



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
WASHINGTON, DC 20310-0108



JAN 28 2020

DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
OFFICE OF THE CHIEF
WASHINGTON, DC 20250

MEMORANDUM FOR THE FIELD

SUBJECT: Rescission of the 2005 Joint Memorandum to the Field Regarding Guidance on Conducting Wetland Determinations for the Food Security Act of 1985 and Section 404 of the Clean Water Act

1. On 25 February 2005, the Chief of the Natural Resources Conservation Service (NRCS) and the Deputy Assistant Secretary of the Army (Policy and Legislation) signed a joint memorandum to the field staff of the NRCS and the U.S. Army Corps of Engineers (Corps) (together, the Agencies) providing guidance on conducting wetland determinations for purposes of the Food Security Act of 1985 (FSA) and Section 404 of the Clean Water Act (CWA).
2. As per Section V.E. of the 2005 joint memorandum, the guidance remains effective unless revised or rescinded by the Corps or NRCS, upon written notice to the other agency.
3. This memorandum provides written notice that the Agencies hereby jointly rescind the 2005 joint memorandum. This rescission is effective immediately. This rescission does not alter the roles or responsibilities of the Agencies under their respective statutory and regulatory authorities. The Agencies will continue their practice of informing landowners that wetland delineations (performed by the Corps) and determinations (performed by the NRCS) may not be valid for FSA or CWA requirements, respectively.
4. This rescission does not affect the Agencies' commitment to administering their respective wetlands programs in a manner that seeks to avoid duplication between the programs and minimizes the impacts on affected landowners, while recognizing the inherent differences in the purpose and statutory language of those laws. The Agencies intend to issue new guidance on this topic in the near future.
5. Rescission of this memorandum does not create any right, benefit, or remedy, in substance or procedure, that is enforceable by any party.
6. Questions regarding this memorandum may be directed to the respective Headquarters Wetlands or Regulatory Program contacts.

RYAN FISHER
Principal Deputy
Assistant Secretary of the Army (Civil Works)

MATTHEW LOHR
Chief
Natural Resources Conservation Service