

Highly Erodible Land and Wetland Conservation Compliance:

Don't Risk Your USDA Benefits!

February 2012

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) 626-8258

Wallingford FSA Office
(203) 269-6665

Windsor Service Center
(860) 688-7725

What is Conservation Compliance?

The Highly Erodible Land (HEL) and Wetland Conservation Compliance provisions are required in the Farm Bill to participate in USDA programs. The purpose of these provisions is to protect highly erodible land from excessive soil erosion and protect wetlands.

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.

USDA Benefits That Can Be Affected

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

- Direct and Counter Cyclical Program
- Loan Deficiency Payments
- Farm Loan Programs
- Non-Insured Assistance Program (NAP) (fruit and vegetable producers)
- Livestock Forage Program (LFP)
- Livestock Indemnity Program (LIP)
- Supplemental Revenue Assistance Program (SURE)
- Emergency Feed Program (EMF)
- Farm Storage Loans (HEL only)
- Milk Income Loss Contract (MILC) Program
- Marketing Assistance Loans (MAL)
- Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish (ELAP)

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

Protect Highly Erodible Land

Find out if any fields are designated as HEL. Fields designated as highly erodible must be protected from excessive soil erosion when used to produce agricultural commodities by applying an approved conservation system.

Get a Wetland Determination

Participants must certify that crops have not been planted on land that was converted from a wetland to cropland between December 23, 1985, and November 28, 1990 (if so, they are ineligible for program benefits in any year an ag commodity was planted). Participants must also certify that a wetland has not been converted to cropland after November 28, 1990 (if so, they are ineligible for program benefits until the wetland is restored or recreated in another location).

Conservation Programs

- Conservation Reserve Program
- Conservation Security Program and Conservation Stewardship Program
- Environmental Quality Incentives Program
- Watershed Protection and Flood Prevention Act (payments or loan assistance)
- Farm and Ranch Lands Protection Program
- Grassland Reserve Program
- Wetlands Reserve Program
- Wildlife Habitat Incentive Program

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



Highly Erodible Land: A field will be considered highly erodible if one-third or more is highly erodible, or if the highly erodible land in the field totals 50+ acres. NRCS can make an HEL determination upon request.

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.