



Focus on

Prior Converted Croplands/Wetlands - Clarifying State Authority and the Regulatory Process

What are prior converted croplands?

Prior converted croplands (PCCs) are defined in federal law as wetlands that were drained, dredged, filled, leveled or otherwise manipulated, including the removal of woody vegetation, before December 23, 1985, to enable production of an agricultural commodity, and that: 1) have had an agricultural commodity planted or produced at least once prior to December 23, 1985; 2) do not have standing water for more than 14 consecutive days during the growing season, and 3) have not since been abandoned. Activities in prior converted croplands are not regulated under Swampbuster provisions of the federal Farm Bill or §404 of the federal Clean Water Act. However, many of the PCCs are still wetlands (i.e., they still meet the three criteria for hydrology, soils and vegetation).

The state Water Pollution Control Act (90.48 RCW) does not distinguish prior converted croplands from other wetlands. Rather, all "waters of the state" are covered by the law, and PCCs that are still wetlands are considered waters of the state. Likewise, the state Shoreline Management Act and Growth Management Act definitions of wetlands include PCCs, as long as they meet the three criteria in the state Wetland Identification and Delineation Manual.

Why regulate PCC wetlands?

The original assumption behind exempting PCC wetlands from federal regulation was the belief that these wetlands had been so altered they no longer provided important wetland functions. However, PCC wetlands in Washington perform many of the same important environmental functions as other wetlands, including recharging streams and aquifers, storing flood waters, filtering pollutants from water and providing wildlife habitat. In some cases, PCC wetlands have been significantly altered so they provide only minimal functions. However, in many cases, PCC wetlands provide important hydrologic functions and may provide significant wildlife habitat. For example, in Western Washington, many PCC wetlands have standing water during the winter, when over-wintering waterfowl are highly dependent upon flooded agricultural fields for resting and feeding areas.

State process

- Any project other than existing, ongoing agricultural activities that calls for filling or altering a wetland determined by the U.S. Corps of Engineers to be PCC is subject to regulation by the state. The state's process for reviewing projects that involve PCC wetlands is different from the 401 Water Quality Certification process that is triggered by the Corps' 404 permit. Rather, Ecology uses administrative orders to regulate projects that will affect PCC wetlands. The standards of review are the same as those under 401 water-quality certifications -

i.e., the state water-quality standards for surface waters (WAC 173-201A). Ecology recognizes that many PCC wetlands have been significantly degraded and will regulate them according to the functions they provide. Anyone who would like more information about the review standards should obtain the following two publications: Water Quality Guidelines for Wetlands, Publication # 96-06, and How Ecology Regulates Wetlands, Publication # 97-112. These can be obtained by contacting Jean Witt at 360-407-7472 or jewi461@ecy.wa.gov.

To seek an administrative order for a project that involves PCC wetlands, landowners should contact the appropriate regional office of the Department of Ecology, where our staff will guide you through the regulatory process.

Northwest Regional Office

(Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties)

Address: 3190 - 160th Ave. SE, Bellevue, WA 98008-5452

Information & Receptionist: 425-649-7000

TTY for Hearing Impaired: 711 or 1-800-833-6388

Southwest Regional Office

(Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties)

Mailing Address: PO Box 47775, Olympia, WA 98504-7775

Physical Address: 300 Desmond Drive, Lacey, WA 98503

Information & Receptionist: 360-407-6300

TTY for Hearing Impaired: 711 or 1-800-833-6388

Central Regional Office

(Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima counties)

Address: 15 West Yakima Ave -- Suite 200, Yakima, WA 98902-3452

Information and Receptionist: 509-575-2490

TTY for Hearing Impaired: 711 or 1-800-833-6388

Eastern Regional Office

(Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties)

Address: N. 4601 Monroe, Spokane, WA 99205-1295

Information and Receptionist: 509-329-3400

TTY for Hearing Impaired: 711 or 1-800-833-6388

All publications are available from the Ecology Publications Office at 360-407-7472 or are available on Ecology's homepage at <http://www.ecy.wa.gov>

If you require this publication in an alternate format, please contact Ecology's SEA Program at 360-407-6096, or TTY (for the speech or hearing impaired) 711 or 800-833-6388.