

Water[Snow Survey & Water Supply](#)[Water Management](#)[Water Quality](#)[Watersheds](#)[Wetlands](#)[Assessment Methods](#)[Identifying Wetland Boundaries](#)[Restoring Degraded Wetlands](#)[Technical Resources](#)**Wetland Conservation Provisions (Swampbuster)****Introduction**

The Highly Erodible Land Conservation and Wetland Conservation Compliance provisions (Swampbuster) were introduced in the 1985 Farm Bill, with amendments in 1990, 1996 and 2002. The purpose of the provisions is to remove certain incentives to produce agricultural commodities on converted wetlands or highly erodible land, unless the highly erodible land is protected from excessive soil erosion.

Persons who plant an agricultural commodity on wetlands that were converted between December 23, 1985 and November 28, 1990 will be ineligible for program benefits in any year an agricultural commodity is planted unless an exemption applies.

Persons who convert a wetland making production of an agricultural commodity possible after November 28, 1990, will be ineligible for program benefits until the functions of the wetland that was converted is mitigated, unless an exemption applies.

Over a period of 200 years, the lower 48 states lost an estimated 53 percent of their original wetlands.

An estimated 87 percent of the wetland losses from the mid-1950's to the mid-1970's were due to agricultural conversion.

The wetland conservation provisions have sharply reduced wetland conversions for agricultural uses, from 235,000 acres per year before 1985 to 27,000 acres per year from 1992 through 1997. Swampbuster helps preserve the environmental functions of wetlands, such as flood control, sediment control, groundwater recharge, water quality, wildlife habitat, recreation, and esthetics.

Wetland Determinations

In order to determine compliance with the swampbuster provisions, the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) will determine if a producer's land has wetlands that are subject to the provisions. 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 or until the producer requests a review.

Mitigation (offsetting losses)

The Farm Bill allows producers to convert wetlands for production of an agricultural commodity, if they compensate for the wetland functions that are lost.

Landowners can work with USDA, conservation districts, or others to choose the best ways to mitigate wetlands.

Landowners who want to convert or alter wetlands may enhance existing wetlands, restore former wetlands, or create new wetlands to offset functions and values that are lost from conversions or alterations.

Wetland conversions authorized by Section 404 of the Clean Water Act will be accepted if the conversion activities were adequately mitigated.

Minimal Effects Determinations

NRCS may grant an exemption to a producer for conversion of a wetland if the action will have a "minimal effect", both individually and cumulatively, on the wetlands in the area. In addition, NRCS has identified categorical minimal effect exemptions for activities that are routinely determined to have a minimal effect on wetland

functions. Activities that qualify for a categorical minimal effect exemption can now be put on the "fast track" for approval. Activities on this list have an insignificant impact on the functions of the landowner's wetland and other wetlands in the area.

Abandonment

The 1996 Farm Bill revised the concept of abandonment. Now, as long as land is used for agriculture and met prior converted cropland criteria on December 23, 1985, the designation remains in effect. When there is an approved plan, landowners with farmed wetlands and farmed wetland pasture may allow an area to revert to wetland status and convert it back to a farmed wetland or farmed wetland pasture for agricultural purposes without violating Swampbuster.

Authority of the Secretary of Agriculture

The Secretary of Agriculture now has the authority to waive ineligibility status, grant time to restore converted wetlands, and, for individual producers, identify which USDA programs are affected by Swampbuster violations and the amount of sanctions to be assessed.

Maintaining USDA Program Eligibility

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 Conservation Fact Sheets

[Certified Wetland Determinations](#)

[Wetland Minimal Effects](#)

[Wetland Mitigation](#)

[Wetland Functions](#)

[Wetland Conservation Questions and Answers](#)

[NRCS and FSA Wetland Determination Identifiers PowerPoint](#)