This form is available electronically.

AD-1026 Appendix (04-20-06)

U.S. DEPARTMENT OF AGRICULTURE

Form Approved - OMB No. 0560-0185

Appendix to Form AD-1026
Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification

The following conditions of eligibility are required for persons to receive any USDA loans or other program benefits that are subject to highly erodible land and wetland conservation provisions, unless an exemption has been granted by USDA.

By signing Form AD-1026, Item 12, the producer certifies receipt of this form, and unless an exemption has been granted by USDA, agrees to the following on any farms in which such person has an interest:

A	**NOT** to plant or produce an agricultural commodity on highly erodible fields unless actively applying an approved conservation plan or maintaining a fully applied conservation system.
B	**NOT** to plant or produce an agricultural commodity on wetlands converted after December 23, 1985.
C	**NOT** to convert wetlands by draining, dredging, filling, leveling, landclearing or any other means that would allow the planting of any crop, pasture, agricultural commodity, or other such crops.
D	**NOT** to use proceeds from any FSA farm loan, insured or guaranteed, or any USDA cost-share program, in such a way that might result in negative impacts to wetlands, except for those projects evaluated and approved by NRCS.

NOTE: Signature on Form AD-1026 gives representatives of USDA authorization to enter upon and inspect all farms in which the producer has an interest for the purpose of confirming the above statements.

Any questions concerning the requirements of the Food Security Act of 1985, as amended, shall be directed to your County FSA Office personnel before signing AD-1026 in Item 12.

NOTE: *The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information to be supplied on this form is the Food Security Act of 1985, Pub. L. 99-198, and regulations promulgated under the Act (7 CFR Part 12). The information will be used to determine eligibility for program benefits and other financial assistance administered by USDA agencies. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court magistrate or administrative tribunal. Furnishing the Social Security Number is voluntary. Furnishing the other requested information is voluntary; however, failure to furnish to correct, complete information will result in a determination of ineligibility for certain program benefits and other financial assistance administered by USDA agencies. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided by the producer on this form.*

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0185. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. ***RETURN THIS COMPLETED FORM AD-1026 TO YOUR COUNTY FARM SERVICE AGENCY (FSA) OFFICE (address printed in Item 6 of AD-1026A).***

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

HIGHLY ERODIBLE LAND CONSERVATION (HELC) AND WETLAND CONSERVATION (WC) CERTIFICATION

(See Page 3 for Nondiscrimination, Public Burden and Privacy Act Statements).

1. Name of Producer	2. I.D. Number *(Last 4 digits only)*	3. Crop Year

	YES	NO
4. Do you have any interest in land that produces or could produce an agricultural commodity? ***If "YES", or, if you are a Farm Loan Applicant continue with Item 5. If "NO", and you are not a farm loan applicant, go to Item 12 and sign and date.***		
5. ***For farm loan applicants only:*** Will you conduct any activities for fish production, trees, vineyards, shrubs, building construction, or other non-agricultural purposes on lands for which a wetland determination has not been completed by NRCS?		
6. Are you a landlord or tenant on any farm that will not be in compliance with HELC and WC provisions? ***If "YES", enter the farm number or contact your County FSA Office before completing this form. Farm Number: _____ (Contact your county FSA office if you are unsure of the HEL or wetland determinations applicable to your farming interests.)***		
7. Do any of your landlords refuse to comply with HELC requirements on any farms? ***If "YES", enter the farm number or contact your County FSA Office before completing this form. Farm Number: _____***		
8. List affiliated persons with farming interests. ***See Page 3 for an explanation. Enter "NONE", if applicable.***		

	YES	NO
9. During the crop year entered in Item 3 above, or the term of a requested USDA loan, did you or will you plant and produce an agricultural commodity on land for which a highly erodible determination has not been made?		
10. Since December 23, 1985, or during the current crop year, or during the term of a requested USDA loan, has anyone performed, or will anyone perform any activities to:		
A. Create new drainage systems, or conduct land leveling, filling, dredging, land clearing, excavation, or stump removal, that has **NOT** been evaluated by NRCS? ***If "YES", indicate year(s): _____***		
B. Improve or modify an existing drainage system that has **NOT** been evaluated by NRCS? ***If "YES", indicate year(s): _____***		
C. Maintain an existing drainage system that has **NOT** been evaluated by NRCS? ***If "YES", indicate the year(s): _____*** *Note: Maintenance is the repair, rehabilitation, or replacement of the capacity of existing drainage systems to allow for the continued use of wetlands currently in agricultural production and the continued management of other areas as they were used before December 23, 1985. This allows a person to reconstruct or maintain the capacity of the original system or install a replacement system that is more durable or will realize lower maintenance or costs.*		

11. If "YES" to Items 5,10A and/or 10B or 10C enter the following for the land the answer applies to:
    - A. Farm and/or tract/field number: _____
    - B. Activity: _____
    - C. Current land use (specify crops): _____
    - D. County: _____

A "YES" answer in Items 5, 9 or 10 authorizes FSA to refer this AD-1026 to NRCS. If you check "YES" to Item 10C, NRCS does not have *to conduct a certified wetland determination. (Contact your County FSA Office if you are unsure about the answers to Items 5, 9 and 10.)*

Continuous AD-1026 Certification:

I have read the AD-1026 Appendix and understand and agree that my eligibility for certain USDA program benefits is contingent upon this certification of compliance with highly erodible land and wetland conservation provisions of the Food Security Act of 1985 as amended, and if a determination is made that results in a violation and ineligibility, I agree to refund all applicable payments.

- **I agree to the terms and conditions stated on AD-1026 Appendix on all land in which I have or will have an interest and understand that I am responsible for any non-compliance with these provisions.**
- **I agree that I will file a revised AD-1026 if there are any changes in my operation or activities that may affect compliance with these provisions.**
- **I understand that affiliated persons are also subject to compliance with these provisions and their failure to comply or file AD-1026 will result in loss of eligibility to persons or enterprises with whom they are affiliated.** ***(See Page 3 of this form for affiliated persons.)***

12. Signature of Producer ▶ ***I hereby certify that the information on this form is true and correct to the best of my knowledge, and I authorize NRCS to make a HEL and/or certified wetland determination on the tract or farm numbers listed above.***

Producer's Signature _____ Date *(MM-DD-YYYY* _____

13. Referral to NRCS *(Completed by FSA)* *Sign and date if a NRCS determination is needed for any reason including a "YES" answer in Items 5, 9, 10A, 10B, or 10C.*	13A. Signature of FSA Representative	13B. Date *(MM-DD-YYYY)*

ORIGINAL - FSA COPY ☐ **NRCS COPY** ☐ **PRODUCER'S COPY** ☐

INSTRUCTIONS FOR ITEM 8 OF AD-1026

The producer requesting benefits on AD-1026 shall attach a list of the applicable affiliated persons with farming interests who are required to file AD-1026. Follow the rules in this table to determine affiliated persons.

IF *producer, requesting benefits is a (an) . . .*	***THEN*** *affiliated persons who must file AD-1026 if they have farming interests are . . .*
individual **NOTE: If the individual filing is a minor child, the father and mother shall be listed as affiliates**	spouse or minor children with separate farming interests, or who receives benefits under their individual ID number.
	estates, trusts, partnerships, and joint ventures in which the individual filing, or the individual's spouse or minor children have an interest.
	corporations in which the individual filing or the individual's spouse or minor children have more than 20% interest.
general partnership	first level members of the entity.
limited partnership	
limited liability company	
joint venture	
estate	
irrevocable or revocable trust	
Indian tribal venture or group	
corporation with stockholders	first level shareholders with more than 20% interest in the corporation
State	none
Church or other charitable organization	
county	
city	
public schools	
corporation with no stockholders	

KEY TO NRCS DETERMINATIONS IN ITEMS 8 THROUGH 11 LISTED ON AD-1026A

8. HEL = Highly Erodible Land:
- **"Y"** = NRCS determined highly erodible land.
- **"N"** = NRCS determined no highly erodible land.
- **" "** = NRCS has not made a determination.

9. 027 = Approved Conservation Plan (CPA-027):
- **"Y"** = Tract has an approved conservation plan.
- **"N"** = Tract **does not have** an approved conservation plan.
- **"X"** = HEL flag is "Y". Producer has a 2-year grace period after soil survey is available to obtain an approved conservation plan.

10. A027 = Applying Conservation Plan:
- **"Y"** = Producer is actively applying an approved conservation plan or system.
- **"N"** = Producer is **NOT** actively applying an approved conservation plan or system.

11. W = Wetlands:
- **"Y"** = NRCS determined wetlands on this tract. (* See footnote.)
- **"N"** = NRCS determined no wetlands on this tract.
- **" "** = NRCS has not made wetland determinations on entire tract.

***** NRCS has determined a wetland does exist on this tract. Contact your local NRCS office or FSA office for details concerning the location of the wetland and restrictions applying to the land according to NRCS determination before planting an agricultural commodity or performing any drainage or manipulation on this tract.

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