USDA

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Highly Erodible Land Conservation & Wetland Conservation Compliance For Crop Insurance Participants

NRCS can assist you with meeting Conservation Compliance Requirements

To maintain eligibility for Federal crop insurance premium subsidy, check with USDA before:

- Clearing land,
- Working new land (sodbusting),
- Creating a new drainage system,
- Improving, modifying or maintaining an existing drainage system,
- Leveling land,
- Removing fence rows,
- Filling a wet area,
- Planting an agricultural commodity on land where an Natural Resources Conservation Service Highly Erodible Land determination has not been made.

Contour stripcropping prevents erosion in northeast Iowa.

Contact USDA:

Find the nearest USDA Service Center:

http://offices.usda.gov

The Agricultural Act of 2014 (2014 Farm Bill) applies conservation compliance to Federal crop insurance premium subsidy eligibility requirements. Conservation compliance provisions are designed to reduce soil loss on erosion-prone lands and to protect wetlands for the multiple benefits they provide.

Who needs to be in compliance?

All persons must provide a certification of compliance (Form AD-1026) on or before June 1 to be eligible for premium subsidy for the following reinsurance year (beginning July 1). Additional forms and documents may be required depending on the operation and whether the person has an interest in land that produces or could produce an agricultural commodity.

For conservation compliance purposes, an agricultural commodity is defined as a crop which is planted and produced by annual tilling of the soil, including tilling by one-trip planters; or sugarcane. Vegetable crops that are annually tilled are considered agricultural commodities.

Orchards, vineyards, blueberries, and crops that are not planted by annually tilling of the soil are not agricultural commodities, but still need to file AD-1026

How does a person comply?
If an AD-1026 is already on file and the information is still current, no further action is necessary.

Once filed, Form AD-1026 does not have to be refiled or updated unless the person makes changes to their land/operation that changes their certification.

Persons new to conservation compliance provisions file Form AD-1026 at the local USDA Service Center indicating they will not:

- Plant or produce an agricultural commodity on highly erodible land without an approved conservation plan;
- Plant or produce an agricultural commodity on a converted wetland; or
- Convert a wetland to make possible the production of an agricultural commodity.

Producers are responsible for notifying the Farm Service Agency (FSA) when making any changes to their land/operation that may affect their compliance certification. If an AD-1026 is on file and needs updating, revise the AD-1026 at the local USDA Service Center to start the process with NRCS to determine whether a conservation plan or wetland determination is needed.

Getting a Conservation Plan for Highly Erodible Land (HEL)
Land designated as HEL must be protected from excessive soil erosion when used to produce agricultural commodities by implementing and maintaining a set of conservation practices in an NRCS approved conservation plan. Contact NRCS for assistance with conservation plan development.

Wetlands
Before installing new drainage, modifying drainage or manipulating land that might impact a wetland, file or update Form AD-1026 with FSA to initiate a NRCS Wetland Determination, unless one already exists.

NRCS designates areas as "wetlands" according to these criteria:

1. Predominance of hydric soils (wet soils);
2. Inundated or saturated by surface or groundwater (hydrology) sufficient to support a prevalence of water tolerant vegetation and;
3. Under normal circumstances (without disturbance), does the area support a prevalence of such vegetation?

Eligibility for Federal crop insurance premium subsidy is not affected by wetland conversions that were completed, as determined by NRCS, before Feb. 7, 2014.

If a person converted a wetland after Feb. 7, 2014, as determined by NRCS, they are ineligible for Federal crop premium subsidy, unless an exemption applies. A person who converts a wetland after Feb. 7, 2014, as determined by NRCS, may regain eligibility for Federal crop insurance premium subsidy by:

- Paying a fee to NRCS. This option is only available when the wetland conversion impacts less than 5 acres of an entire farm. Paying this fee does not make the person eligible for other USDA program benefits subject to conservation compliance.
- Mitigating the lost wetland functions by restoring previously degraded wetlands or by creating new wetlands. Mitigation sites may be created, restored, or maintained on the producer's land, another person's land, or land held by a mitigation bank. Mitigation plans must be approved by NRCS.

A cover crop of clover in a California orchard reduces soil erosion.

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