

AD-1026 Nebraska Farm Bill Fact Sheet

December 2010

Overview

Landowners and operators who expand their operations by sodbusting, or plowing up additional acres, need to fill out the AD-1026 form. This fact sheet provides guidance on filling out portions of the AD-1026, and helps determine when proposed activities would trigger requirements associated with the Food Security Act.

Question 9 on the AD-1026

Did you, or will you, plant and produce an agricultural commodity on land for which a highly erodible land determination has not been made?

1. Local Farm Service Agency (FSA) staff will assist you in locating areas you intend to farm each year on aerial map photography.
2. If you did or will produce a commodity crop on land that does not have a current highly erodible determination, FSA staff will refer the area to the Natural Resources Conservation Service (NRCS) for the appropriate determination. Breaking out new lands for crop production is referred to as “sodbusting”. If the area includes wetlands refer to AD-1026 question 10 for further information.
3. Once NRCS completes the determination, you will be notified if the area is considered highly erodible.



Several options are available to prevent soil erosion on highly erodible lands.

The current Farm Bill requires the use of an appropriate soil conservation system when producing crops on highly erodible lands. When new areas are brought into crop production, a conservation system will be implemented to prevent soil erosion. Producers should work with their local NRCS office to review conservation options when planting commodity crops on highly erodible lands.

Question 10 on the AD-1026

Question 10 is intended to address impacts to possible wetlands protected by the Wetland Conservation Provisions of the Food Security Act of 1985. A wetland is an area which has water at the surface (inundation) or near the surface for a long enough period of time on an average basis (year to year) to cause changes to the soil and plant community. In some cases, this period of time can be as little as seven days of ponding.

Question 10.A. on the AD-1026

New drainage systems serve to remove water from a possible wetland area. These systems typically involve the following:

- *Land Leveling/Filling* - Many wetlands occur as shallow depressions. Land leveling or filling serves to eliminate these areas and may also divert surface water from entering the depression.



Soil erosion on highly erodible land.



An example of fill being placed into a wetland.

- **Dredging/Excavation** - In some instances, dredging or excavation can result in drainage ditches, which serve to carry water away from possible wetlands. These activities can also be used to create large pits where deep water concentrates rather than having shallow water spread out over a larger area. The relocation of a stream

channel (which will often have a wetland along the fringe of the stream bank) may also be considered a wetland conversion activity under the Food Security Act.



An example of dredging a channel with fill placed in local area depressions.

- **Land Clearing/ Stump Removal** - The Food Security Act categorizes tree/stump removal as a wetland conversion activity. As a result, any land clearing or stump removal in possible wetland areas (which may also occur adjacent to stream banks) should be evaluated by NRCS to determine if wetlands are present.



Example of a channel with trees.

- **Installation of Tile** - In addition to the above descriptions, the installation of perforated tile, which will cause water to flow away from a possible wetland, would be considered a “new drainage system” under the Food Security Act. Even when tile is installed outside of the wetland boundary, they can serve to remove water from the wetland and be considered a wetland conversion activity.



Tiling the cropland may impact a wetland in this example.

Question 10. B. on AD-1026

This question pertains to instances whereby the existing system will be altered which may increase the potential for it to remove water from a possible wetland. Examples of this type of activity include:



Example of adding depth to the original ditch.

- Widening or deepening a surface drainage ditch or concentration pit that removes water away from a possible wetland. Replacing existing perforated tile with a larger diameter tile OR at a greater depth OR adding additional tile to the existing system to impact new areas.

Question 10.C. on the AD-1026

This question pertains to instances whereby the existing system will be maintained or replaced to nearly the exact same condition as was installed or was in place as of Dec. 23, 1985. Examples of this type of activity include:

- Removal of sediment from a drainage ditch or concentration pit that has accumulated naturally and reduced the capacity of the feature.
- Replacement of a failed perforated tile with new tile of the same diameter, depth and locations.

