Are You Looking to Farm More Acres?

With today’s farm economy, many farmers are considering their options for obtaining more farmable acres. However, the cost and limited availability of additional acreage can make purchasing or renting additional cropland difficult. One popular option is to clear off the wooded land that is already owned so it can be cropped. However, this may have consequences.

If you or your farming operation receive U.S. Department of Agriculture (USDA) payments from the Farm Service Agency (FSA, previously known as the ASCS office) or the Natural Resources Conservation Service (NRCS, previously known as the SCS office), you are a USDA participant and are therefore subject to the rules and regulations of the Food Security Act of 1985.

The Food Security Act of 1985 and clearing woods

The 1985 Act includes provisions that encourage USDA participants to protect wetland functions and values. This is accomplished by linking your USDA eligibility to your farming practices. For example, if you are farming a converted wetland, you are ineligible for USDA benefits. What do wetlands and clearing a woods have to do with each other, you ask? Most woodlots in Hardin County exist for two main reasons: 1) they were too wet to farm when the rest of the land was cleared; or 2) they were considered to be too steep or rolling to be farmed. The majority of the woodlots in Hardin County fall into the “too wet to farm” category. This means that there is most likely a portion of the woods that contains wetlands. Even woodlots that are in the “rolling” category may have small areas of wetlands. Clearing, draining, filling, removing stumps, or otherwise making a wetland croppable can jeopardize a participant’s USDA benefits.

What do I do if I want to clear the woods?

Stop in at the FSA office and request a determination. Make sure to locate on a map the area of trees that you want to clear (including fencerows, if applicable). It is highly suggested that you do this at least one year before you want to clear the wooded area. There is a backlog of requests, and the determination requires a field visit from a specialist who covers multiple counties.

It’s been a wet year, of course it’s wet in my woods.

The amount of rainfall does not impact the determination of a wetland. Wetlands are classified by 3 characteristics: 1) soils; 2) hydrology, or the way the water moves through the soil and across the landscape; and 3) vegetation. When looking for wetlands, the specialist is looking at factors that have developed over many, many years. Examples include, but are not limited to: the way a tree grows; the species of trees and other vegetation that is present; and soil properties that developed over a number of years.

What if I find out there’s a wetland in my woods?

There are many options for dealing with wetlands. Often, the best option is to leave the wetlands as they are. Other options include, but are not limited to, mitigation, mitigation banks, and tile agreement options (if you want to run tile through the area). If you find there is a wetland in your woods, please work with the NRCS office on your options to choose which is best for you.

What if I want to clear the wetland area anyway?

You are free to clear the wetland and farm it; however you will then most likely be ineligible for USDA benefits and may also be required to repay some financial assistance you previously received. The adverse determination will stay with the land, even if you sell it. You will also want to contact the Army Corps of Engineers to make sure your clearing, draining, or ditching do not violate provisions of the Clean Water Act.

If you are considering clearing wooded areas and have any questions, please contact Megan Burgess at the NRCS office at 419-673-7238, ext 3.