



Montana Fact Sheet

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Highly Erodible Land and Wetland Conservation Compliance

Natural Resources
Conservation Service and
Farm Service Agency

What is Conservation Compliance?

Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) provisions are required by the farm bill to participate in USDA programs. The provisions are in place to protect highly erodible land from excessive soil erosion and protect wetlands.

Highly Erodible Land and Wetland Conservation Compliance 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.
- Remove incentives for persons to produce agricultural commodities on highly erodible land or converted wetland.

Protect Your USDA Program Benefits

It is a landowner's responsibility to take steps necessary to maintain eligibility for USDA benefits. Not complying with the HELC and WC conservation provisions may affect USDA program benefits. Additionally, violations could affect a landowner's ability to rent or sell the land in the future.

Protect Highly Erodible Land

Consult your FSA maps or contact your local FSA or NRCS Office to determine if any of your fields are designated as highly erodible land. Fields designated as highly erodible must be protected from excessive soil erosion when used to produce agricultural commodities by applying an approved conservation system. Each soil type has a predetermined soil loss tolerance (T) value in tons per acre of soil loss per year from wind and from water erosion. The T value

represents the maximum annual rate of soil erosion that could occur without causing a decline in long-term productivity.

If a field is native vegetation, highly erodible, is "broken up" and planted to a commodity crop, then the producer must keep erosion rates no more than the T value of the soil. Erosion rates must be kept at this level for the breakout period and for all future crop production.

If a field is highly erodible and was tilled prior to 1985, then the producer is required to maintain a conservation system that keeps erosion rates at no more than two times the T value of the soil.

NRCS, upon request, can provide options for an approved conservation plan. Contact your local FSA or NRCS office prior to breaking up native vegetation and planting a commodity crop or for an approved conservation plan for an existing crop rotation.

Protect Wetlands

Unless exempt, persons are ineligible for benefits under certain programs administered by USDA if they:

- Plant an agricultural commodity on wetlands that were converted after December 23, 1985.
- Convert a wetland after November 28, 1990, by draining, dredging, filling, leveling, or any other means for the purpose, or to have the effect, of making the production of an agricultural commodity possible.

What Activities Could Put Me At Risk?

NRCS evaluates activities that could affect HELC and WC compliance such as:

- Breaking out land with native vegetation and planting a commodity crop
- Not having adequate residue when producing commodity crops

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- Altering wetlands by:
 - Filling
 - Draining
 - Leveling
 - Excavation
 - Dredging
 - Stump removal
 - Creating new drainage systems

Certification of Compliance

Certification of compliance is required by completing an AD-1026 with FSA. By completing and signing the AD-1026, you are certifying that you will comply with the HELC and WC compliance provisions outlined above. The AD-1026 is also used to track affiliated persons required to comply. In addition, by signing the AD-1026 you are providing authorization for USDA representatives to enter and inspect all farms in which you have an interest for the purpose of confirming compliance with HELC and WC compliance provisions.

Visit your local Farm Service Agency (FSA) office to fill out Form AD-1026 prior to implementing any of the above activities. FSA will forward the request to NRCS for evaluation.

What USDA Benefits Can Be Affected?

Commodity Programs

- Agriculture Risk Coverage
- Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program
- Farm Loan Programs
- Farm Storage Facility Loans (HELC only)
- Livestock Forage Program
- Livestock Indemnity Program
- Loan Deficiency Payments
- Marketing Assistance Loans
- Non-Insured Crop Disaster Assistance Program
- Price Loss Coverage

Conservation Programs

- Agricultural Conservation Easements Program
- Conservation Reserve Program, including SAFE and CREP
- Conservation Stewardship Program
- Emergency Conservation Program
- Environmental Quality Incentives Program

- Regional Conservation Partnership Program

Crop Insurance Programs- Risk Management Agency (RMA)

Beginning in 2015, Risk Management Agency benefits may also be affected by noncompliance when native vegetation is broken out and a commodity crop is planted or when wetlands are altered. The premium subsidy may be in jeopardy as well as increased premiums and lower yields.

Definitions

Highly Erodible Land: Highly erodible land is cropland, hayland, pasture or native vegetation that can erode at an excessive rate due to the soil type.

Wetlands: Areas that have soils formed under wet conditions, are water-saturated enough to support plants adapted to growing in wet conditions and, under normal conditions, would support those plants.

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