DON'T RISK YOUR USDA BENEFITS!!
Conservation Compliance – Highly Erodible Land (HEL)

What activities could put me at risk?

Any activities that are not included in your conservation plan could jeopardize your benefits. Every farm should have an approved conservation plan that documents compliance with the HEL requirements. If you are tilling without a current conservation plan or if you have small rills or gullies in your field, contact your local NRCS office to discuss updating your conservation plans.

What is Conservation Compliance?

- Conservation compliance is required for participants who want to receive federal benefits and crop subsidies.
- Federal benefits and subsidies are earned by producers who certify they are farming in a way that protects the nation’s soil and water resources.
- Not all agricultural producers are subject to conservation compliance. It is important to discuss your compliance requirements with your local NRCS office.

What USDA benefits could be affected?

Non-compliance with the HEL provisions may affect the following USDA program benefits.*

Commodity Programs:
- Agriculture Loss Coverage (ARC)
- Price Loss Coverage (PLC)
- Market Facilitation Program (MFP)
- Farm Operating Loans
- Crop Insurance Premium and Indemnity Payments
- Non-insured Assistance Program (NAP)
- Farm Storage Loans
- Marketing Assistance Loans (MAL)

Conservation Programs:
- Conservation Reserve Program (CRP)
- Conservation Stewardship Program (CSP)
- Environmental Quality Incentives Program (EQIP)
- Agricultural Conservation Easement Program (ALE)
- Regional Conservation Partnership Program (RCPP)

*These are only some of the programs that require conservation compliance. Check with your local FSA or NRCS office if you have questions about specific program requirements.

The Farm Bill

The 1985 Farm Bill required Conservation Compliance for all USDA program participants if they farm highly erodible land (HEL). ANY tillage not accounted for in your conservation plan may put you out of compliance.

Should you be concerned?

If you have highly erodible land, and you have small gullies forming in your fields you should check with the Natural Resources Conservation Service (NRCS). Discing or smoothing the gullies will not fix the problem, and you risk losing your USDA farm program benefits.

When in doubt, visit your local NRCS office before performing any tillage that is not part of your conservation plan on HEL land.

Natural Resources Conservation Service
nrcre USDA.gov
What should I look for?

If you want to use USDA benefits, excess erosion needs to be controlled to ensure you remain eligible for those benefits. Excess erosion caused by the presence of ephemeral gullies OR following a rotation that exceeds the allowable soil loss in your field needs to be addressed and prevented through an approved conservation system or plan.

Ephemeral Gullies

Ephemeral gullies are classified as any gully that can be tilled shut and farmed across. They are considered to be less than 18” deep and actively erode each year. They are mostly found in natural depressions or in between rows that run up and down the slope.

Allowable Soil Loss

Soil loss is determined by your cropping rotation, tillage, climate, and soil type. The Food Security Act allows for two times the sustainable rate of erosion from the field. This is determined by considering all aspects of your operation and running soil erosion prediction software.

What if there were extenuating circumstances that caused the erosion in my fields?

Call your local NRCS office. New variances have been added to the Food Security Act Manual and existing variances have been updated. These variances are constructed to give leniency in times of heavy rainfall or if off-site water is the source of the erosion. Your local NRCS office will be able to guide you through your different compliance options, including any variances that would be applicable to your operation.

Fix it, Don’t Disc It

Runoff water flowing from uneven landscapes tend to concentrate in natural, depressional channels. These channels, called ephemeral gullies, can be reshaped and farmed across each year.

The continued loss of soil from these channels ultimately lowers productivity and increases sedimentation in surface waters.

Excessive runoff from these areas points to a larger problem across the entire field – infiltration. Soils that have to be tilled frequently have low infiltration rates, leading to excessive runoff. Discing these fields does not solve the problem, it only temporarily masks the problem until the next rain storm.

Continued discing increases compaction, runoff, and the soil’s ability to cycle nutrients - ultimately effecting your crop yields.

Treating infiltration across the whole field is the most effective way to reduce runoff. Treatments are tailored to individual operations. Practices that improve infiltration include conservation tillage, cover crop, strip cropping, contour cropping, and more.

Information regarding needed conservation practices to limit ephemeral gullies and soil erosion can be found in your conservation plan, which is planned on a field by field basis. If you do not have written copies of your conservation plan(s), reach out to the NRCS office for a copy. Anytime you change your operation or acquire a new field, you need to update your conservation plan if you want to participate in Farm Bill Programs.

What should I do if I have gullies on my fields or if my plan is not updated?

Call your local NRCS office. Notifying NRCS allows extended time frames for revising your conservation plan and implementing any needed conservation practices. Your local office can also help you determine what variances and financial assistance may be applicable.