

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Highly Erodible Land Conservation and
Wetland Conservation Provisions
6-CP (Revision 4)**

Amendment 11

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraphs 2 C, 202 A, and 421 C have been amended to reference 1-GIS.

Paragraph 207 has been amended to discuss using RMA HEL farm/tract producer exceptions.

Subparagraph 210 B has been amended to accurately reflect converted wetland dates.

Paragraphs 231, 232, and 233 have been amended to discuss using RMA CW farm/tract producer exceptions.

Subparagraph 301 K has been amended to discuss using AD-1026 for RMA eligibility determinations.

Subparagraph 503 C has been amended to clarify years of ineligibility because of denied access.

Subparagraph 602 C has been amended to add a note on the operator “no association to violation” exception.

Subparagraph 633 B has been amended to discuss use of RMA’s CW and PCW “Good Faith” farm/tract producer exception.

A Reasons for Amendment (Continued)

Page Control Chart		
TC	Text	Exhibit
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Part 1 General Information

1 Objectives and Overviews of HELC and WC Provisions

A Objectives

The objectives of HELC and WC are to:

- reduce soil loss because of wind and water erosion
- protect the nation's long-term capability to produce food and fiber
- reduce sedimentation and improve water quality
- help preserve the nation's wetlands
- remove incentives for persons to produce agricultural commodities on HEL or converted wetland.

B Overview of HELC Provisions

The 1985 Act, as amended, provides that persons who produce an agricultural commodity on a field on which HEL is predominate, or designate land on which HEL is predominate to be set aside, diverted, devoted to conservation uses, or otherwise not cultivated under a program administered by the Secretary to reduce production of an agricultural commodity, shall be ineligible for benefits under certain programs administered by USDA, unless the production of an agricultural commodity on HEL is in compliance with an approved conservation plan or system or an exemption applies.

C Overview of WC Provisions

The 1985 Act, as amended, provides that, unless exempt, persons are ineligible for benefits under certain programs administered by USDA if they:

- plant an agricultural commodity on wetland that was 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.

--Note: The date of February 7, 2014, applies to ineligibility for the federal crop insurance premium subsidy.--

2 Source of Authority and Related References

A Legislative History

The source of authority for conservation compliance is the 1985 Act (Pub. L. 99-198) as amended by:

- Food Security Act of 1985 amendment (Pub. L. 100-28)
- Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101-624)
- Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104-127)
- Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171)
- Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246)
- Agricultural Act of 2014 (Pub. L. 113-79).

B Federal Regulations

Regulations governing the administration of HELC and WC provisions are provided in 7 CFR Part 12.

C Related Handbooks

The following handbooks relate to HELC and WC provisions:

- 3-CM for farm, tract, and crop data
- 10-CM for current year farm records and reconstitutions
- *--1-GIS for CLU and FSA wetland point layer--*
- 3-PL (Rev. 2) for web-based subsidiary files for 2009 and subsequent years.

3 Applicability

A Program Applicability

The provisions of the handbook apply to all payments, loans, or other benefits under programs administered by FSA and NRCS with the following exceptions applicable to NRCS:

- Agriculture Management Assistance Program
- Emergency Watershed Protection Program
- Healthy Forests Restoration Program.

Federal crop insurance premium subsidies administered by RMA are a benefit subject to the provisions of this handbook.

B Person Applicability

The provisions of this handbook apply to any individual, legal entity, business enterprise, State, political subdivision, or agency that requests payments, loans, or other benefits subject to the provisions of this handbook and any affiliated persons as defined in this handbook.

201 Redefining Fields With Previous NRCS HEL Determinations (Continued)

E Using Automated HEL Determinations

HEL determinations are the responsibility of NRCS. Automated HEL measurement/determination computer programs shall **not** be used. All HEL determinations must be completed using the specific technical criteria set forth in the regulation at 7 CFR 610.14. Because FSA may not have the correct factor values and technical criteria available to make these determinations, FSA shall **not** use any computer program to provide the producer an estimate or advance HEL determination.

202 Criteria Used to Redefine Fields

A Redefinition of HEL Fields

The following:

- provides rules NRCS will use for redetermining HEL on fields for which boundaries are changed after the field was determined predominately HEL by NRCS
- is for information only. FSA shall **not** make HEL determinations and shall refer all redefinitions to NRCS for a determination.

Note: The same rules apply to land that is redefined for an expired CRP contract.

IF a predominately highly erodible field is...	AND NRCS determines HEL...	THEN NRCS will...
combined with adjoining land	in the resulting field is either of the following: <ul style="list-style-type: none"> • 33.33 percent or more • 50 acres or more 	consider the resulting field as HEL.
	in the resulting field is less than both of the following: <ul style="list-style-type: none"> • 33.33 percent • 50 acres 	consider the area: <ul style="list-style-type: none"> • previously determined HEL as HEL • not previously determined HEL as NHEL. <p>*--Note: See 1-GIS to record the--* determination within the Service Center GIS.</p>

202 Criteria Used to Redefine Fields (Continued)

A Redefinition of HEL Fields (Continued)

IF a predominately highly erodible field is...	AND NRCS determines HEL...	THEN NRCS will...
divided into 2 or more fields incorrectly delineated as the result of a County Office error when NRCS made the initial HEL determination		make HEL determination by using the criteria for highly erodible fields in subparagraph 200 B.
requested by the producer to be divided by permanent boundaries that meet the requirements for field delineations in 2-CP to separate HEL and NHEL	can be delineated separately from NHEL in the field	identify the fields as separate HEL and NHEL fields.

B Field Determined NHEL

If field boundary changes are made on fields that were determined NHEL by NRCS, then the HEL status for the resulting field or fields shall be determined using the criteria for highly erodible fields.

C Redefinitions for Land Entering Into CRP Contracts

If an area is redefined for CRP eligibility purposes, NRCS will make a new HEL determination on the remaining land in the field that is **not** under CRP contract using the *--criteria for highly erodible fields, if the remaining land is used to produce an agricultural commodity.--*

206 Conservation Compliance Exemptions by NRCS (Continued)

A Exemptions NRCS May Apply (Continued)

Exemption	Description
Temporary variance	NRCS grants a temporary variance from practices specified in the plan for the purpose of handling a specific problem, including weather, pest, and disease problems, which NRCS determines cannot be reasonably addressed except through this variance.
Small areas of noncropland	Small areas of noncropland within or adjacent to the boundaries of existing HEL fields, such as abandoned farmsteads, areas around filled or capped wells, rock piles, trees, or brush that are converted to cropland, if they are included in an approved conservation plan for the entire highly erodible field.

Note: See subparagraph 621 F for HELC violations NRCS determines to be technical and minor in nature.

B Determinations for Sugarcane

If the initial planting of sugarcane causes a HELC noncompliance, then the producer is ineligible:

- the year the crop is planted
- for succeeding crop years during the life of the sugarcane if:
 - a conservation plan is not being actively applied on the land the year following the initial noncompliance determination
 - application of the conservation plan begins later than the beginning of the crop year following the initial noncompliance determination.

Note: Failure to actively apply the conservation plan during any crop year on the land where the sugarcane is planted may result in a noncompliance determination.

207 Conservation Compliance HELC Exemptions – RMA-Crop Insurance Policies Reinsured by FCIC

A Certifying HELC Compliance for FCIC Provisions

--AD-1026 provides a producer's certification to conservation compliance. This-- certification may solely be seeking the USDA benefit of the federal crop insurance premium subsidy (AD-1026 Appendix, item 6). The Agricultural Act of 2014 and 7 CFR Part 12 provides unique HELC exemptions for producers in this situation.

B New to Conservation Compliance

--Producers (and any of their affiliated persons certifying to conservation compliance-- meeting these same parameters) who have not participated in, and were not affiliated with any person who participated in, any USDA program for which conservation compliance was a requirement, have 5 reinsurance years (a reinsurance year is July 1 through June 30) in which to develop and comply with an NRCS-approved conservation plan for HELC provisions. These producers are identified by AD-1026, item 8 A and are participating in federal crop insurance only (or not seeking any benefit but are certifying as an affiliate of an individual or entity that is certifying to compliance solely for FCIC).

The beginning of the 5-reinsurance-year period depends on whether a HEL determination *--was made on any of the land in the producer's farming operation and whether administrative appeal rights have been exhausted for that determination. The 5-reinsurance-year period begins for:

- producers who have no land with an NRCS HEL determination, the start of the reinsurance year following the date NRCS makes a HEL determination and they exhaust all their administrative appeals to the technical determination
- producers who have any land for which a NRCS HEL determination has been made and all administrative appeals have been exhausted, the start of the reinsurance year following the date the person certifies compliance with FSA to be eligible for the reinsured crop insurance premium subsidy.

Note: The regulation stipulates June 1 as the appeal rights exhausted date to an applicable reinsurance year. The date applicable to this exemption may be the date the appeals rights are exhausted to the HEL determination, or it may be the date the producer filed AD-1026 for the exemption if no HEL determination was required for producer filing for this exemption.--*

207 Conservation Compliance HELC Exemptions – RMA-Crop Insurance Policies Reinsured by FCIC (Continued)

C Conservation Compliance Eligibility for New to Conservation Compliance HELC Exemption

- *--Producers (and affiliated persons) that are solely seeking the benefit of the federal crop insurance subsidy benefit, and certify to compliance based on this exemption, shall be set to “certified” in subsidiary for AD-1026 to communicate their eligibility to RMA. However, the applicable HEL tract that does not have the conservation plan developed and implemented shall be set to “HEL: conservation system is not being applied”, with the applicable farm/tract RMA producer exception of “New RMA Producer”, until their--* conservation plan has been developed and implemented. This will ensure their ineligibility of FSA and NRCS programs, subject to conservation compliance, until the plan has been implemented. Applicable affiliates will have their farm/tract eligibility in the conservation compliance section of the web-based subsidiary set to “past violation”.
- *--If after the 5-reinsurance-year period the producer has not developed or implemented a--* conservation plan they shall be changed to “not filed” for AD-1026 in subsidiary. NRCS CPA-027, as discussed in paragraph 401, will be used by NRCS when plans have been developed and implemented under this exemption.

D Previously in Compliance With HELC

- *--Producers who were subject to HELC requirements in the past because they participated--* in USDA programs, stopped participating in those programs before February 7, 2014, but would have been in violation of the HEL requirements had they continued participation in such programs after February 7, 2014, have 2 reinsurance years to develop and comply with a conservation plan approved by NRCS before they become ineligible for federal crop insurance premium subsidies. The 2 reinsurance years begin the start of the reinsurance
- *--year, administrative certification date of June 1, following the date the person certifies to--* compliance with FSA to be eligible for USDA benefits subject to the conservation compliance provisions.

E Conservation Compliance Eligibility for Previously in Compliance With HELC

- *--Producers previously in noncompliance with HELC should have been identified as “not filed” for AD-1026 in subsidiary. Those now filing for the reinsured crop insurance premium subsidy benefit 2-year HELC exemption shall be changed to “certified” for AD-1026 to communicate their eligibility to RMA. Their tract data will remain flagged with “HEL: conservation system is not being applied”, with applicable farm/tract RMA producer exception of “2RY RMA Exemption”. Applicable affiliates will have their farm/tract--* eligibility in the conservation compliance section of the web-based subsidiary set to “past violation”.

FSA shall prepare FSA-569 for the current crop year that these individuals and entities certify to this exemption. FSA-569 should be clearly marked “PARTICIPATING FCIC PRODUCER FILING AD-1026 FOR HELC EXEMPTION” before submitting to NRCS. A folder shall be kept of FSA-569 according to subparagraph 504 A.

***--207 Conservation Compliance HELC Exemptions – RMA-Crop Insurance Policies Reinsured by FCIC (Continued)**

E Conservation Compliance Eligibility for Previously in Compliance With HELC (Continued)

When FSA-569 is returned within the 2-reinsurance-year time period communicating “The field meets the requirements of the HELC provisions” HEL tract data will be updated for the current year to restore eligibility for FSA and NRCS.

If FSA-569 is returned at the end of the 2-reinsurance year time period and communicates “The field does **NOT** meet requirements of the HELC provisions”, the subsidiary flag for AD-1026 shall be changed to “not filed” for the current year to communicate ineligibility to RMA.

Example: Jane Farmer was found out of compliance for HELC provisions in 2012. Jane Farmer did not want to invest in structural practices or no-till equipment to meet the erosion reduction as required by the NRCS Conservation Plan. Jane Farmer decided to quit participating in FSA programs and had AD-1026 changed to “not filed”. Jane Farmer buys federally reinsured crop insurance administered through RMA and wants to restore eligibility for the reinsured crop insurance subsidy. Jane Farmer has a neighbor who is going to retire within the next 2 years, and she has the opportunity to buy his no-till equipment at a bargain price. Jane Farmer certifies to compliance on AD-1026 in May 2016 based on an exemption referred to in AD-1026 Appendix, item 6. Jane Farmer will be changed to “certified” for AD-1026 in the web-based subsidiary eligibility to communicate her eligibility for the reinsured crop insurance subsidy for reinsurance year 2017 (July 1, 2016). Her tract data will remain set at “HEL: conservation system is not being applied” to communicate ineligibility for FSA and NRCS programs. The County Office will also prepare and issue FSA-569 for crop year 2016. Jane Farmer buys her neighbor’s no-till equipment in the fall of 2017 and NRCS returns FSA-569 in May 2018 communicating “The field meets the requirements of the HELC provisions”. Jane Farmer’s tract data is updated to “HEL: conservation system is being actively applied”, restoring her eligibility to participate in any FSA and NRCS programs.--*

208-209 (Reserved)

Section 2 WC Compliance

Subsection 1 Wetland Conservation

210 Overview of WC Provisions

A Background

The 1985 Act, as amended, provides that, unless exempt, persons are ineligible for benefits under certain programs administered by USDA if they:

- plant an agricultural commodity on wetland that was 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.

*--The Agricultural Act of 2014 provides that, unless exempt, persons are ineligible for the federal crop insurance premium subsidy administered by RMA if they:

- plant an agricultural commodity on wetland that was converted after February 7, 2014
- convert a wetland after February 7, 2014, 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.

Note: All wetlands determined as CW+14 will be considered after February 7, 2014, unless proven by the producer to have been completed January 1 through February 7, 2014.--*

This section covers:

- wetland types determined by NRCS
- certain exemptions that may apply to remain eligible for covered USDA benefits.

Section 363 of the Consolidated Farm and Rural Development Act places additional requirements on FLP loans and loan guarantees. FSA may not approve any loan or loan guarantee to drain, dredge, fill, level, or otherwise manipulate a wetland, or to engage in any activity that results in impairing or reducing the flow, circulation, or reach of water except in the case of activity related to the maintenance of previously converted wetlands.

210 Overview of WC Provisions (Continued)

B Permitted Uses and Restrictions of Wetlands

The following table provides permitted uses and restrictions of certain wetlands for compliance with WC provisions.

Type of Wetland	Permitted Use and Restrictions
W	Wetlands cannot be converted, but can be farmed under natural conditions.
CW Before November 28, 1990	Wetlands converted before November 28, 1990, cannot be planted to an agricultural commodity and retain eligibility for FSA and NRCS benefits.
CW After November 28, 1990, *--and before February 8, 2014--*	<p>Wetlands converted after November 28, 1990, must be either of the following:</p> <ul style="list-style-type: none"> • restored to wetland status • mitigated to regain eligibility for FSA and NRCS benefits. <p>Persons who plant agricultural commodities on CW \leq 13 are ineligible for FSA and NRCS benefits.</p>
FW	<p>Wetlands farmed can continue to be farmed. Wetland status cannot be altered.</p> <p>Note: Wetlands that can be farmed under natural conditions cannot be manipulated in any way, unless NRCS determines the work would have minimal effect on wetland values.</p>
PC	<p>Wetlands converted before December 23, 1985, can be farmed and maintained.</p> <p>Note: Wetlands granted a commenced conversion exemption determination can be maintained to the extent that existed on January 1, 1995.</p>
CW after February 7, 2014	<p>Wetlands converted after February 7, 2014, cannot be planted to an agricultural commodity and retain eligibility for FSA, NRCS, or RMA benefits.</p> <p>Wetlands converted after February 7, 2014, must be either of the following:</p> <ul style="list-style-type: none"> • restored to wetland status • mitigated to regain eligibility for FSA, NRCS, or RMA benefits. <p>Persons who plant agricultural commodities on CW \geq 14 are ineligible for FSA, NRCS, and RMA benefits.</p>

Subsection 4 Provisions Unique to Federally Reinsured Crop Insurance Subsidy

231 Wetland Conversions

A Converting a Wetland Through February 7, 2014

--No producer certifying to conservation compliance will be ineligible for federal-- crop insurance premium subsidies for a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501-1524) if they or their affiliates:

- converted a wetland, as determined by NRCS, through February 7, 2014
- plant or produce an agriculture commodity on a converted wetland converted through February 7, 2014.

Note: Wetlands determined as CW+14 are assumed to be after February 7, 2014, unless proven by the producer and concurred/determined by NRCS to have been converted January 1, 2014, through February 7, 2014.

B Conservation Compliance Eligibility for Before CW+14 Wetland Violations

--Producers that have wetland violations through February 7, 2014, and certify to-- conservation compliance based on provisions in AD-1026 Appendix, item 6 shall be set to “certified” in subsidiary to communicate their eligibility to RMA. However, their tract record must remain set to the appropriate wetland violation to communicate their ineligibility to FSA and NRCS.

If the producer is in violation with a conversion that is not associated to them in any tract record (affiliate violation or past violation and they no longer have the land), and they certify to compliance for these provisions they shall also be set to “certified”. However, their farm/tract eligibility, in the conservation compliance section of the web-based subsidiary, shall be set to “past violation” with year, State, and county where the violation occurred to communicate their ineligibility for FSA and NRCS programs.

Example: Joe Farmer converted a wetland in 2012. Joe Farmer did not restore or mitigate the wetland, but rather chose to drop participation in FSA programs. Joe

--Farmer’s tract file indicates “wetland converted between December 23, 1985, and November 28, 1990”. Joe Farmer’s AD-1026 eligibility was changed to “not-- filed” according to paragraph 305. Joe Farmer buys federally reinsured crop insurance administered through RMA. Joe Farmer certifies to compliance based on AD-1026 Appendix, item 6 to retain eligibility for the reinsured crop insurance premium subsidy. Joe Farmer shall be changed to “certified” in the web-based *--eligibility, but shall have “wetland converted between December 23, 1985, and November 28, 1990” remain in the tract data. Joe Farmer is compliant for--* FCIC, but noncompliant for FSA and NRCS.

232 Additional Time Before Ineligibility**A One Reinsurance Year Exemption**

--Unless another exemption applies, a producer that was subject to conservation compliance-- in the past, and determined by NRCS to be in violation because of wetland conversion occurring after February 7, 2014, will have 1 reinsurance year after the final determination of violation, including all administrative appeals, to initiate a mitigation or restoration plan before becoming ineligible for the reinsured crop insurance premium subsidy. All practices within the mitigation or restoration plan must be implemented within 2 reinsurance years (eligibility/ineligibility determinations are made for RMA on June 1 before the reinsurance year that begins July 1).

Example: If in May 2017, after NRCS has determined that an individual is in violation for converting a wetland and the individual has exhausted all administrative appeals, the person will have until June 1, 2018, to initiate a mitigation or restoration plan to remedy the violation before becoming ineligible for the federal crop insurance premium subsidies starting with the 2019 reinsurance year (July 1, 2018). All practices within the plan must be implemented by June 1, 2019.

B Two Reinsurance Year Exemption

--A producer subject to wetland compliance provisions for the first time, solely because-- of benefit of the reinsured crop insurance subsidy, and determined to be in violation (as determined by NRCS) because of wetland conversion occurring after February 7, 2014, will have 2 reinsurance years after the final determination of violation, including all administrative appeals, to be implementing all practices in a mitigation or restoration plan before becoming ineligible for the reinsured crop insurance premium subsidy.

C New Insurance Policy Exemption

When a policy or plan of insurance that provides coverage for an agricultural commodity is *--available to a producer, including those who are a substantial beneficial interest holder, for--* the first time after February 7, 2014, as determined by RMA, an exemption applies. The ineligibility of premium subsidies for this policy or plan of insurance because of a wetland conversion will only apply to wetland conversions that are completed, as determined by NRCS, after the date the policy or plan of insurance first becomes available to the individual or entity.

232 Additional Time Before Ineligibility (Continued)**C New Insurance Policy Exemption (Continued)**

The exemption:

- *--applies only to the policy or plan of insurance that becomes available to a producer for the first time after February 7, 2014, as determined by RMA
- does not exempt or otherwise negate the producer's ineligibility for federal crop insurance premium subsidies on any other policy or plan of insurance
- applies only if the producer takes the steps necessary, as determined by NRCS, to--* mitigate all wetlands converted after February 7, 2014, in a timely manner, as determined by NRCS but not to exceed 2 reinsurance years.

D Conservation Compliance Eligibility

Those certifying to conservation compliance for the reinsured crop insurance premium subsidy benefit for either exemption in subparagraph A or B shall be changed to "certified", *--for AD-1026, with applicable farm/tract RMA producer exception of "1RY Exemption" or "2RY Exemption" to communicate their eligibility to RMA. Their tract data shall be flagged with the appropriate wetland violation ("wetland converted after February 7, 2014") to--* communicate ineligibility for FSA and NRCS programs.

FSA shall prepare FSA-569 for the current crop year when these individuals and entities certify to these exemptions. FSA-569 should be clearly marked "PARTICIPATING FCIC PRODUCER FILING FOR AD-1026 FOR WC EXEMPTION" before submitting to NRCS. A folder shall be kept of FSA-569 according to subparagraph 504 A.

When FSA-569 is returned within the 2-reinsurance-year time period communicating the restoration or mitigation is completed "the area is identified is "NOT" CW" wetland violation tract data will be removed to restore eligibility for FSA and NRCS.

232 Additional Time Before Ineligibility (Continued)**D Conservation Compliance Eligibility (Continued)**

If the restoration or mitigation is not completed within the required 1- or 2-reinsurance-year time period data NRCS will communicate this with FSA-569. Wetland tract data will not be updated and the individual or entity certifying to compliance for these exemptions will be *--changed to “not filed” for AD-1026, with applicable farm/tract producer exception removed, to communicate ineligibility to RMA.--*

If the producer is not associated with the tract (affiliate) to which the violation requesting exemption is applicable to, they shall have their farm/tract eligibility, in the conservation compliance section of the web-based subsidiary, set to “past violation” with year, State, and county where the violation occurred.

Note: It is an RMA determination if the exemption in subparagraph C (new insurance *--policy exemption) is applicable. A producer may be eligible for the premium--* subsidy if it is new, but may not be on other policies or plans of insurance. Therefore, those individuals and entities will be “not filed” for AD-1026 if either exemption in subparagraph A or B is not met.

233 Wetland Determinations Applicable to FCIC Only**A Converted Wetland Payment in Lieu**

There is an exemption for wetland conversion for FCIC participants only that impacts less than 5 acres. In lieu of ineligibility for federal crop insurance premium subsidies for a policy or plan of insurance because a wetland conversion violation or concurrent with a planned wetland conversion occurring after February 7, 2014, a person may, if approved by NRCS, pay a contribution to NRCS in an amount equal to 150 percent of the cost of mitigating the converted wetland, as determined by NRCS. A person is limited to only one exemption, as determined by NRCS per farm. Wetlands granted this exemption are identified as “CWIL” (converted wetland payment in lieu) on NRCS-CPA-026e.

233 Wetland Determinations Applicable to FCIC Only (Continued)

B Timely Assistance

--If a producer files AD-1026 with FSA certifying compliance that requires an evaluation-- by NRCS for a certified wetland determination, and NRCS fails to complete the evaluation in a timely manner, they may be exempted from the ineligibility of the reinsured crop insurance subsidy. The exemption:

- applies only to violations that occurred before or during the time NRCS is completing the evaluation
- does not apply to any violations that occur subsequent to NRCS completing the evaluation
- does not apply if FSA or NRCS determines the person employed, adopted, or participated in employing or adopting a scheme or device to evade the provisions of wetland conservation compliance
- does not apply if the required evaluation is delayed because of unfavorable site conditions for the evaluation site conditions for the evaluation of soils, hydrology, or vegetation.

Wetlands granted this exemption by NRCS are identified as CWTA (converted wetland technical assistance) on NRCS-CPA-026e.

C Conservation Compliance Eligibility

--Producers that are determined to have wetlands CWIL or CWTA and certify to conservation compliance, for FCIC, shall have their web-based subsidiary set to “certified” to communicate eligibility to RMA. However, the appropriate wetland violations tract data will be set to “wetland converted after February 7, 2014” to communicate their ineligibility for FSA and NRCS, with RMA producer exception of “CWIL/CWTA” to communicate RMA eligibility.--

If the producer is not associated with the tract (affiliated persons or no longer associated with the land) to which these wetland determinations apply, and they are certifying to compliance for FCIC, they shall have their farm/tract eligibility, in the conservation compliance section of the web-based subsidiary, set to “past violation” with year, State, and county where the violation occurred to communicate ineligibility for FSA and NRCS.

*--**Note:** Planting of CWIL/CWTA is a planting violation to FSA and NRCS, but not to RMA. This is communicated with “an agriculture commodity has been planted on a wetland converted after February 7, 2014”, and RMA producer exception of “CWIL/CWTA”.--*

--234 Equitable Contribution for False Certification*A Equitable Contribution**

Equitable Contribution is a provision of the Agricultural Act of 2014 that establishes a penalty, when participants of Federal Crop Insurance fail to accurately certify their compliance with the WC provisions, and either convert a wetland, or plant on a converted wetland, determined $CW \geq 14$, after June 1, 2015. This provision applies only to producers who are participants in the Federal Crop Insurance program.

Equitable Contribution:

- will **not** apply to any WC violations that receive a good faith exemption
- is based only on Federal Crop Insurance premium subsidies
- only applies to converted wetlands or planted converted wetland violations for which appeal rights have been exhausted
- does **not** provide relief from wetland mitigation or restoration requirements for restoration of eligibility
- only applies to planting violations on $CW \geq 14$ when no AD-1026 was filed (this will be rare).

B Failure to Certify

All participants requesting benefits subject to conservation compliance are required to self-certify their compliance. This includes reporting intended actions to FSA on question 7 of AD-1026. Failure to certify occurs when a participant is found to be in violation of the WC provisions and they did not correctly complete AD-1026 before performing wetland manipulations that resulted in a conversion. A check indicating “YES” on line 7 of AD-1026 is sufficient minimum documentation to consider a person properly certified.

In addition, failure to correctly certify occurs when no AD-1026 is filed and a wetland violation occurs. This is the only time an incorrect certification is considered applicable to a planted converted wetland determined $CW \geq 14$.--*

301 AD-1026 Filing Requirements (Continued)**C When to File AD-1026**

There is no specific deadline for filing AD-1026 for FSA and NRCS benefits unless otherwise provided in specific program procedure. However, before a producer can be considered eligible for benefits subject to the provisions of this handbook, the producer and producer's affiliated persons, if applicable, must have filed and certified compliance with HELC and WC provisions. AD-1026 is considered filed and certified when AD-1026, *--Part D, item 10A is signed and AD-1026 is submitted to a County Office (certification date should be recorded with date received or date of post mark if mailed).

The federal crop insurance subsidy administered by RMA had a filing deadline of June 1, before the beginning of the reinsurance year (July 1), for which premium subsidy is being requested for reinsurance years 2016 and 2017. For reinsurance year 2018 and subsequent years, AD-1026 must be on file on or before the premium billing date for the policy or plan of insurance. Certification for RMA is continuous (a new AD-1026 does not have to be filed each reinsurance year) and only requires updates according to paragraph 305.--*

D AD-1026 Certifications for Programs Covering Past Years

In certain cases, a producer may apply for program benefits that are applicable to previous program or crop years.

If AD-1026 was **not** on file for the year of eligibility, the certification of compliance must be completed before issuing program payments. The County Office shall instruct the producer to complete AD-1026 for the year of eligibility by:

- entering the applicable program or crop year in Part A, item 3

Example: If a producer is completing an application in 2014 for program benefits associated with 2012, "2012" shall be entered in Part A, item 3.

- answering the questions on AD-1026 about the year indicated in Part A, item 3.

E Updating AD-1026 Field in Eligibility File

--County Offices will update the AD-1026 field in the web-based eligibility system according-- to 3-PL (Rev. 2).

F Joint Venture Without ID Number

For a joint venture requesting program benefits that does **not** have an IRS employer ID number, the members of the joint venture shall be considered the producers requesting benefits.

AD-1026 must be filed by each member of the joint venture that has a farming interest. Affiliated persons of the members with farming interests must also file AD-1026. Since the AD-1026 member certification statement "includes all land in which [the member has] or will have an interest", there is no need to obtain a separate AD-1026 from the joint venture.

301 AD-1026 Filing Requirements (Continued)**G Revocable Trust Without Employer IRS ID Number**

Since the AD-1026 certification statement by the grantor “includes all land in which [the grantor has] or will have an interest,” there is no need to obtain a separate AD-1026 from the trust.

However, if the individual beneficiary is different from the grantor and is receiving premium subsidy on a Federal Crop Insurance policy, they are required to file AD-1026 because they are receiving a benefit subject to conservation compliance. See subparagraph 336 A.

Affiliated persons of the grantor must also file AD-1026 if they have farming interests.

H One Member LLC Without Employer IRS ID Number

If AD-1026 is on file for the individual who is the sole member of an LLC using the individual’s SSN rather than an EIN, it is not necessary to obtain a separate AD-1026 for the LLC.

I Updating Tract Records

Tract records, including the recording of NRCS HEL and wetland determinations, must be updated in the producer’s administrative County Office as determined by 3-CM or 10-CM.

For multi-county producers, the administrative County Office for a particular tract may be different than the producer’s recording County Office.

J Responsibility of Producer Requesting Benefits

The producer requesting benefits is responsible for providing the County Office, in which AD-1026 is filed, a copy of AD-1026 filed by their affiliated persons in their respective County Offices. County Offices may be able to assist the producer with that requirement by requesting an e-mailed PDF copy from the affiliated persons’ recording County Offices.

K Certification for Risk Management Agency (Number 6 of the Appendix)

Number 6 of the appendix of AD-1026 identifies the wetland conservation compliance date applicable to RMA as February 7, 2014 (paragraph 231). In addition, there are RMA HELC and WC exemptions identified in paragraphs 207, 232, and 233. These are also referenced in number 6 of the appendix.

There is only one AD-1026 to take either certification (the eligibility for FSA, NRCS, and RMA, or RMA only). See paragraphs 207, 231, 232, and 233 for recording a certification of compliance when it would only be applicable to RMA.

--RMA determines a producer’s eligibility or ineligibility for premium subsidy for an applicable reinsurance year from FSA’s current year AD-1026 subsidiary file. County Offices will not give copies of a producer’s AD-1026 to crop insurance agents or AIP’s.--

336 Entity Differences Between RMA and FSA (Continued)

B RMA Exemptions Do Not Apply (Continued)

Example: Brothers A and B do business with FSA as individuals with current and past program participation as 100 percent share to each individual on their acreage reports. A and B Corporation received a letter from RMA indicating they did **not** have AD-1026 on file. That is because Brothers A and B have filed AD-1026 with their individual SSN’s for current and past FSA participation. However, they have been obtaining crop insurance as entity A and B Corporation claiming 100 percent share on the same land/crop using the corporation’s EIN. FSA did **not** have any knowledge of A and B Corporation. This is conflicting information about which “person”, the individuals (Brothers A and B) or the A and B Corporation, actually has the interest in the land/crop. Brothers A and B must correct their records with their AIP or FSA and file AD-1026 accordingly.

337 Sole Proprietorship

--A Explanation of Sole Proprietorship (Insuring with EIN)--

Some producers have EIN for a sole proprietorship because of hired labor and paying into Social Security taxes for that hired labor. The sole proprietorship may have the same name as the individual or a different name. RMA allows producers in this situation to insure their crops with either EIN or SSN. If the same producer conducts business with FSA as an individual using SSN and conducts business with RMA as a sole proprietorship using EIN, there is a mismatch.

***--Note:** Informal joint ventures that involve husband/wife only, that have sole proprietorship EIN’s, are insured as such.--*

B Exemption for Sole Proprietorships

If it can be verified through the Comprehensive Information Management System that an ***--individual, doing business with FSA as an individual or informal husband/wife joint venture with no tax ID, has filed AD-1026 as an individual using SSN, there is no need for the--*** producer to file another AD-1026 in the name of the sole proprietorship using EIN. The individual and sole proprietorship are one and the same and therefore, their conservation compliance is one and the same. Producers in this situation are not required to correct records with either FSA or RMA.

Verification for producers found to have sole proprietorship/individual mismatches between FSA and RMA can be obtained through the Comprehensive Information Management System as follows.

Step	Action
1	On the FSA Intranet, CLICK “FSA Applications”, “A-C”, and “Comprehensive Information Management System (CIMS)”.
2	Under “Management Reports”, CLICK “Producer/Crop Acreage”.
3	Search for the producer’s name by physical location State and county.
4	If the producer comes up with EIN identified as “Individual as Company” with RMA, they are verified.

337 Sole Proprietorship (Continued)**C Filing and Recording AD-1026 for Sole Proprietorships**

To communicate the conservation compliance certification to RMA for the sole proprietorship, the entity must be entered as “Individual Operating as a Small Business” into Business Partner using EIN of the sole proprietorship. The member of the sole
--proprietorship is the individual or the husband in an informal husband/wife joint venture.--

If there is an AD-1026 on file for the individual comprising the sole proprietorship, conservation compliance can be validated as “Certified” for the sole proprietorship. The applicable affiliate box on the individual’s AD-1026 (or if applicable each the husband and wife’s AD-1026) shall be notated with “Certification also applies to [Name] Sole Proprietorship” with the last 4 digits of EIN applicable to that sole proprietorship.

If there are no FSA or NRCS benefits received by the sole proprietorship’s EIN, no further action is required. If FSA or NRCS benefits are received using EIN, all other applicable eligibility determinations apply to EIN as they do to the individual.

Section 2 Updating Imagery and Records With NRCS Data

421 Updating Aerial Imagery

A Maintaining Official Records

FSA shall maintain official USDA records of HEL and wetland determinations by farm, tract, and field number. These determinations shall be recorded and maintained within the Service Center's GIS.

B HEL Labels

NRCS will identify HEL determinations on fields as follows:

- "HEL" for a field predominately highly erodible
- "NHEL" for fields **not** predominately highly erodible.

FSA shall transfer NRCS labels to GIS by designating the HEL determination as an attribute of CLU.

--Follow the procedure in 1-GIS to attribute CLU with HEL determinations. The following-- codes shall be used as HEL attributes:

- "H" - Highly Erodible Land
- "N" - Nonhighly Erodible Land
- "E" - Exempted Highly Erodible Land
- "U" - Undetermined.

Note: "U" indicates that a HEL determination has **not** yet been completed for CLU.

C Documenting Wetland in GIS

Wetland shall be documented within the Service Center's GIS as a wetland point layer.

--The wetland point layer shall be maintained according to 1-GIS, paragraph 113 and Exhibit 23.--

The following attributes may be recorded for each wetland point:

- NRCS wetland label
- acreage of the wetland, if known
- whether the wetland is certified or inventoried
- date certified.

421 Updating Aerial Imagery (Continued)

E NRCS Food Security Act Wetland Labels

The following table provides wetland labels that are used by NRCS for certified wetlands.

Wetland Code	Description
AW	Artificial or irrigation induced wetland.
AW/FW	Artificial or irrigation induced wetland and farmed wetland.
AW/W	Artificial or irrigation induced wetland and wetland.
CC	Commenced conversion exemption.
CMW	Categorical minimal effect.
--CPD	COE Permit with Mitigation: A converted wetland authorized by a permit issued under Section 404 of the Clean Water Act. Production of agricultural commodities is allowed subject to conditions of the permit.--
CW	Wetland converted between December 23, 1985, and November 28, 1990.
CW+Year	Wetland converted after November 28, 1990.
CWIL	Converted wetland payment in lieu. Wetland that is converted after February 7, 2014, with payment in lieu of mitigation (maintains RMA's federal crop insurance subsidy premium eligibility only).
CWNA	Wetland converted to other than agricultural commodity production.
CWTA	Converted wetland technical assistance. Wetland that is converted after February 7, 2014, because of the lack of timely assistance (maintains RMA's federal crop insurance subsidy premium eligibility only).
CWTE	Wetland converted or commenced based on an incorrect NRCS determination.
Easement	A wetland easement exists on the land.
FW	A farmed wetland that was manipulated and planted before December 23, 1985, but still meets wetland criteria.
FWP	Pasture or hayland converted before December 23, 1985, that still meets wetland criteria and is not abandoned.
MIW	A frequently cropped wetland area that is converted under an agreement that another wetland, which was converted before December 23, 1985, is restored to replace it. The restored area may be protected by an easement.
MW	Conversion activity was determined to have a minimal effect.
MWM	Minimal effect mitigation.
NI	Area that is not inventoried by NRCS.
NW	The field does not contain wetland.
NW/NAD	Nonwetland per national appeals decision.
OW	Other waters of the United States.
PC	Land converted before December 23, 1985, to make agricultural production possible.
PC/NW	Prior converted and nonwetland.
TP	Wetland converted by a third party.
W	Wetland or wetland farmed under natural conditions and no drainage has occurred.
WX	Wetland manipulated after December 23, 1985, but agricultural production was not made possible.
GFW	CW that has been restored under the good faith provision.
GFW+Year	CW+Year that has been restored after 1990 under the good faith provision.
RPW	A not frequently cropped wetland area that is converted to improve efficiency under an agreement that another wetland, that was converted before December 23, 1985, is restored to replace it.
RSW	A wetland area that was not converted between December 23, 1985, and November 28, 1990, that is restored to preconversion conditions. No violation by planting on the converted wetland has occurred.
RVW+Year	A wetland converted after December 23, 1985, on which NRCS determined a violation occurred and restoration to preconversion conditions has been completed.

503 NRCS Denied Access to Determine Compliance

A Access Requirement

7 CFR Section 12.7 states the following, *“In order for a person to be determined to be eligible for any of the benefits specified in Sec. 12.4: . . .(5) The person applying for the benefits must authorize and provide representatives of USDA access to all land in which such person has an interest for the purpose of verifying any such certification”*

The statement, “Signature on Form AD-1026 gives representatives of USDA authorization to enter upon and inspect all farms in which the producer has an interest for the purpose of confirming the above statements”, is provided on AD-1026. Therefore, by signing AD-1026, the producer authorizes the required access.

B Determining Producers Ineligible

If NRCS reports on FSA-569 that NRCS was refused access to the land to determine compliance:

- all producers who must meet HELC and WC compliance requirements on the land for which access is denied and their affiliated persons shall be determined ineligible for benefits

Note: RMA ineligibility applies the immediate next reinsurance year (determined the first June 1 after denied access).

Example 1: FSA-569 created for crop year 2017 on March 30, 2017, returned no access in April 2017. The first June 1 is June 1, 2017, and RMA ineligibility would begin reinsurance year 2018.

Example 2: FSA-569 created for crop year 2017 on July 30, 2017, returned as no access in September 2017. The first June 1 is June 1, 2018, and RMA ineligibility would begin reinsurance year 2019.

- notify all affected producers of their ineligibility because of refusal of access to their land by NRCS, and provide appeal rights
- AD-1026 on file is considered revoked for year in item 7 of the FSA-569 and each subsequent year
- change the certification option for AD-1026 in subsidiary eligibility to “Not Filed” according to 3-PL (Rev. 2) for all affected producers for each applicable year(s).

503 NRCS Denied Access to Determine Compliance (Continued)**C Regaining Eligibility**

Any producer determined ineligible as a result of refusing access to land to determine *--compliance must allow access and file a new AD-1026 to regain eligibility. If it is not possible for NRCS to determine eligibility for year(s) that access was denied (for example, denied access during HEL compliance reviews), the producer becomes eligible the first subsequent year after access is allowed and NRCS can confirm conservation compliance.--*

504 Pending FSA-569 Determinations**A Maintaining Folder of Pending FSA-569 Determinations**

FSA personnel shall maintain a folder with copies of pending FSA-569's that have been referred to NRCS for determinations. To avoid unnecessary delays and maintain communication between FSA and NRCS about compliance determinations to be made, on the first week of each month:

- submit to NRCS a list of farm and tract numbers with outstanding FSA-569's that were referred to NRCS, for which FSA has **not** received a final NRCS technical determination
- request that NRCS respond with the current status of the pending determinations.

Examples of current status of pending NRCS determinations:

- Field visit scheduled with producer's representative to review preliminary technical determination issued on (enter date).
- Preliminary technical determination not completed. Scheduled for (enter date).
- Preliminary technical determination completed on (enter date) will complete FSA-569 when the determination becomes final.

B Reports to Ensure Joint Agency Coordination

County Offices shall report to the State Office any FSA-569's for which NRCS has **not** made the preliminary technical determination within 60 calendar days after FSA-569 was referred to NRCS.

Note: Cases with preliminary technical determinations that are waiting to become final shall **not** be referred to the State Office according to this paragraph. Only report cases when the preliminary technical determination is **not** made.

State Offices shall:

- attempt to resolve with NRCS at the State level any reported delays in making preliminary technical determinations
- report to DAFP if unreasonable delays for making a preliminary technical determination for FSA-569's that were referred cannot be resolved with NRCS.

602 Determining Producers Who Are Ineligible (Continued)

A Determining Ineligibility for HELC or WC Planting Violations (Continued)

IF the producer's status on the farm is...	AND the crop planted on the land with the violation is...	THEN the producer shall be...
landlord, who is not the operator	cash rented and not shared by the landlord	<p>ineligible for USDA benefits subject to the provisions of this handbook on lands and warehouses where the landlord and violating operator, tenant or sharecropper, or their affiliated persons are involved.</p> <p>Note: The landlord could be eligible for USDA benefits on the farm where the violation occurred, if the landlord is share-renting a part of the farm with another tenant or sharecropper, provided a landlord exemption is approved on AD-1026C according to paragraph 603.</p>
either of the following: <ul style="list-style-type: none"> • tenant • sharecropper 	shared by either of the following: <ul style="list-style-type: none"> • tenant • sharecropper 	<p>ineligible for USDA benefits subject to the provisions of this handbook on:</p> <ul style="list-style-type: none"> • all lands • any warehouse in which the tenant or sharecropper has an interest. <p>Note: This includes cases where it is determined that the tenant or sharecropper planted an agricultural commodity on predominately HEL or converted wetland, or converts a wetland under the terms and conditions of an agreement between the landlord and the tenant or sharecropper.</p> <p>Exception: If a tenant exemption has been approved according to paragraph 604, the producer shall be ineligible only on the farm for which an exemption was approved.</p>
	not shared by either of the following: <ul style="list-style-type: none"> • tenant • sharecropper 	<p>able to remain eligible for USDA benefits subject to the provisions of this handbook on:</p> <ul style="list-style-type: none"> • all lands • any warehouse in which the tenant or sharecropper has an interest.

602 Determining Producers Who Are Ineligible (Continued)

B Determining Ineligibility for WC Conversion Violations

Any person who is determined responsible for converting a wetland for the purpose, or which has the effect, of making the production of an agricultural commodity possible, shall be ineligible for all USDA benefits.

Note: The operator of a farm is considered to be in general control of the farm and, therefore, shall also be included as a person determined responsible for converting a wetland unless relief is approved by DAFP according to subparagraph C.

C Requesting Relief for Operator of Farm With Wetland Conversion

As indicated in subparagraph B, the farm operator is considered to be in general control of that farm. Therefore, the operator of a farm with a wetland conversion is included as being responsible for a wetland conversion occurring during the time he or she is the designated farm operator. However, if there are circumstances that may warrant relief for the farm operator, relief may be requested from DAFP according to the following table.

IF...	THEN...
COC determines that the farm operator: <ul style="list-style-type: none"> • was in no way responsible for the wetland conversion • had no control over the wetland conversion activities 	COC shall forward a recommendation for relief to STC. Notes: Any relief under this subparagraph does not relieve the farm operator from ineligibility as the result of planting on a converted wetland. The conversion of a wetland and the planting of an agricultural commodity on a converted wetland are 2 separate violations. See paragraph 637 for possible reduction in ineligibility for a planting violation if the operator is unable to mitigate a wetland conversion to meet the requirements for relief under the Good Faith Relief exemption.
STC concurs with COC recommendation	State Office shall forward the case file to DAFP for a decision.
STC does not concur with COC recommendation	the operator shall be ineligible for relief under this subparagraph.

*--**Note:** Operators approved for this relief will have their CW farm producer exception set to “no association to violation”.--*

633 Mitigation Activities for Good Faith Approvals

A Monitoring Mitigation Plan Activities

NRCS is responsible for conducting follow-up inspections and monitoring progress toward completing activities required in a wetland mitigation plan required for reinstatement of eligibility under the good faith provision.

B Mitigation Plan Requirements Not Met

If terms of the restoration or mitigation plan/agreement are violated, then NRCS will request FSA-569 from FSA. The good faith waiver will be invalidated and the converted wetland for which it applied will be relabeled CW+year (the year of the original conversion).

If NRCS determines that the producer is **not** fully applying the required plan, or if conditions that must be met after the first year are **not** met, such as hardwood survival or control of woody or exotic vegetation, NRCS will use FSA-569 to indicate that the producer is **not** in compliance with the provisions of his or her good faith waiver. The waiver will be invalidated and the converted wetland for which it was applied will revert to the previous CW+year label.

***--Note:** The producer has 2 years from the first June 1 after the restoration/mitigation is signed (indicated in AD-1069, item 23B) for CW+2014 or later before being determined ineligible for RMA. This is communicated by setting the RMA farm/tract producer exception to “Good Faith RMA” if the 1-year restoration/mitigation requirement is not met for FSA and NRCS.--*

If NRCS determines that the mitigation plan requirements are **not** met:

- notify producers, who were approved for good faith subject to the mitigation plan, that the determination is rescinded because mitigation plan requirements were **not** met
- request a refund of benefits that were reinstated for the applicable crop year
- apply ineligibility determination that existed before the good faith approval.

C Conversion After Wetland Is Restored

If a producer converts a wetland that has been restored according to a good faith mitigation plan after NRCS determines that all required restoration activities are completed:

- the good faith approval shall **not** be rescinded
- NRCS will report the noncompliance on FSA-569 as a new CW+year determination
- make ineligibility determinations according to this part.

634-636 (Reserved)

Section 3 Updating Producer Eligibility Record

641 Producer Eligibility File

A Accessing Producer's Eligibility Record

County Offices shall follow the procedure in:

- *--3-CM or 10-CM to update tract data--*
- 3-PL (Rev. 2) to access and update producer eligibility records.

Producer eligibility is based upon the following:

- certification of compliance on AD-1026
- summarization of HELC, converted wetland, and planted converted wetland exemptions in farm records.

B Producer AD-1026 Certification

To be eligible for certain USDA program benefits, a producer must certify compliance on AD-1026. Record the producer's certification in the eligibility file according to 3-PL (Rev. 2).

C Tract Data

Producer eligibility for conservation compliance purposes is also based upon the data recorded within the web-based system for all tracts associated with the producer. NRCS *--HELC/WC tract determinations are recorded according to 3-CM or 10-CM.--*

The eligibility record for an individual producer reflects the overall status for HELC and WC compliance.

Example: The eligibility record for a producer will be automatically updated as "Not Compliant" if the producer is associated with at least one HEL tract that is in violation of the conservation compliance provisions. The producer will be ineligible for USDA program payments even though other tracts associated with the producer are in compliance.

641 Producer Eligibility File (Continued)**D Establishing Farm Records and Producer Information in Business Partner**

Producers that are not currently in farm records, and check either box A or B on AD-1026, item 5, do not need to have farm records established. Load these producers in Business Partner. An eligibility record is automatically created when the producer is loaded in *--Business Partner. Update the eligibility record to show AD-1026 has been filed. If these--* producers subsequently apply to participate in FSA or NRCS programs, farm records would need to be established at that time.

Note: Use AD-2047 according to 1-CM, paragraph 198 to collect producer information for producers who need a record established in Business Partner.

All other producers must have farm records established to which their certification of conservation compliance applies. This applies regardless if the producer is not an FSA farm program participant and certifying to conservation compliance for NRCS, RMA, or FSA farm loans benefits. A certification by a producer without farm records could allow a circumvention of conservation compliance provisions. AD-1026 certification of compliance is not complete until the farm records are established and will not be recorded in subsidiary with a certification date until acceptable documentation is provided by the producer.

The only exceptions to this are the RMA husband/wife and revocable trust exemptions discussed in subparagraph 336 A, the RMA sole proprietorship exemption discussed in paragraph 337, and the sugar beet cooperative entities formed for RMA purposes discussed in paragraph 338. Affiliation (AD-1026, item 4) ties those producers to a certification of compliance with established farm records.

642-699 (Reserved)

Reports, Forms, Abbreviations, and Redelegations of Authority

Reports

None

Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1026	Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification	306	Text
AD-1026 Appendix	Appendix to Form AD-1026, Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification	328	303, 304, 306
AD-1026B	Highly Erodible Land Conservation Exemption Request	604	306, 703
AD-1026C	Landlord or Landowner Exemption Request	603	306, 602
AD-1026D	Relief for Undue Economic Hardship Request Highly Erodible Land Conservation	204	
AD-1026E	Tenant/Sharecropper Exemption for Wetland Planting Violation on CW \geq 2014	611	611
AD-1068	Request for Good Faith Relief – Highly Erodible Land Conservation (HELIC) Violation	622	616, 621, 623, 702, 703
AD-1068A	Distribution of Graduated Payment Reduction (GPR) (Supplemental to AD-1068)	623	616
AD-1069	Request for Good Faith Relief – Wetland Conservation (WC) Violation	632	616, 631, 703
CCC-901	Members Information Agricultural Act of 2014		339, 602
CCC-902	Farm Operating Plan for Payment Eligibility 2009 and Subsequent Program Years		339
FSA-156EZ	Abbreviated 156 Farm Record and Tract Listing		439
FSA-321	Finality Rule and Equitable Relief		340
FSA-492	Data Needed for Third-Party Determinations	220	219, 221
FSA-493	Highly Erodible Land Conservation/Wetland Conservation Violation Data	702	700, 701, 703, 750
FSA-569	NRCS Report of HELIC and WC Compliance	502	Text
FSA-577	Report of Supervisory Check		17
NRCS-CPA-026	Highly Erodible Land and Wetland Conservation Determination		400, 402, 422
NRCS-CPA-026e	Highly Erodible Land and Wetland Conservation Determination	400	Text
NRCS-CPA-027	Certification of Highly Erodible Land Conservation Plan(s) and System(s)		400-402

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

Approved Abbreviation	Term	Reference
1985 Act	Food Security Act of 1985	1, 2, 200, 210, 300, 604
AIP	approved insurance provider	301, 336, 341
AW	artificial wetland	212, 226, 421, 422, Ex. 2
CD	Conservation District	19, 200, 203, Ex. 2
CIMS	Comprehensive Information Management System	336, 621
CW	converted wetland (converted after December 23, 1985)	210, 218, 421, 502, 633, 701, 702, Ex. 2
FW	farmed wetland	210, 226, 227, 421, 422, Ex. 2
FWP	farmed wetland pasture	226, 227, 421, Ex. 2
GPR	graduated payment reduction	616, 621-623, 702
MW	minimal effect wetland	212, 213, 218, 421, Ex. 2
NHEL	not highly erodible land	201, 202, 400, 421
NW	nonwetland	212, 421
OO	owner and operator	702
OP	operator	702
OT	tenant or sharecropper	702
OW	owner	702
PC	prior converted wetland (converted before December 23, 1985)	210, 226, 421, 422, Ex. 2
SBI	substantial benefit interest	302, 340, 341
SWCD	Soil and Water Conservation District	204, 622, 631, 632
W	wetland	Text, Ex. 2

Re delegations of Authority

None