



Natural Resources Conservation Service  
Farm Service Agency

# AD-1026

## What You Need to Know



### Overview

Farm Bill program participants who perform new activities on their land must be compliant with Highly Erodible Land (HEL)/Wetland Conservation (WC) provisions to maintain eligibility with USDA programs. New activities/projects that have not been evaluated by USDA may include, but are not limited to:

- bringing land into production (woodlands, pastures)
- combining and/or dividing fields
- installing and/or conducting new or modifying existing drainage activities.

Participants who plan to perform any of the above activities could affect their program benefits and are required to file a Farm Service Agency (FSA) AD-1026 form to certify eligibility. The Natural Resources Conservation Service (NRCS) will then issue a Certified Wetland and/or HEL Determination in areas where one does not currently exist.

This handout provides information for completing questions 6 and 7 on the AD-1026 form. Answering these questions helps producers and NRCS determine if proposed activities will trigger potential compliance issues associated with the Food Security Act of 1985 and 2014 Farm Bill regulations.

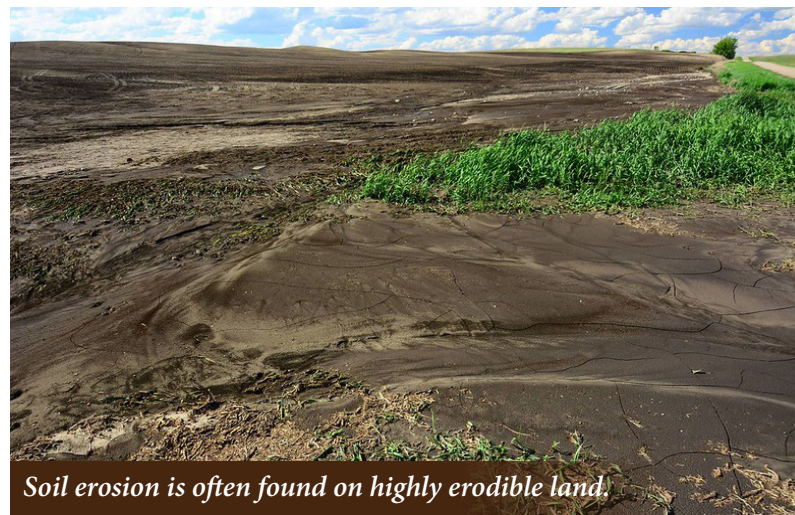
### Question 6

Did you, or will you, plant or produce an agricultural commodity crop on land not issued an NRCS Non/Highly Erodible Land (NH/HEL) determination? If so, complete an AD-1026 at your local USDA Service Center:

1. Local FSA staff will assist you with defining locations and the extent of your requested project area on aerial photos and maps.
2. FSA will refer the AD-1026 to NRCS staff, who will review and complete a Highly Erodible Land (HEL/NHEL) determination, if one is necessary.

### Question 7

Answering “Yes” to Question 7 helps NRCS determine if planned activities will impact wetlands enrolled in the Farm Bill program which are protected by Wetland Conservation Provisions of the Food Security Act of 1985. Wetlands are identified by having specific hydrology, hydric soils, and hydrophytic vegetation.



*Soil erosion is often found on highly erodible land.*



*Farming activities in drainage ditches can impact wetlands.*

## Question 7A

Checking “Yes” to Question 7A indicates new activities are planned or installed, such as a new drainage system, land leveling, filling, dredging, land clearing, and/or excavations, which have not been evaluated by NRCS to determine impacts to possible wetlands in the area. Activities typically include:

**Land Leveling/Filling** - Wetlands can occur as shallow depressions. Land leveling and/or filling these areas manipulates hydrology that impacts wetlands.

**Land Clearing/ Stump Removal** - Under regulations of the 1985 Food Security Act, removing stumps and clearing wooded wetlands to permit farm production could jeopardize USDA program benefits. To ensure compliance, NRCS must evaluate these areas for the presence of wetlands.

**Dredging/Excavation** - These activities divert water away from wetlands. Creating new ditches or excavating wetland areas could manipulate hydrology that converts wetlands and jeopardize program benefits.

**Tile Installation** - Tile installation near or adjacent to wetlands can impact hydrology. To remain compliant, NEW drainage must be evaluated by NRCS.



## Question 7B

Checking “Yes” to Question 7B means existing drainage will be modified. Modifying or improving existing drainage can alter wetland hydrology. Altering drainage, such as increasing existing drainage size/depth and diameter of existing open ditches and/or altering tile systems in new project areas, could impact wetlands. To ensure wetland compliance, NRCS will evaluate these requests.

## Question 7C

Checking “Yes” to Question 7C indicates activities completed are for the purpose of maintaining existing drainage that was in place on or before December 23, 1985, and that the result of any maintenance will not improve or change drainage activities. For areas where maintenance will occur, retain records to document completion of activities. Note: Maintenance activities do not include lands that meets “abandonment” criteria. Maintaining existing drainage systems indicates the scope and effect of the activity will not impact or change current hydrology. Maintenance can include:

- Clean out of existing drainage ditches, but they are not deepened or widened beyond original constructed dimensions and;
- Repair of existing tile systems (includes rehabilitation or replacement to areas that do not meet abandonment criteria) to the original depth, size, and grade installed.

## In Summary

For more information on filing an AD-1026 form or if you have USDA Farm Bill program eligibility questions, call or visit your local county USDA Service Center or visit the Illinois USDA website: <http://www.il.nrcs.usda.gov> or <https://fsa.usda.gov/state-offices/Illinois/index>.

This information applies to the 1985 Food Security Act (FSA) as amended. Other federal, state or local permits or restrictions may apply to activities impacting wetlands. It is the participant’s responsibility to obtain other necessary permits. Contact the Army Corps of Engineers for Clean Water Act permits, the Local Government Unit (LGU) for State Wetland Conservation Act permits, and the Illinois Department of Natural Resources (IDNR) for protected water permits prior to initiating wetland activities.

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[www.il.nrcs.usda.gov](http://www.il.nrcs.usda.gov)

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