

CRP Land – Wetland Restoration Alternatives & Options Fact Sheet

USDA Natural Resources Conservation Service - North Dakota

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CRP Wetland Restorations and Ditch Plug Decommissioning

Conservation Reserve Program (CRP) participants restored wetlands across the prairie pothole region of North Dakota. As CRP contracts expire, decisions will be made whether to maintain those restored wetlands or revert back to the conditions that existed prior to CRP.



Before deciding to maintain restored wetland acres or return the wetland(s) to pre-1985 drained condition, review the following considerations:

1985 Food Security Act, as amended

Ditch plugs can be removed and the wetland drain can be maintained to the same extent that existed prior to December 23, 1985. Prior to wetland restoration under CRP, the NRCS, FWS, or the North Dakota Natural Resources Trust completed a scope and effect determination to document the extent of drainage prior to December 23, 1985. The scope and effect determination is the degree to which the wetland can be drained and now be returned to agricultural production in order for a USDA participant to remain eligible for USDA benefits. The scope and effect of drainage existing prior to that date may be maintained.

NRCS field offices have scope and effect determinations on file for wetlands restored under CRP. Contact NRCS for the scope and effect determinations. If the ditch plug is removed, do not place the fill in the wetland unless NRCS has determined the wetland to be prior converted (PC) wetland.

Considerations to Retain Wetland Restorations

Mitigation: After the CRP contract expires, restored wetlands can be used for mitigation. Ditch plugs do not need to be removed and then re-installed in order to be used for mitigation credits. Wetland mitigation needs exist throughout North Dakota. Mitigation needs vary from USDA participants that may want to drain wetlands, North Dakota DOT road construction wetland impacts, Federal Aviation Administration requirements for wetland removal adjacent to airport runways, etc.

Forage production: If the expired CRP contract will remain in forage production, the restored wetland can increase forage availability for grazing livestock or hay production. Depending on vegetation type, wetlands can produce over two tons of forage per acre.

Wildlife habitat: Wetlands and associated grassland habitat provide excellent habitat for migratory waterfowl and shore birds. They also provide excellent habitat for resident wildlife species, especially winter habitat. Ring-necked pheasants and white-tailed deer use cattail choked wetlands for winter cover.

These cattail wetlands can provide better winter habitat than minimally designed multi-row tree and shrub plantings.

Cost-share Assistance Provided by USDA

In many cases the Farm Service Agency (FSA) provided cost-share assistance to restore the wetland. No cost-share assistance will need to be refunded if the ditch plug is removed at the end of the CRP contract. There is no financial assistance from USDA to remove the ditch plugs.

Financial Assistance from Other Agencies or Groups

Different scenarios occur with wetland restorations on CRP. Following are the most common wetland restoration scenarios under CRP:

Fish and Wildlife Service Easements: It is strongly recommended that you contact the local U.S. Fish and Wildlife Service Office for any CRP lands also covered by a Fish and Wildlife Service easement.

North Dakota Natural Resources Trust. Any agreement with the Natural Resources Trust terminates with the CRP contract expiration. Ditch plugs can be removed.

North Dakota Game and Fish Department: Any agreement with the North Dakota Game and Fish Department terminates with the CRP contract expiration. Ditch plugs can be removed.

Ducks Unlimited: Any agreement with Ducks Unlimited terminates with the CRP contract expiration. Ditch plugs can be removed.

Permitting Requirements

North Dakota State Engineer or Drainage County Water Resource Board permit: Any wetland with an 80 acre or larger drainage area requires a permit from the North Dakota State Engineer (North Dakota Water Commission). Ditch plugs on CRP restored wetlands with a drainage area, larger than 80 acres, may be removed if a drainage permit has been obtained. If no drainage permit was obtained, contact the North Dakota State Engineer prior to removing the ditch plug. For wetlands with less than 80 acres drainage area, check with your local water resource board for any county drainage restrictions.

United States Army Corp of Engineers (Corps): The Corps wetland jurisdiction does not apply to isolated wetlands. These types of wetlands are not associated with navigable waters. The majority of wetlands restored under CRP are isolated wetlands. Contact the Corps office at 701-255-0015 prior to ditch plug removal if you plan on placing fill in the wetland and if you believe the wetland may be under the Corps' jurisdiction.

Other Conservation Practices

Wildlife Watering Facilities/Ponds: Many wildlife watering facilities/ponds were installed to enhance available water in non-wetland area and cost-shared by FSA. These facilities may be removed after the CRP contract expires without cost-share repayment.

Tree and shrub plantings: Many tree and shrub plantings were installed to enhance wildlife habitat on CRP tracts with FSA cost-share. Trees and shrubs may be removed after the CRP contract expires without cost-share repayment.

For additional information, contact your local USDA-NRCS office.