

Farm/Ranch Conservation Issues: Conservation Compliance



Conservation Compliance

- Compliance: Highly Erodible Land Conservation (HELCS) and Wetland Conservation (WC)
- Form AD-1026:
<https://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/AD1026.PDF>



Highly Erodible Land Conservation (HELCS) and Wetland Conservation (WC) provisions aim to reduce soil loss on erosion-prone lands and to protect wetlands for the multiple benefits they provide. These provisions apply to all land that is considered highly erodible or a wetland, and that is owned or farmed by persons voluntarily participating in USDA programs, unless the USDA determines an exemption applies.

Producers, and any affiliated individuals or entities who participate in most programs administered by the Farm Service Agency (FSA), the Natural Resources Conservation Service (NRCS), and the Risk Management Agency (RMA) are required to comply with these provisions. Non-compliance may affect the following types of USDA program benefits: FSA loans and disaster assistance payments, NRCS and FSA conservation program benefits, and Federal crop insurance premium subsidies.

To comply with the HELCS and WC provisions, producers must fill out and sign form AD-1026 certifying they will **not**: Plant or produce an agricultural commodity on highly erodible land without following an NRCS approved conservation plan or system; Plant or produce an agricultural commodity on a converted wetland; or Convert a wetland which makes the production of an agricultural commodity possible. In addition, producers planning to conduct activities that may affect their

HELC or WC compliance, for example removing fence rows, conducting drainage activities, or combining fields, must notify the FSA by filing form AD-1026. The FSA will notify the NRCS, and the NRCS will then provide highly erodible land or wetland technical evaluations and issue determinations if needed.

Conservation Compliance

- NRCS responsibilities
- FSA eligibility determinations
- USDA records of determinations



When making HELC and WC compliance determinations:

NRCS responsibilities include:

For HELC compliance:

Making highly erodible determinations; Working with producers to develop conservation plans and systems; and When required, determining if highly erodible land is being farmed in accordance with a conservation plan or system approved by NRCS.

For WC compliance:

Making wetland determinations, including establishing if certain technical exemptions apply, such as prior converted cropland; and Determining if a wetland conversion has occurred.

FSA makes eligibility determinations, such as who is ineligible based upon NRCS technical determinations of HELC or WC non-compliance. FSA also acts on requests for the application of certain eligibility exemptions, such as the good faith relief exemption.

The FSA maintains the official USDA records of highly erodible land and wetland determinations. The determinations are recorded within the geographic information system and the automated farm and tract records maintained by the FSA; however, it

is important to know that determinations may not include all of the producer's land. Producers may obtain aerial imagery of their farms and a printout of their farm and tract records from the FSA office servicing their farm. If a producer is uncertain of the highly erodible land and wetland determinations applicable to their land, the producer should contact the appropriate USDA Service Center for assistance.

Conservation Compliance

- Compliance with HELC and WC provisions for FSA and NRCS programs
- Regaining eligibility



Producers who are not in compliance with HELC and WC provisions are not eligible to receive benefits for most programs administered by the FSA and NRCS. If a producer received program benefits and is later found to be non-compliant, the producer may be required to refund all benefits received and/or may be assessed a penalty. In particular, unless specific exemptions apply, a producer participating in FSA and NRCS programs must be in compliance with an NRCS approved conservation plan or system for all highly erodible land used for agricultural commodity production; not have planted or produced an agricultural commodity on a wetland converted after Dec. 23, 1985; and after Nov. 28, 1990, must not have converted a wetland making the production of an agricultural commodity possible on such converted wetland. A producer who violates HELC or WC provisions is ineligible for applicable FSA and NRCS benefits for the year(s) in violation. A planting violation, whether on highly erodible land or a converted wetland, results in ineligibility for benefits for the year(s) when the planting occurred. A wetland conversion violation results in ineligibility beginning with the year in which the conversion occurred and continuing for subsequent years, unless the converted wetland is restored or mitigated before January 1 of the subsequent year.

Producers who are found to be in violation of HELC or WC provisions, but acted in

good faith and without the intent to violate, may file a request to regain eligibility for the period in violation at the FSA office where their farm records are administered. If the request is approved, producers are required to take corrective action within an established period. There are exemptions that may apply in limited circumstances.

Summary

- Locate your nearest Service Center at:
<https://offices.sc.egov.usda.gov/locator/app>



You may go online to locate your nearest Service Center.

The NRCS can assist producers with ensuring conservation compliance for FSA, NRCS, and RMA programs.