



Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE



Minimal Effect Exemption

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FARM PRODUCTION AND CONSERVATION
FSA | NRCS | RMA | Business Center



Background

§ 7 CFR Section 12.5(b)(1)(v)

§ The NRCS may grant a USDA participant an exemption when he or she converts a wetland through an action that has a minimal effect on the **functions and values of the wetlands in the area.**





USDA participant must request a minimal effect exemption

§ 7 CFR Section 12.31(d)

§ The requesting USDA participant must provide:

- § Description and location of the activity
- § Any restrictions on the property (easements)
- § Previous sites visits and documents





Before and After Project Condition

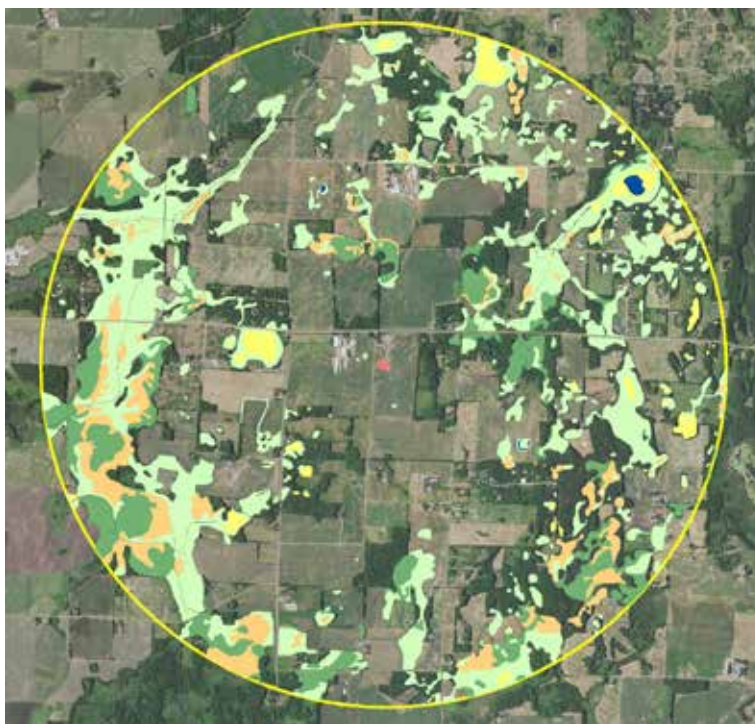
§ Evaluate and weight Hydrology, Soils and Vegetation.

Project Area Hydrology (V ^H)			
7a. Before-Project Condition		7b. After-Project Condition	
Prior to 1985, there were no alterations to the hydrology.	☐	Prior to 1985, there were no alterations to the hydrology and not further modified by the project.	☐
Prior to 1985, the hydrology of the project area was modified. However, (i) the project area supported woody vegetation on December 23, 1985 such that the production of an agricultural commodity was not possible and (ii) wetland hydrology returned before 1985.	☒	Prior to 1985, the hydrology of the project area was modified. However, (i) it supported woody vegetation on December 23, 1985 such that the production of an agricultural commodity was not possible and (ii) wetland hydrology returned before 1985, and hydrology is not further modified by the project.	☐
The project area was impacted by drainage prior to December 23, 1985 but was still ponded or flooded for longer than brief periods (1-3 days), and the land did not support woody vegetation on that date.	☐	The project area was minimally impacted by drainage prior to 1985, and the land supported woody vegetation on December 23, 1985 such that the production of an agricultural commodity was not possible and will not be further modified by the project. OR the project will impact the hydrology but will still meet wetland hydrology.	☐
The project area was impacted by drainage prior to December 23, 1985 such that it did not support ponding or flooding for more than brief periods (1-3 days), and the land did not support woody vegetation on that date.	☐	After the conversion action, the project area hydrology fails to meet the wetland hydrology definition in 7CFR12.	☒
	0.8		0



Wetlands in the Area

§ Assessment will occur within a 2mi radius from the wetland conversion area





Wetland Functions and Capacity

§ Considerations of Surrounding Wetland Functional Capacity

Wetlands in the Immediate Area			
<i>Wetland type</i>	<i>Acres</i>	<i>Functional Capacity</i>	<i>Functional Capacity Units</i>
Cropland or hayland	605	0.1	60.5
Managed pasture or highly degraded plant communities	21	0.3	6.3
Non-marsh herbaceous plant communities, with passive management or pond	0	0.6	0
Early successional woody plant communities	49	0.6	29.4
Mid- to late-successional woody plant communities	35	1	35
Marsh or shrub wetland with a mosaic vegetative pattern	121	1	121
Cumulative Functional Capacity Units			252.2

Decision Matrix

Cumulative FCU Loss at project area, plus previous minimal effects exemptions (from step 12)	Capacity of Wetlands in the Area to Provide Ecological Services (from Step 18)				
	≤ 0.20	> 0.20 to 0.40	> 0.40 to 0.60	> 0.60 to 0.85	> 0.85
≤ 0.10	Yes	Yes	Yes	Yes	Yes
> 0.10 to 0.25	No	Yes	Yes	Yes	Yes
> 0.25 to 0.70	No	No	Yes	Yes	Yes
> 0.70 to 0.85	No	No	No	Yes	Yes
> 0.85 to 1.50	No	No	No	No	Yes
> 1.50	No	No	No	No	No



MW Label

§ Wetlands that qualify for this exemption will be labeled “**MW**” on a new certified wetland determination from NRCS



New changes 2026

- § No 2 acre cap
- § Anticipated minimal effects granted
- § Average size of future authorizations

% anticipated minimal effect exemption authorizations (V^{PAA}) see Section C	98%
Average size of future authorizations (V^{ASFA}) see Section C	0.61



Questions?

