Is your farming system in

COMPLIANCE?

Common Conservation Compliance Systems
for Highly Erodible Land (HEL)
Illinois - Central

Corn → Soybeans - No-till corn after soybeans leaving 40% residue cover. No-till soybeans after corn leaving 70% residue cover.

Corn → Corn → Soybeans - No-till corn after soybeans leaving 40% residue cover. Mulch-till corn after corn leaving 50% residue cover. No-till soybeans after corn leaving 70% residue cover.

Continuous Corn - Spring mulch-till leaving 50% residue cover.

Corn → Soybeans → Small Grain - Spring mulch-till corn after small grain leaving 40% residue cover. No-till soybeans after corn leaving 70% residue cover. Mulch-till small grain after soybeans leaving 20% residue cover.

Corn → Wheat/Soybeans (double cropped) - Spring mulch-till corn after wheat/soybeans leaving 40% residue cover. Mulch-till wheat after corn leaving 30% residue cover. No-till soybeans after wheat leaving 80% residue cover.

Corn → Soybeans → Wheat/Soybeans (double cropped) - No-till corn after wheat/soybeans leaving 70% residue cover. Spring mulch-till soybeans after corn leaving 30% residue cover. Mulch-till wheat after soybeans leaving 20% residue cover. No-till soybeans after wheat leaving 80% residue cover.

Corn → Corn → Small Grain → Hay - Spring plow corn after hay. Mulch-till corn after corn leaving 30% residue cover. Spring mulch-till small grain after corn leaving 30% residue cover. Legume hay.

Corn → Corn → Small Grain → Hay → Hay - Fall plow corn after hay. Spring mulch-till corn after corn leaving 30% residue cover. Mulch-till small grain after corn leaving 30% residue cover. Legume hay for 2 years.

Corn → Small Grain → Four Years Hay - Spring plow corn after hay. Mulch-till small grain after corn leaving 30% residue cover. Legume hay for four years.

Additional Elements

Depending on your land, additional elements may be required, such as gully and/or concentrated flow erosion control through structural practices. This may include establishment and maintenance of practices, such as:

Grassed waterways
Water & sediment control basins
Terraces
Grade control structures
Diversions
Other NRCS approved conservation practices

NRCS Is Here to Help YOU

As a landowner or operator participating in USDA programs, you face many decisions and much paperwork. When you sort through options for your operation, consider reviewing your conservation systems with regard to wetland compliance and fields classified as HEL (highly erodible land). Staff with the **Natural Resources Conservation Service (NRCS)** and your local **Soil and Water Conservation District (SWCD)** are available to help you make the right choices for your operation and resource base.

Keep in mind that field operations performed during winter and spring could impact your compliance status, so consult your conservation plan first. If your plan requires updates or changes, contact your local NRCS/SWCD office for assistance. Remember, you must be in compliance to continue to receive USDA program benefits.

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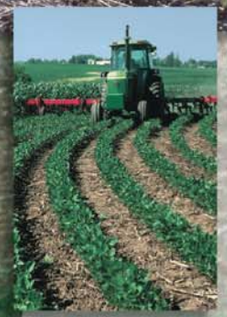
IL-NRCS/07-05
Central

QUESTIONS ABOUT...

COMPLIANCE ?

HEL Compliance



Is conservation system application required on HEL ground? Yes, if the land is used to produce annually tilled agricultural commodity crops. Responsibility rests with both LANDOWNERS and OPERATORS to implement an appropriate conservation system or forfeit USDA program benefits. Conservation systems are specific to each HEL tract on a farm.

What is the most common mistake made by operators out of compliance? Working soybean ground is the most common mistake that results in noncompliance. Working soybean ground even lightly can cause your operation to be out of compliance, as many conservation systems require no-till or strip-till on soybean stubble.

Keep a few things in mind about tillage. Using aerators or rotary harrows on fields scheduled for no-till may result in noncompliance. Strip tillage with less than 25% row disturbance is equivalent to no-till. In a no-till system, if ruts occur due to wet conditions at harvest, light tillage to level the site is acceptable, but only on the affected area. Producers should contact their NRCS office before performing tillage.

What about fertilizer applications? Consider your conservation system when applying fertilizer. Keep in mind that required residue levels must remain after planting. An occasional, very light discing to incorporate lime is only allowed on HEL fields with corn stalk residue.

What if I want to update my conservation system? Updates to your conservation system are YOUR responsibility. While you do not need approval to change your conservation system, you must achieve a substantial reduction in soil erosion that is either equivalent to or greater than the level of protection of your current system. If you have questions or want to make changes to your conservation plan, contact your local NRCS office.

Wetland Compliance

What is a Wetland? A wetland is an area of predominantly hydric soil that, under normal circumstances, supports a prevalence of water-loving plants such as cattails, willows, sedges and rushes indicative of land with wetland hydrology. **Prior Converted Cropland** is a wetland that was converted from non-agricultural use to cropland before 12/23/85 and, as of 12/23/85, was capable of producing an agricultural commodity. Prior Converted Cropland does not have any wetland restrictions as long as it remains cropland. Prior Converted Cropland may have wetland hydrology but is not wet enough to meet Farmed Wetland criteria. A **Farmed Wetland** is a wetland that was partially drained or altered to allow crop production prior to 12/23/85 but that retained a certain level of wetland hydrology. You may continue to crop Farmed Wetlands as you did before 12/23/85. However, alterations or drainage improvements made after 12/23/85 will impact compliance. **Converted Wetlands** include both wetlands and Farmed Wetlands that were drained, cleared or altered after 12/23/85 to make agricultural production possible or to benefit agricultural production. Converting wetlands or farming a Converted Wetland impacts USDA compliance and program eligibility.

Do I have a wetland, Prior Converted Cropland, or Farmed Wetland? Refer to your **Certified Wetland Determination**, which you may request through your local NRCS office if you plan to bring more land into production or increase drainage on your cropland.

How can I stay in compliance? Communicate with NRCS. In most cases, you will farm as you always have, as long as you do not make crop production possible in a wetland, increase drainage on Farmed Wetlands, or add fill to any wetland.

What can I do if I need to work on or in a wetland or Farmed Wetland? Contact NRCS for options to avoid wetland losses and stay in compliance.

Does USDA compliance cover all requirements of Section 404 of the Clean Water Act? No. The US Army Corps of Engineers must still be consulted before working on or in a wetland.

Background on Compliance

The 1985 Farm Bill required program participants to have a conservation plan written and fully implemented for their highly erodible land (HEL) by 1995 in order to participate in USDA programs. Since 1/1/95, any person receiving USDA benefits subject to the provisions is expected to actively apply a conservation system on all highly erodible lands that are used to produce annually tilled agricultural commodity crops. Wetland conservation provisions of the 1985 and subsequent Farm Bills and Section 404 of the Clean Water Act require landowners and producers to protect wetlands on land they own or operate. The new Farm Bill continues to emphasize HEL and wetland compliance. Both NRCS and the Farm Services Agency (FSA) perform status reviews on a number of tracts annually to determine compliance with HEL and wetland conservation regulations. USDA programs and services impacted by compliance provisions in the Farm Bill include, but are not limited to:

Commodity Credit Corporation Storage Payments*
Conservation Reserve Program (CRP)*
Conservation Reserve Enhancement Program (CREP)*
Conservation Security Program (CSP)
Direct and Counter-Cyclical Program (DCP)*
Emergency Conservation Program (ECP)*
Environmental Quality Incentive Program (EQIP)
Farm Loan Programs*
Farm and Ranchlands Protection Program (FRPP)
Grassland Reserve Program (GRP)
Loan Deficiency Payments (LDP)*
Milk Income Loss Contract (MILC)*
Noninsured Crop Disaster Assistance Program (NAP)*
Price Support Loans*
Stewardship Incentives Payments (SIP)
Wildlife Habitat Incentives Program (WHIP)
Wetland Reserve Program (WRP)

Questions with regard to these programs should be directed to the Farm Services Agency (FSA).

Contact your local NRCS Service Center today!

New conservation systems must be developed in accordance with acceptable conservation standards. This is especially important for operators who have purchased or rented new ground that is classified as HEL or contains hydric soils. Whenever you acquire land, either through rental agreements or purchase, it is YOUR responsibility to obtain information on the conservation system needed to maintain eligibility for continued USDA benefits. Call or stop by your NRCS Service Center for an appointment.