



# Highly Erodible Land and Wetland Conservation Compliance: *Don't Risk Your USDA Benefits!*

## **What Activities Could Put Me At Risk?**

Activities that could affect HEL/Wetland Compliance need to be evaluated by NRCS. Examples:

- Land Clearing
- Filling
- Leveling
- Excavation
- Dredging
- Stump Removal
- Creating New Drainage Systems

To initiate the process, visit your local Farm Service Agency (FSA) Office to fill out Form AD-1026. FSA will forward the request to NRCS for evaluation.

**Danielson Service Center**  
(860) 779-0557

**Hamden Service Center**  
(203) 287-8038

**Norwich Service Center**  
(860) 887-3604

**Torrington Service Center**  
(860) 626-8852

**Wallingford FSA Office**  
(203) 269-6665

**Windsor Service Center**  
(860) 688-7725

## **What is Conservation Compliance?**

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

### **Provision Objectives**

- Reduce soil loss due to wind and water erosion
- Protect the nation's long-term capability to produce food and fiber
- Reduce sedimentation and improve water quality
- Assist in preserving the functions and values of the nation's wetlands

## **How Do I Maintain Conservation Compliance and my USDA Program Benefits?**

To comply with HELC 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
- Convert a wetland which makes the production of an agricultural commodity possible

In addition, producers planning to conduct activities that may affect their HEL or WC compliance (i.e., removing fence rows, conducting drainage activities, or combining fields) must notify FSA by filing Form AD-1026. FSA will notify NRCS; NRCS will provide highly erodible land or wetland technical evaluations and issue determinations, if needed.

## **What is Highly Erodible Land?**

Highly erodible land is any land that can erode at excessive rates because of its soil properties and is designated by field and based on the proportion of the total field acreage that contains highly erodible soils.

## **What are Federal Wetlands?**

An area will be considered wetland if it has all three of the following characteristics: 1) primarily wet soils; 2) supportive of wetland plants; and 3) possesses wetland characteristics. NRCS can make a wetlands determination upon request.

## **USDA Benefits That Can Be Affected**

- Producers who are not in compliance with HELC and WC provisions are not eligible to receive benefits for most programs administered by FSA, NRCS, and the Risk Management Agency (RMA). 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, NRCS, or RMA 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 12/23/1985; and after 11/28/ 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, NRCS, RMA 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.

**Non-compliance with the HEL/Wetland Conversion Provisions may affect the following USDA program benefits.** *(Violations could affect your ability to rent or sell the land in the future.)*

### Commodity Programs

- Agriculture Risk Coverage/Price Loss Coverage
- Conservation Reserve Program
- Loan Deficiency Payments
- Farm Loan Programs
- Non-Insured Disaster Assistance Program (NAP) (fruit & vegetable producers)
- Livestock Forage Program
- Livestock Indemnity Program
- Emergency Forest Restoration Program
- Emergency Feed Program
- Farm Storage Facility Loans
- Margin Protection Program for Dairy
- Marketing Assistance Loans
- Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish
- Crop Insurance Subsidy

### Conservation Programs

- Conservation Reserve Program
- Conservation Stewardship Program
- Environmental Quality Incentives Program
- Agricultural Conservation Easement Program –Agricultural Land Easements
- Agricultural Conservation Easement Program –Wetlands Reserve Easements

*Variances and exemptions to the provisions may be granted under some conditions*