicating to FSA personnel that any NRCS-CPA-026 containing wetlands that were prepared before July 3, 1996, is invalid because proper procedure was not followed and no site visits were made. Is this true? If so, do we remove wetland points associated with any NRCS-CPA-026 dated before July 3, 1996?
- A9.** NRCS-CPA-026's and NRCS-CPA-026E's dated before July 3, 1996, are still valid. NRCS will stand behind all determinations that are provided to the producer on NRCS-CPA-026 until such time that a producer contacts FSA or NRCS and requests a change on AD-1026 or NRCS-CPA-038.
- Q10.** During the inventoried wetland process, NRCS determined thousands of fields as PC and NW. When a producer today sees PC or NW on the maps, is it safe to assume they can manipulate the field, tile, create drainage systems, etc. without contacting NRCS first?
- A10.** NRCS will stand behind all determinations that are provided to the producer on NRCS-CPA-026 until such time that a producer contacts FSA or NRCS and requests a change on AD-1026 or NRCS-CPA-038. If the producer has any questions or is unsure if their actions will impact a previous HEL/WC determination, they need to complete an AD-1026 and get a certified determination.

## Notice CP-626

### 2 Additional Information (Continued)

#### A Questions and Answers (Continued)

**Q11.** What is the certification date?

**A11.** The certification date is the date listed in NRCS-CPA-026E, “certification date” column. It represents the date the certified determination was made, meaning it will often be the same as the determination date.

**Q12.** Do I need to include determination dates for noncertified determinations in the layer?

**A12.** Notice CP-624 and 8-CM both indicate that the points be attributed with the certification date. Determination dates for noncertified determinations are optional.

**Q13.** If there is no specific certification date indicated on NRCS-CPA-026E, do I leave the date blank in the GIS layer or use the NRCS-CPA-026E date?

**A13.** Assuming it is a certified determination, use the NRCS-CPA-026E date. If it is a noncertified determination, the date is optional.

**Q14.** Do I need to include acreages for noncertified determinations?

**A14.** Acreages for noncertified determinations are optional.

**Q15.** Do I need to include the wetland determination type on inventoried wetland determinations?

**A15.** Yes. The determination type must be indicated on all determinations. If the determination type is not included, the point will not appear on the map, as the software determines which symbol is assigned to the determination based on the determination type.

**Q16.** I have Alaska exempt wetland (AEW) determinations in my State/county. This choice is not available in the Maintenance Tool. What do I do?

**A16.** AEW determinations should be treated as NW determinations. Note that NW determinations are optional on the layer.

**Q17.** I have corps permit decision (CPD) determinations in my State/county. This choice is not available in the Maintenance Tool. What do I do?

**A17.** CPD belongs in the yellow category. Give the CPD determinations a label that falls within the yellow category and make a note that it needs to be changed in the future when the database and software can be updated.

## Notice CP-626

### 2 Additional Information (Continued)

#### A Questions and Answers (Continued)

**Q18.** I have exempt converted wetland (ECW) determinations in my State/county. This choice is not available in the Maintenance Tool. What do I do?

**A18.** ECW exemptions are shown on line 15 of NRCS-CPA-026 (dated July 11, 1986). The exemption type is listed and should be placed on the wetland points layer. If the ECW label is associated with a later version of NRCS-CPA-026 (dated July 11, 1986), the ECW determinations should be entered as converted wetland technical error (CWTE) determinations.

**Q19.** I have potential wetland (PW) determinations in my State/county. This choice is not available in the Maintenance Tool. What do I do?

**A19.** PW determinations should be treated as NI determinations. Note that NI determinations are optional on the layer.

**Q20.** If discrepancies are noticed between NRCS-CPA-026's and the wetland determination data in the Farm Records System (FRS), should FRS be updated to reflect the forms?

**A20.** Yes, farm records should also reflect what is on NRCS-CPA-026's (and therefore what is in the GIS wetland layer). Notice CP-624 did not address this specifically, but if discrepancies are noticed between the farm record and NRCS-CPA-026's or the farm record and wetland layer, they should be fixed. Both databases should match what is indicated on NRCS-CPA-026 that was sent to the producer. As such, any determination in farm records/GIS should be removed if not backed by NRCS-CPA-026.

**Q21.** Is there a way to create a report on certified wetland entries from FRS or the System 36?

**A21.** There is currently no functionality in the field to create a certified wetland determination report, however this may be available in the future. Since farm records have moved to the Internet, wetland determinations are no longer updated on the System 36.

**Q22.** I have a NRCS-CPA-026 that says all fields are PC, but there is no map attached. What do I do?

**A22.** If NRCS-CPA-026 indicates that all fields are PC, then it is correct to put PC's on all the fields in the wetland points layer.

## Notice CP-626

### 2 Additional Information (Continued)

#### A Questions and Answers (Continued)

- Q23.** I have a NRCS-CPA-026 with a statement that says “Hydric soils present”, but there is no map attached. How should a County Office interpret this? The NRCS State Office states that if NRCS-CPA-026 was sent to a producer, it had a map attached to it.
- A23.** If NRCS-CPA-026 says hydric soils present, but there is no map, do not consider this a determination. If NRCS-CPA-026 shows the presence of wetlands, there should be a map. Without one, in this case, do not consider this a determination.
- Q24.** I have a NRCS-CPA-026 that states that certain fields have wetlands, but there is no map. Should these be included in the wetland points layer?
- A24.** If NRCS-CPA-026 indicates the presence of various wetland types in various fields but does not have a map, the FSA State or County Office shall work with the NRCS State Office to resolve these individual situations.
- Q25.** I have a NRCS-CPA-026 and the attached map, but the space on NRCS-CPA-026 that contains the date the form was sent to the producer is blank. Is this a valid determination and should it be included in the wetland points layer?
- A25.** If FSA has a copy of NRCS-CPA-026 and the attached map, it should be a valid determination that was provided to the producer and as such should be included in the wetland points layer.
- Q26.** The NRCS State Office in my Service Center has hundreds of NRCS-CPA-026’s and maps on file, but they were not sent to the producer because the regulation changed that stopped the inventory process. Should these be included on the wetland points layer?
- A26.** No, these determinations should not be included in the wetland points layer since they were not provided to the producers.
- Q27.** If there are PC/NW’s included on the map attached to NRCS-CPA-026, but not on NRCS-CPA-026 form itself, should these be included in the layer?
- A27.** If this map is attached to NRCS-CPA-026, include the points for PC/NW.
- Q28.** I have a NRCS-CPA-026 that indicates a PC/NW determination at the tract level (e.g. tract 1 = PC/NW). Should I place PC/NW determinations on all fields within the tract?
- A28.** Yes, place PC/NW determinations within all fields on the tract.

## Notice CP-626

### 2 Additional Information (Continued)

#### A Questions and Answers (Continued)

- Q29.** NRCS has provided some County Offices with a digital wetland inventory layer. This layer contains only inventoried wetlands. There are no NRCS-CPA-026's to back up the points on the wetland inventory layer. Does this digital wetland layer satisfy FSA's need for documentation?
- A29.** No. The digital wetland layer does not satisfy FSA's requirements. FSA's wetland points layer must reflect what is on NRCS-CPA-026's that were provided to producers.
- Q30.** An NRCS State Office indicated there are no NRCS-CPA-026's prepared for any wetlands, only for HEL determinations. Is this true?
- A30.** Yes. Wetland determinations were not completed for all areas of the nation. However, NRCS-CPA-026's should have been prepared anywhere wetland determinations were made.
- Q31.** Some FSA County Offices have a NRCS-CPA-026 for every determination while other FSA County Offices do not. Some FSA County Offices have NRCS-CPA-026 accompanied with an annotated map while others have only NRCS-CPA-026 itself. Does FSA need a copy of NRCS-CPA-026 and its map in our file or can FSA rely on NRCS files?
- A31.** FSA must have a copy of NRCS-CPA-026 and map in their files. The FSA County Office may need to work together with the NRCS County Office to obtain the necessary documents.
- Q32.** If NRCS hasn't provided us with copies of NRCS-CPA-026's for our files, how much research is FSA expected to do?
- A32.** NRCS was required to provide FSA with copies of all NRCS-CPA-026's and maps. If FSA does not currently have copies, they need to work with the NRCS State Office to obtain the necessary documents.
- Q33.** Does FSA need NRCS-CPA-026 on file for each tract of land? If we don't have one, do we assume there are no HEL/wetlands located on the tract or that no determination has been made?
- A33.** NRCS-CPA-026 is not necessarily required for every tract of land. However, FSA needs to have a copy of NRCS-CPA-026 and map on file for each inventoried and/or certified wetland determination made by NRCS and sent to the producer. No, you cannot assume that just because there are no wetlands on the tract that no wetland determinations have been made. FSA State and County Offices may need to work with NRCS State Offices to verify whether or not determinations have been made.

**2 Additional Information (Continued)**

**A Questions and Answers (Continued)**

- Q34.** Is there proper protocol for FSA to request NRCS-CPA-026 and annotated map from NRCS?
- A34.** Assuming NRCS-CPA-026 has been completed by NRCS, there is no proper protocol other than using appropriate communication practices between offices. See Q43 and Q44 for policy references about when NRCS-CPA-026 is required.
- Q35.** The ArcGIS CLU Maintenance Tool will not allow me to put in an acreage less than 1.0 acre. What do I do with the wetlands less than 1.0 acre?
- A35.** The ArcGIS CLU Maintenance Tool has a known bug with the acreage entry boxes. The workaround is to enter a nonzero integer, then the decimal point, and then the acreage. After this, use the arrow key to go back and delete the first number. For example, if the acreage is 0.25, enter 1.25, then use the arrow key to get behind the decimal point and delete the 1. This bug will be fixed in a future version of the tool.
- Q36.** On NRCS-CPA-026 and original maps there is an Artificial Wetland (AW) determination where an irrigation pit originally was. Since then, a pivot has been placed in the field and the pit was filled in. NRCS has never taken AW off NRCS-CPA-026. Do I identify these on the wetland layer or ignore them and document in the tract file that AW is no longer there because of the change in farming practice?
- A36.** These determinations should be present in the wetland points layer as they are shown on the last NRCS-CPA-026.
- Q37.** I have NRCS-CPA-026's which state "Wetland Determination Not Made for the Area Indicated" or something similar. However, there may be indications on the map that wetlands possibly exist. What do I do?
- A37.** This statement indicates that NRCS has not made a determination in the "Area Indicated". Use either an NI determination or do not place a point in the layer in these areas.
- Q38.** I have 1 wetland that is located in multiple fields. How do we represent this in the wetland points layer?
- A38.** If there is 1 wetland located in multiple fields, there will be a wetland point in each field in which the wetland lies. For example, if there is a W determination that falls within fields 1 and 2, there will be 1 point each in fields 1 and 2. Even though there is only 1 actual wetland, there will be 2 points as determinations are made on a field by field basis.

## Notice CP-626

### 2 Additional Information (Continued)

#### A Questions and Answers (Continued)

- Q39.** I have a field with a wetland determination. I split that field and the wetland now lies within 2 fields. How do I represent this in the wetland points layer?
- A39.** There would now be 2 wetland points in the wetland points layer, 1 on each field. For example, if there is a W determination that falls within fields 1 and 2, there will be 1 point each in fields 1 and 2. Even though there is only 1 actual wetland, there will be 2 points as determinations are made on a field by field basis.
- Q40.** I have 1 wetland that is located in multiple fields. I combined those fields. How do I represent this in the wetland points layer?
- A40.** After the field combination, there will be 1 point in the wetland points layer for this determination. For example, if there is a W determination that lies within fields 1 and 2, there would initially be 1 point each in fields 1 and 2. If fields 1 and 2 were combined and the wetland now lies completely within the newly created field 3, 1 wetland point would be removed from the layer, resulting in 1 point in field 3.
- Q41.** If a wetland is located in multiple fields, and NRCS-CPA-026 has the only the total acreage for the wetland, do I have to determine the amount of wetland acreage which falls within each field?
- A41.** No, do not enter an acreage in this case as the total acreage of the wetland is not equal to the acreage associated with any of the wetland points.
- Q42.** Some NRCS-CPA-026's list specific field numbers and acres and some NRCS-CPA-026's list multiple field numbers and a total acreage figure for all wetlands on the tract. How should I handle this?
- A42.** Do not enter an acreage as the total acreage of the wetland is not equal to the acreage associated with any of the wetland points in this case.
- Q43.** 6-CP, subparagraphs 239 A and B call for FSA to send copies of FSA-156's for the original and reconstituted farms to NRCS along with photocopies of the tract(s) for the original and reconstituted farms. However, NRCS is no longer sending back new NRCS-CPA-026's. How should the FSA County Offices handle these situations?
- A43.** NRCS will only complete NRCS-CPA-026 in response to receiving AD-1026 or FSA-569 from FSA. FSA County Offices should continue to follow policy in 6-CP until otherwise instructed or 6-CP is amended.

## Notice CP-626

### 2 Additional Information (Continued)

#### A Questions and Answers (Continued)

**Q44.** How does the FSA County Office handle situations where fields with an HEL/NHEL determination are split or combined during a farm reconstitution, or if new land is broken out on the farm?

**A44.** FSA County Offices shall follow 6-CP, subparagraph 470 A for guidance on when a revised AD-1026 is required, and paragraph 501 for guidance on when a redetermination is required. NRCS policy on when a field redetermination is required can be found in the National Food Security Act Manual, Part 511.12 at <http://policy.nrcs.usda.gov/viewerFS.aspx?id=1511>.

**Note:** The trigger for a redetermination is not the reconstitution, but AD-1026. As such, a new NRCS-CPA-026 will only be prepared and distributed in response to a revised AD-1026 and only when a redetermination is required according to the policy references above.

**Q45.** If discrepancies are noticed between NRCS-CPA-026's and the HEL determination data in the FRS and/or the CLU layer, should FRS and/or the CLU layer be updated to reflect the forms?

**A45.** Yes. HEL status in farm records and the CLU layer should reflect what is on NRCS-CPA-026's. Notice CP-624 did not address this specifically. But if discrepancies are noticed about HEL while completing what is required by Notice CP-624, they should be fixed. Both databases should match what is indicated on NRCS-CPA-026 that was sent to the producer.

**Q46.** 6-CP, subparagraph 502 A references subparagraph 500 C, which no longer exists. What paragraph should it reference?

**A46.** The reference should be subparagraph 500 B and will be corrected in a future amendment.

**Q47.** Some FSA County Offices have indicated they have not recently received a NRCS-CPA-026 from NRCS, even in situations where a new determination is needed because of a reconstitution. What should FSA do?

**A47.** FSA State and County Offices should attempt to obtain this information through appropriate communication practices with the NRCS State Office. If this is a recurring issue in your State, contact Jan Jamrog, PECD at 202-690-0926.

**Q48.** While we are awaiting a response from NRCS on determinations made on reconstituted farms, do we make any changes on the wetland layer?

**A48.** Wetland determinations generally should not change because of reconstitutions. However, it is possible that some points will have to be added or removed from the layer based on field splits or divisions. See Q38 through Q40. The reconstitution will more likely result in an HEL/NHEL determination change.