

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Highly Erodible Land Conservation and Wetland Conservation Provisions 6-CP (Revision 4)	Amendment 13
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Approved by: Acting Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Paragraph 231 has been amended to correct the title.

Subparagraph 302 B has been amended to clarify affiliate declaration in block 4 of AD-1026 is a producer certification.

Subparagraph 302 C has been amended to clarify AD-1026 filing requirements for affiliates.

Subparagraph 357 B has been amended to clarify imagery requirements for wetland determinations referrals to NRCS for drainage activities.

Paragraph 400 and subparagraph 402 C have been amended to add NRCS forms NRCS-CPA-026-HELC, NRCS-CPA-026-WC, and NRCS-CPA-028. NRCS began using these forms on September 4, 2020, to communicate HEL and wetland determinations.

Paragraph 500 has been amended to clarify NRCS and FSA conservation compliance reviews.

Subparagraphs 501 B and 501 D have been amended to clarify FSA-569 requirement for ineligibility determinations.

Subparagraph 602 F has been amended to update eligibility recording of affiliate violation.

Subparagraph 616 A has been amended to provide emphasis and additional information on the general provisions of good faith relief.

Subparagraph 616 F has been amended to clarify good faith relief is applicable to the violation (not the affiliate violation).

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraphs 621 A and 631 A have been amended to clarify only COC approvals of good faith relief need SED or DD review and concurrence.

Subparagraph 631 F has been amended to clarify COC denial of good faith for wetland violations is an adverse determination that requires appeal rights according to 1-APP.

Subparagraph 633 B has been amended to clarify NRCS wetland determinations for mitigated or restored converted wetlands

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Subsection 4 Provisions Unique to Federally Reinsured Crop Insurance Subsidy***--231 Wetland Violations--*****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

Set to “certified” in subsidiary those producers who have wetland violations through February 7, 2014, and certify to conservation compliance based on provisions in AD-1026 Appendix, item 6. This will communicate the producer’s eligibility to RMA. However, the producer’s tract record must remain set to the appropriate wetland violation to communicate the producer’s ineligibility to FSA and NRCS.

Also set to “certified” in subsidiary whenever a 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. However, in the compliance section of the web-based subsidiary set the farm/tract eligibility to “past violation”, with year, State, and county where the violation occurred to communicate the producer’s ineligibility for FSA and NRCS programs.

Applicable affiliates are communicated NRCS and FSA ineligible with “Affiliate Violation” in AD-1026, section of subsidiary. They are communicated RMA eligible with “no” (ineligible with “yes”) in the Affiliate Violation for RMA portion of AD-1026 subsidiary, (“Is the Producer’s Affiliate Violation applicable to RMA?”).

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 after November 28, 1990, and before February 8, 2014”. 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. Change Joe Farmer to “certified” in the web-based eligibility, and select “wetland converted after November 28, 1990, and before February 8, 2014” 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.

302 Affiliated Persons – Determination and AD-1026 Requirement

A Overview

The ineligibility for benefits of a producer under the provisions of this handbook shall also result in the ineligibility of any “affiliated person” of the producer.

B Determining Affiliated Persons

Determine affiliated persons according to the following table when producers request benefits for programs that require compliance with HELC and WC provisions.

IF the producer requesting benefits is...	THEN the affiliated persons are...
an individual	<ul style="list-style-type: none"> • spouses <p>Exception: Spouses who establish to COC’s satisfaction that their operations are maintained separately and independently will not be considered affiliated persons.</p> <ul style="list-style-type: none"> • minor children • estates, trusts, LLC’s, partnerships, and joint ventures, except Indian tribal ventures, in which the individual filing or the individual’s spouse or minor children have an interest • corporations in which the individual filing or the individual’s spouse or minor children have more than 20 percent interest. <p>Note: If the individual filing is a minor child, affiliated persons also include the father and mother or the guardian of the child.</p>

302 Affiliated Persons – Determination and AD-1026 Requirement (Continued)

B Determining Affiliated Persons (Continued)

IF the producer requesting benefits is...	THEN the affiliated persons are...
<ul style="list-style-type: none"> • a general partnership • a joint venture • a limited partnership • LLC • an estate • a revocable trust • an irrevocable trust 	<p>first level members of the entity. See subparagraph 301 G for revocable trusts using grantor's SSN.</p> <p>Example: The members of Irrevocable Trust A are Partnership A and Estate A. The affiliated persons of Irrevocable Trust A are:</p> <ul style="list-style-type: none"> • Partnership A • Estate A. <p>Note: The members of Partnership A and heirs of Estate A are not affiliated persons of Irrevocable Trust A.</p>
a corporation	first level members with more than 20 percent interest in the corporation.
<ul style="list-style-type: none"> • an Indian tribal venture • a State • a charitable organization, church, or nonprofit organization • a county • a city • a public school 	<p>none.</p> <p>These entities are separate from each other for eligibility purposes if they have separate tax ID numbers.</p> <p>Example: If a State Department of Natural Resources has its own tax ID number, other Departments within that State government are not considered affiliated persons.</p>

***--Note:** Applicable affiliated person determinations must be certified by the producer in block 4 of AD-1026. If there are no applicable affiliates the producer must certify "none". County Offices should use CCC-901 (if on file) as a tool to scrutinize block 4 affiliate identifications. Block 4 will reflect the status as of June 1 of the applicable year. If the status changes after June 1, requiring an updated AD-1026 certification, according to subparagraph 305 C, a less restrictive affiliated person determination will **not** apply until the next year.--*

302 Affiliated Persons – Determination and AD-1026 Requirement (Continued)

C AD-1026 Filing Requirement for Affiliated Persons

*--All affiliated persons with farming interests, as the affiliated producer representation, must file AD-1026 before the producer requesting benefits is considered “certified”.

Note: The “awaiting affiliate certification” in the AD-1026 section of subsidiary will reflect the producer as ineligible until all applicable affiliates have a certified AD-1026.

Because conservation compliance certifications and affiliate violations are only determined at the first level, affiliates with farming interests required to file AD-1026 that do not request any USDA benefits subject to conservation compliance do not have the same affiliate provisions to their certification. Affiliates meeting this criteria will have AD-1026 block 4 identified as “affiliate certification only” with the producer listed whose affiliation required their certification requirement.

Note: The AD-1026 certification will be identified as “awaiting affiliate certification” for these producers as a reminder if they seek benefit subject to conservation compliance they may need to update AD-1026 block 4 (which may require additional producers to fall under affiliate provisions).

Affiliated persons are considered as having farming interests if they are an owner, operator, tenant, or other producer on any farm or undeveloped land with a producer representation as the affiliated person (regardless if FSA does not have a current farm record of the farming interest).--*

Exception: A spouse or minor child of the person requesting benefits is **not** required to file AD-1026, if both of the following apply for the spouse or minor child:

- does **not** have a farming interest as an individual or member of a joint operation separate from the person requesting benefits
- does **not** receive USDA benefits subject to conservation compliance under his or her individual ID number.

Note: RMA has a husband/wife exemption. Either spouse may insure all interest in the crop under 1 policy. A husband and wife have an interest in each other; therefore, a spouse can insure all of the land interests of the other spouse, unless proven to be legally separated. Spouses insuring with this RMA exemption are receiving a program benefit under their individual ID number and are required to file AD-1026.

Example: The husband files AD-1026. The wife’s only farming interest separate from the husband is as a beneficiary of a trust. The trust files AD-1026. The wife is **not** required to be listed on the husband’s AD-1026, Part A, item 4 and is **not** required to file AD-1026 as an individual, if she does **not** receive benefits under her individual ID number.

302 Affiliated Persons – Determination and AD-1026 Requirement (Continued)**D Affiliated Persons of Multi-County Producers**

Affiliated persons of a multi-county producer must file AD-1026 in the FSA recording--* County Office designated for the affiliated person. Only the affiliated persons with farming interests are required to complete AD-1026.

E SBI and Affiliated Persons

A substantial benefit interest is an interest held by any person of at least 10 percent in the insured person.

Example: Two partnerships that each have a 50 percent interest in the insured person and each partnership is made up of 2 individuals, each with a 50 percent share in the partnership. Each individual would be considered to have a 25 percent interest in the insured person, and both the partnerships and the individuals would have SBI in the insured person.

There is not an AD-1026 certification to compliance filing requirement for SBI of an insured. However, if SBI has their own farming interest, of which they insure, they are required to file AD-1026 to remain eligible for their premium subsidy.

The rules for determining if a person has SBI in an insured and the rules for determining if a person is an affiliated person are different. A person can have SBI in an insured but not be an affiliate person to the insured. This paragraph and AD-1026 Appendix, item 7 shall be used to determine affiliated persons that are required to file an AD-1026 for conservation compliance.

357 Preparation for Referral to NRCS (Continued)

B County Office Referrals to NRCS

County Offices will prepare the necessary documents for referral to NRCS for HEL or wetland determinations for land located in their counties according to the following table.

Task	Action
CLU Delineation	Boundaries for new breakings must be drawn out in CLU before submitting AD-1026 to NRCS. The proposed new boundaries must be delineated using existing imagery, producer provided information, or measurement service. At the time the producer notifies FSA that they are proposing to break out new ground, or remove trees, and FSA delineates that proposed boundary, it must not be coded as cropland with a 3-CM cropland indicator of "Yes" until it is known that the producer brought the land into production. Once it has been determined that the land has been brought into production, either when the producer reports the acreage to a crop, verified through new imagery, or verified through a field visit, the 3-CM indicator must be set to "Yes". All CLU's delineated for NRCS determination must be reviewed when new imagery is received to verify the accuracy of the delineations and can also tell that the land was brought into production.
Prepare copies of aerial imagery	<p>Prepare the following for required determinations.</p> <ul style="list-style-type: none"> List the tract number or numbers with the owner's name on the reverse side of the copy or attach a copy of the Farm Producer Data Report and circle applicable tract numbers. On a tract map, identify fields requiring determinations - fields for which a "Yes" answer on AD-1026, Part B, item 6 or 7 (trees removal) applies. If native vegetation conversion applies, according to subparagraph 17 A, identify acreage with "X". *--Manually identify any drainage activity (item 7 tiling, ditching, etc.) completed or proposed on the map. Drainage activity is not permanently delineated in the CLU.--* <p>Note: Determinations are needed for:</p> <ul style="list-style-type: none"> fields that either have been or will be planted to agricultural commodities drainage activities that have not been previously evaluated by NRCS.
Complete AD-1026, Part D, item 11	<p>On AD-1026, Part D, item 11:</p> <ul style="list-style-type: none"> enter the date AD-1026 is referred to NRCS County Office employee responsible for the referral to NRCS will sign and date.
Send to NRCS	Attach the prepared map to copies of AD-1026 and send to NRCS.

357 Preparation for Referral to NRCS (Continued)**C Example of AD-1026 Referral for Multi-County Producer**

The following table provides an example of referring AD-1026 to NRCS for a multi-county producer.

Situation: Producer X has farming interests in Counties A, B, and C. County C is the recording County Office. The question in AD-1026, Part B, item 7A is answered “Yes”. County A, farm 200, tract 1025, field 1, is indicated on AD-1026, Part C.

Step	Action
1	County C makes a copy of AD-1026 and forwards to County A.
2	County A receives AD-1026 for Producer X from recording County C. County A shall: <ul style="list-style-type: none"> • complete a farm photocopy for the field that needs a determination as listed in *--AD-1026, Part D--* • contact the producer, if additional information is needed • attach a farm photocopy to a copy of AD-1026, and send to NRCS.
3	When NRCS determination is received, County A shall: <ul style="list-style-type: none"> • *--record determination for the tract according to 3-CM or 10 CM--* • record NRCS determination in the Service Center GIS system • forward copies of NRCS-CPA-026e to recording County C.

358-399 (Reserved)

Part 4 Recording and Filing NRCS Determinations

Section 1 Information From NRCS

*--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter

A NRCS Forms Included in This Section

The following are forms that NRCS uses to notify FSA and producers of HELC and WC determinations.

Form	Title
NRCS-CPA-026e	Highly Erodible Land and Wetland Conservation Determination (used before 9/4/2020)
NRCS-CPA-026-HELC	Highly Erodible Land (HEL) Determination (used 9/4/2020 and subsequent)
NRCS-CPA-026-WC	Certified Wetland Determination (used 9/4/2020 and subsequent)
NRCS-CPA-027	Certification of Highly Erodible Land Conservation Plan(s) and System(s)
NRCS-CPA-028	Consolidated Wetland Determination Ledger (used 9/4/2020 and subsequent for producer use)

B NRCS Determination Data


NRCS will return a copy of NRCS-CPA-026e-HELC and/or -WC to the FSA office in--* response to an AD-1026 determination request or certified wetland request, with the following information for:

- HEL determinations:
 - field number
 - HEL or NHEL determination
 - acres
 - date of determination
- certified wetland determinations:
 - field number
 - NRCS wetland label
 - year of conversion
 - acres
 - *--certification date (“Final Certification Date” for NRCS-CPA-026e, signature date for NRCS-CPA-026-WC).--*

***--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter (Continued)**

C Examples of Forms--*

The following is an example of NRCS-CPA-026e.

	United States Department of Agriculture	Natural Resources Conservation Service	NRCS-CPA-026e 1/2011		
<u>HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION</u>					
Name Address:		Request Date:	County:		
		Tract No:	Farm No.:		
		Agency/Person Requesting Determination:			
<u>Section I - Highly Erodible Land</u>					
Is a soil survey now available for making a highly erodible land determination? <input type="checkbox"/>					
Are there highly erodible soil map units on this farm? <input type="checkbox"/>					
Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.					
<u>Field(s)</u>	<u>HEL(Y/N)</u>	<u>Sodbust (Y/N)</u>	<u>Acres</u>	<u>Determination Date</u>	
The Highly Erodible Land determination was completed in the					
<u>Section II - Wetlands</u>					
Are there hydric soils on this farm? <input type="checkbox"/>					
Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.					
<u>Field(s)</u>	<u>Wetland Label*</u>	<u>Occurrence Year (CW)**</u>	<u>Acres</u>	<u>Preliminary Determination Date</u>	<u>Final Certification Date</u>
The Preliminary Wetland Determination was completed in the					
It was					
Remarks:					
I certify that the above determinations are correct and were conducted in accordance with regulations and procedures contained in 7 CFR Part 12 and the National Food Security Act Manual.					
Signature: Designated Conservationist				Date	
I certify the above determinations as Final. Preliminary Appeal Rights have been either concluded or not utilized in accordance with regulations and procedures contained in 7 CFR Part 614 and the National Food Security Act Manual.					
Signature:				Date	
The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 725-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-6642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.					

***--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter (Continued)**

C Examples of Forms (Continued)--*

DEFINITIONS OF WETLAND LABELS	
AW	<u>Artificial Wetland</u> : An area that was formerly a non-wetland area under natural conditions but now exhibit wetland characteristics because of the influence of human activities. These areas are exempt from the Food Security Act of 1985, as amended. This label includes irrigation induced wetlands.
CC	<u>Commenced Conversion</u> : A wetland, farmed wetland, farmed wetland pasture, or converted wetland on which the conversion began but was not completed before December 23, 1985, was approved by FSA to continue, and the conversion was completed by January 1, 1995.
CPD	<u>COE Permit with Mitigation</u> : 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.
CWE	<u>Categorical Minimal Effect</u> : A wetland that meets specific categories of conversion activities that have been determined by NRCS to have minimal effect, individually and cumulatively, on the function and values of the wetland and the wetlands in the watershed.
CW	<u>Converted Wetland</u> : A wetland converted between December 23, 1985 and November 28, 1990. Production of an agricultural commodity or additional manipulation of these areas will yield USDA benefit ineligibility. Also, these areas are wetlands converted after December 23, 1985 by a county, drainage district or similar entity. For these instances, production of an agricultural commodity or forage for mechanical harvest or additional manipulation will cause ineligibility for USDA program benefits.
CW+year	<u>Converted Wetland +(year the conversion occurred)</u> : A wetland converted after November 28, 1990 where the USDA program participant is ineligible for benefits until the wetland is restored or mitigated unless an exemption applies.
CWNA*	<u>Converted Wetland Non-Agricultural Use</u> : A wetland converted after November 28, 1990 to a use other than agricultural commodity production.
CWTE	<u>Converted Wetland Technical Error</u> : A wetland converted or commenced after December 23, 1985 based on an incorrect NRCS determination. This label does not apply to obvious wetlands as defined in the National Food Security Act Manual.
FW	<u>Farmed Wetland</u> : A wetland that is farmed under natural conditions, was manipulated and planted before December 23, 1985 but still meets wetland criteria, and addresses either of the pothole, playa or pocosin criterions. These areas may be farmed and maintained as documented before December 23, 1985 as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for five consecutive years).
FWP	<u>Farmed Wetland Pasture or Hayland</u> : A wetland that is used for pasture or haying under natural conditions, was manipulated and planted before December 23, 1985, meets the inundation or saturation criteria, but still meets wetland criteria. These areas may be farmed and maintained as documented before December 23, 1985 as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for five consecutive years).
MIW	<u>Mitigation Exemption</u> : A converted wetland, farmed wetland or farmed wetland pasture of which the acreage, functions and values lost have been compensated for through an NRCS approved mitigation plan.
MW	<u>Minimal Effect Exemption</u> : A converted wetland that is exempt from the wetland conservation provisions of the Food Security Act of 1985, as amended, based on an NRCS determination that the conversion has or will have a minimal effect, individually and cumulatively, on the functions and values of the wetland and the wetlands in the watershed.
MWM	<u>Mitigation Site</u> : The site of wetland restoration, enhancement, or creation serving as mitigation for the mitigation exemption (MIW) site.
NI*	<u>Not Inventoried</u> : An area where no wetland determination has been conducted.
NW	<u>Non-Wetland</u> : An area that does not contain a wetland. Also includes wetlands converted before December 23, 1985, but a commodity crop was not produced and the area does not meet wetland criteria. The area has not been abandoned.
PC	<u>Prior Converted Cropland</u> : A wetland converted to cropland before December 23, 1985, and as of December 23, 1985 was capable of being cropped and did not meet farmed wetland hydrology criteria. These areas are not subject to the wetland conservation provisions of the Food Security Act of 1985, as amended, unless further drainage manipulation affects adjacent wetlands.
TP	<u>Third Party Exemption</u> : A wetland converted after December 23, 1985 by a third party who is not associated with the participant, and without the participant's collusion, fraud, scheme or device. A third party does not include predecessors in interest on the tract, drainage districts, or other local government entities.
W	<u>Wetland</u> : An area meeting wetland criteria that was not converted after December 23, 1985. These areas include farmed wetlands and farmed wetland pasture that have been abandoned.
WX	<u>Manipulated Wetlands</u> : A wetland manipulated after December 23, 1985, but the manipulation was not for the purpose of making production possible and production was not made possible. These areas include wetlands manipulated by drainage maintenance agreements.
*These labels are no longer used for certified wetland determinations completed after posting of the revised National Food Security Act Manual Part 514-516 (February 8, 2008).	
<small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, sex, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.</small>	

The following is an example of NRCS-CPA-026-HELC.

United States Department of Agriculture
Natural Resources Conservation Service

Clear Form

NRCS-CPA-026-HEL
August 2020

HIGHLY ERODIBLE LAND (HEL) DETERMINATION

1. Name:		3. Location County:	
2. Address:		4. Admin. County:	
5. Request Form:		6. Farm Number:	
7. Request Date:		8. Tract Number:	
9. Are there HEL soil map units on this Tract?: <input type="radio"/> YES <input checked="" type="radio"/> NO			
If a field is not listed, no determination was made at this time. Contact the Farm Service Agency for previously determined HEL status of fields not listed below. In order to be eligible for most USDA program benefits, a person must be implementing a conservation plan or using an approved conservation system on all HEL fields. Fields that are not highly erodible (NHEL) do not require implementation of an approved conservation system.			
Field(s)	HEL/NHEL	Sodbust (Y/N)	Field Acreage
10. The HEL determination was completed in: <input type="radio"/> Office <input checked="" type="radio"/> Field			
11. Remarks: 			
The above HEL determination is correct and conducted in accordance with policies and procedures contained in the National Food Security Act Manual.			
12. Signature Designated Conservationist:		13. Date:	

1 of 2

***--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter (Continued)**

C Examples of Forms (Continued)

United States Department of Agriculture
Natural Resources Conservation Service

NRCS-CPA-026-HELC
August 2020

HIGHLY ERODIBLE LAND (HEL) DETERMINATION

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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***--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter (Continued)**

C Examples of Forms (Continued)

The following is an example of NRCS-CPA-026-WC.

United States Department of Agriculture Natural Resources Conservation Service		NRCS-CPA-026-WC August 2020	
CERTIFIED WETLAND DETERMINATION			
<input type="button" value="Clear Form"/>			
1. Name:		2. Location County:	
3. Address:		4. Admin. County:	
5. Request Form:		6. Farm Number:	
7. Request Date:		8. Tract Number:	

This certified wetland determination identifies areas subject to the wetland conservation provisions of the 1985 Food Security Act, as amended. See the attached Definitions of Wetland Labels and Uses for additional information and currently authorized activities under the Act.

Field	Label	Occurrence Year (CW+YEAR)	Acreage

9. Remarks:

I certify that the above determinations are sufficient for the purpose of making a determination of eligibility for program benefits and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

10. Signature Designated Conservationist	Date:

***--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter (Continued)**

C Examples of Forms (Continued)

Definitions of Wetland Labels and Uses

Label/Name	Criteria for Determination	Authorized Uses	Authorized Maintenance
AW (Artificial Wetland)	An area that was formerly a non-wetland area under natural conditions but now exhibits wetland characteristics because of the influence of human activities. These areas are exempt from the Food Security Act of 1985, as amended. This label includes irrigation induced wetlands.	No restrictions.	No restrictions.
CPD (Corps of Engineers (USACE) Permit with Mitigation)	A converted wetland authorized by a permit issued under Section 404 of the Clean Water Act by USACE.	Per USACE permit conditions.	Per USACE permit conditions
CW (Converted Wetland)	A wetland converted between December 23, 1985, and November 28, 1990.	Planting of agricultural commodities or additional manipulation will cause ineligibility.	Maintenance allowed to scope and effect of original manipulation.
CW (Wetland converted by county, drainage district, or similar entity)	Wetlands converted after December 23, 1985, by a county, drainage district, or similar entity and beyond a person's direct control, but not considered third party (TP).	Production of an agricultural commodity or forage for mechanical harvest or additional manipulation will cause ineligibility for USDA program benefits.	Maintenance allowed to original scope and effect of system before conversion.
CW+Year (Converted Wetland)	A wetland converted after November 28, 1990. "Year" indicates the year the wetland was converted, and ineligibility begins.	USDA program participant and their affiliated persons are ineligible for benefits (regardless of whether ag commodity planting occurred) until the wetland is restored or mitigated. Planting of agricultural commodities is also prohibited.	Not applicable
CWTE (Converted Wetland Technical Error)	An area converted after December 23, 1985, where the conversion or production of an agricultural commodity was a consequence of an incorrect NRCS determination.	May be used for production of agricultural commodities or forage provided no manipulation is done beyond what existed on the date of the CWTE determination.	May be maintained to the extent that existed on date of the CWTE determination.
FWP (Farmed Wetland Pasture and Hayland)	Manipulated and used for pasture or hay before December 23, 1985 and in most years, is inundated for at least 7 consecutive days or saturated for 14 days during the growing season.	Area may be farmed and maintained as existed before December 23, 1985, as long as area is not abandoned (cessation for five consecutive years of management or maintenance operations related to the use of a farmed wetland).	May be maintained to the extent that existed before December 23, 1985.

***--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter (Continued)**

C Examples of Forms (Continued)

Definitions of Wetland Labels and Uses

Label/Name	Criteria for Determination	Authorized Uses	Authorized Maintenance
FW (Farmed Wetland)	A wetland that was manipulated and planted before December 23, 1985, but still meets inundation or saturation criteria, noted below. If the area is not a pothole, playa, or pocosin, it is inundated for at least 15 consecutive days during the growing season or 10 percent of the growing season, whichever is less, in most years. If the area is a pothole, playa, or pocosin: it is inundated for at least 7 consecutive days or saturated for at least 14 consecutive days during the growing season in most years.	Area may be farmed and maintained as existed before December 23, 1985, as long as area is not abandoned (cessation for five consecutive years of management or maintenance operations related to the use of a farmed wetland).	May be maintained to the extent that existed before December 23, 1985.
MIW (Mitigation Exemption)	A converted wetland, farmed wetland or farmed wetland pasture of which the acreage, functions and values lost have been compensated for through an NRCS-approved mitigation plan.	As stipulated in the mitigation plan/agreement.	As stipulated in the mitigation plan/agreement.
MW (Minimal Effect Exemption)	A converted wetland that is exempt from the wetland conservation provisions of the Food Security Act of 1985, as amended, based on an NRCS determination that the conversion has or will have a minimal effect on the wetlands in the area.	As stipulated in the minimal effect agreement, if applicable.	Only those activities stipulated in the minimal effect agreement, if applicable.
MWM (Mitigation Site)	The site of wetland restoration, enhancement, or creation serving as mitigation for a converted wetland receiving a mitigation exemption.	As stipulated in the mitigation plan/agreement.	As stipulated in the mitigation plan/agreement.
NW (Nonwetland)	An area that does not contain a wetland.	No restrictions.	No restrictions unless manipulation would convert adjacent wetlands.
PC (Prior Converted Cropland)	A wetland converted to cropland before December 23, 1985, and as of December 23, 1985, was capable of being cropped and did not meet farmed wetland inundation or saturation criteria.	No restrictions.	No restrictions unless manipulation would convert adjacent wetlands.
TP (Third Party Exemption)	A wetland converted after December 23, 1985, by a third party who is not associated with the participant, and the conversion is not a result of a scheme or device.	May be used for production of agricultural commodities or forage.	Further drainage improvement will cause ineligibility.
W (Wetland)	An area that meets the criteria for hydric soils, hydrophytic vegetation, and wetland hydrology. Site typically has not been manipulated by altering hydrology and/or removing woody vegetation, including stumps. These areas include FW and FWP that have been abandoned.	May be farmed under natural conditions without drainage or removal of woody vegetation.	Not applicable, as typically wetlands (W) are not manipulated. See NRCS for information if a W is used as a drainage outlet for another wetland.
WX (Wetlands that have been manipulated)	A wetland manipulated after December 23, 1985, but the manipulation was not for the purpose of making production possible and agricultural commodity crop production was not made possible.	Would cause ineligibility if production was later made possible.	No restrictions as long as production not made possible including on an adjacent wetland.

***--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter (Continued)**

C Examples of Forms (Continued)

United States Department of Agriculture
Natural Resources Conservation Service

NRCS-CPA-026-WC
August 2020

CERTIFIED WETLAND DETERMINATION

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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***--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter (Continued)**

C Examples of Forms (Continued)

The following is an example of NRCS-CPA-028.

United States Department of Agriculture
Natural Resources Conservation Service

NRCS-CPA-028
August 2020

CONSOLIDATED CERTIFIED WETLAND DETERMINATION LEDGER

[Clear Form](#)

1. Name:		2. Location County:	
3. Address:		4. Admin. County:	
5. Request Date:		6. Farm Number:	
7. Date Prepared:		8. Tract Number:	

This is a consolidated listing of previously issued and final certified wetland determinations for which appeal rights have expired. Each certified wetland determination identifies areas in the Tract subject to the wetland conservation provisions of the 1985 Food Security Act, as amended. See the attached Definitions of Wetland Labels and Uses for additional information and currently authorized activities under the Act. This consolidated listing of certified wetland determinations and attached map(s) are provided for your convenience. You should refer to the original certified wetland determinations and maps for the official record which will be used to determine eligibility for USDA programs.

FIELD	LABEL	OCCURRENCE YEAR (CW+YEAR)	ACREAGE	CERTIFICATION DATE

Remarks:

Page 1 of 5

United States Department of Agriculture
Natural Resources Conservation Service

NRCS-CPA-028
August 2020

**CONSOLIDATED CERTIFIED WETLAND DETERMINATION
SUPPLEMENTAL WORKSHEET**

[illegible]

Remarks:

***--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter (Continued)**

C Examples of Forms (Continued)

Definitions of Wetland Labels and Uses

Label/Name	Criteria for Determination	Authorized Uses	Authorized Maintenance
AW (Artificial Wetland)	An area that was formerly a non-wetland area under natural conditions but now exhibits wetland characteristics because of the influence of human activities. These areas are exempt from the Food Security Act of 1985, as amended. This label includes irrigation induced wetlands.	No restrictions.	No restrictions.
CPD (Corps of Engineers (USACE) Permit with Mitigation)	A converted wetland authorized by a permit issued under Section 404 of the Clean Water Act by USACE.	Per USACE permit conditions.	Per USACE permit conditions
CW (Converted Wetland)	A wetland converted between December 23, 1985, and November 28, 1990.	Planting of agricultural commodities or additional manipulation will cause ineligibility.	Maintenance allowed to scope and effect of original manipulation.
CW (Wetland converted by county, drainage district, or similar entity)	Wetlands converted after December 23, 1985, by a county, drainage district, or similar entity and beyond a person's direct control, but not considered third party (TP).	Production of an agricultural commodity or forage for mechanical harvest or additional manipulation will cause ineligibility for USDA program benefits.	Maintenance allowed to original scope and effect of system before conversion.
CW+Year (Converted Wetland)	A wetland converted after November 28, 1990. "Year" indicates the year the wetland was converted, and ineligibility begins.	USDA program participant and their affiliated persons are ineligible for benefits (regardless of whether ag commodity planting occurred) until the wetland is restored or mitigated. Planting of agricultural commodities is also prohibited.	Not applicable
CWTE (Converted Wetland Technical Error)	An area converted after December 23, 1985, where the conversion or production of an agricultural commodity was a consequence of an incorrect NRCS determination.	May be used for production of agricultural commodities or forage provided no manipulation is done beyond what existed on the date of the CWTE determination.	May be maintained to the extent that existed on date of the CWTE determination.
FW (Farmed Wetland)	A wetland that was manipulated and planted before December 23, 1985, but still meets inundation or saturation criteria, noted below. If the area is not a pothole, playa, or pocosin, it is inundated for at least 15 consecutive days during the growing season or 10 percent of the growing season, whichever is less, in most years. If the area is a pothole, playa, or pocosin: it is inundated for at least 7 consecutive days or saturated for at least 14 consecutive days during the growing season in most years.	Area may be farmed and maintained as existed before December 23, 1985, as long as area is not abandoned (cessation for five consecutive years of management or maintenance operations related to the use of a farmed wetland).	May be maintained to the extent that existed before December 23, 1985.

***--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter (Continued)**

C Examples of Forms (Continued)

Label/Name	Criteria for Determination	Authorized Uses	Authorized Maintenance
FWP (Farmed Wetland Pasture and Hayland)	Manipulated and used for pasture or hay before December 23, 1985 and in most years, is inundated for at least 7 consecutive days or saturated for 14 days during the growing season.	Area may be farmed and maintained as existed before December 23, 1985, as long as area is not abandoned (cessation for five consecutive years of management or maintenance operations related to the use of a farmed wetland).	May be maintained to the extent that existed before December 23, 1985.
MIW (Mitigation Exemption)	A converted wetland, farmed wetland or farmed wetland pasture of which the acreage, functions and values lost have been compensated for through an NRCS-approved mitigation plan.	As stipulated in the mitigation plan/agreement.	As stipulated in the mitigation plan/agreement.
MW (Minimal Effect Exemption)	A converted wetland that is exempt from the wetland conservation provisions of the Food Security Act of 1985, as amended, based on an NRCS determination that the conversion has or will have a minimal effect on the wetlands in the area.	As stipulated in the minimal effect agreement, if applicable.	Only those activities stipulated in the minimal effect agreement, if applicable.
MWM (Mitigation Site)	The site of wetland restoration, enhancement, or creation serving as mitigation for a converted wetland receiving a mitigation exemption.	As stipulated in the mitigation plan/agreement.	As stipulated in the mitigation plan/agreement.
NW (Nonwetland)	An area that does not contain a wetland.	No restrictions.	No restrictions unless manipulation would convert adjacent wetlands.
PC (Prior Converted Cropland)	A wetland converted to cropland before December 23, 1985, and as of December 23, 1985, was capable of being cropped and did not meet farmed wetland inundation or saturation criteria.	No restrictions.	No restrictions unless manipulation would convert adjacent wetlands.
TP (Third Party Exemption)	A wetland converted after December 23, 1985, by a third party who is not associated with the participant, and the conversion is not a result of a scheme or device.	May be used for production of agricultural commodities or forage.	Further drainage improvement will cause ineligibility.
W (Wetland)	An area that meets the criteria for hydric soils, hydrophytic vegetation, and wetland hydrology. Site typically has not been manipulated by altering hydrology and/or removing woody vegetation, including stumps. These areas include FW and FWP that have been abandoned.	May be farmed under natural conditions without drainage or removal of woody vegetation.	Not applicable, as typically wetlands (W) are not manipulated. See NRCS for information if a W is used as a drainage outlet for another wetland.
WX (Wetlands that have been manipulated)	A wetland manipulated after December 23, 1985, but the manipulation was not for the purpose of making production possible and agricultural commodity crop production was not made possible.	Would cause ineligibility if production was later made possible.	No restrictions as long as production not made possible including on an adjacent wetland.

***--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or Wetland Certification Letter (Continued)**

C Examples of Forms (Continued)

Previously Authorized Wetland Labels

The following wetland labels have been discontinued but may have been used on older certified wetland determinations.

Label/Name	Criteria for Determination	Authorized Uses	Authorized Maintenance
CC (Commenced Conversion)	Conversion began before December 23, 1985 and was approved by FSA; conversion activity was completed by January 1, 1995.	No restrictions provided activities were completed per conditions.	As stipulated in the agreement.
CWNA (Converted Wetland for non-agricultural purposes) Note: The WX label is now used for this purpose	Wetland was converted prior for non-agricultural purposes.	Production of agricultural commodities will cause ineligibility.	No restrictions.
NI (Not Inventoried)	A wetland determination was not conducted on the area.	Uncertain until certified wetland determination is completed for the area labeled NI.	Uncertain until certified wetland determination is completed for the area labeled NI

Non-Discrimination Statement

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--400 Information From NRCS on NRCS-CPA-026e, NRCS-CPA-026-HELC and -WC, or--
Wetland Certification Letter (Continued)

D Notification of Certified Wetlands by Letter Instead of NRCS-CPA-026e

NRCS will provide an official “certified” wetland determination to producers upon receiving a written request from the producer. Areas with previous wetland determinations that are **not** changed from an earlier NRCS-CPA-026 or NRCS-CPA-026e will be certified as accurate by a letter to the producer with a copy to FSA. County Offices shall:

- attach the letter to the original NRCS-CPA-026 or NRCS-CPA-026e for the tract
- coordinate documenting certified wetland on official aerial photography according to 2-CP, paragraph 495
- update the wetland certification for the tract according to 3-CM or 10-CM.

E Providing NRCS With Names and Addresses

NRCS has adopted a policy to officially notify **all** producers on tracts about technical determinations completed by NRCS.

FSA employees shall provide NRCS with the current names and addresses of the operator, owners, and other producers for each tract for which NRCS requests this information. Ensure that the latest available information is provided to NRCS.

Note: This process is in place for determinations requested on FSA-569. FSA is required to list the names and addresses for all producers on FSA-569. NRCS uses this information for notifying affected producers.

401 Information From NRCS on NRCS-CPA-027**A Using NRCS-CPA-027**

NRCS uses NRCS-CPA-027 to inform FSA of approved conservation plans.

Normally a producer is **not** required to have a written conservation plan to be in compliance with HEL provisions. The producer must still be actively applying an NRCS-approved conservation system to HEL to retain eligibility for USDA program benefits.

Exception: A written conservation plan is required for the federal crop insurance subsidy benefit. It will be documented with NRCS-CPA-027 when the conservation plan is implemented for producers with the new to conservation compliance exemption discussed in subparagraph 207 B.

402 Maintaining Manual Records of NRCS Determinations**A Background**

A uniform system is needed for filing HELC and WC determinations received from NRCS. Because HELC and WC determinations are effective indefinitely, the records containing NRCS determinations shall be kept indefinitely.

B Establishing HELC and WC File

Establish and maintain a permanent HELC and WC file for each farm.

C HELC and WC Record Retention

Maintain NRCS HELC and WC determinations in the permanent HELC and WC farm folder according to the following table.

IF the record is...	THEN keep this record...
NRCS-CPA-026	as long as any part of the determination is effective.
NRCS-CPA-026e	
*--NRCS-CPA-026-HELC	
NRCS-CPA-026-WC--*	
a letter documenting certification of wetlands	
a farm copy with HELC and WC codes	until a replacement record is received.
NRCS-CPA-027	
FSA-569	
	indefinitely.

Note: HELC farm folders can be filed by either tract or farm number at the County Office's discretion, as long as this method is consistent for all forms filed within their Service Center for HELC and WC record areas.

D Reconstituted Farms

If a farm is reconstituted, then NRCS HELC and WC records shall be brought forward and referenced in the HELC and WC file with the new farm and tract numbers.

403-420 (Reserved)

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 determinations and labels (OW and NI are labels) that were used in the past or are currently used by NRCS for wetland determinations.--

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.

Part 5 Compliance Checks and FSA-569**500 Compliance Checks of AD-1026 Certifications****A NRCS Compliance Checks**

NRCS completes a status review each year on a representative sample of tracts to determine whether the producer is actively applying the approved conservation plan or system on HELC^{*} and field review of WC compliance. Policy for these tract selections is in NRCS' National Food Security Act Manual.

B FSA Compliance Reviews

County Offices shall conduct HELC and WC compliance reviews according to 2-CP, Part 6 for producers selected under the national compliance review process. Potential^{*} noncompliance may also be identified while conducting other activities.

If potential noncompliance with HELC or WC provisions is observed, prepare FSA-569 for referral to NRCS according to paragraph 501.

501 Request for NRCS Compliance Check Using FSA-569

A When to Use FSA-569

FSA County Offices shall prepare FSA-569 when FSA or NRCS has reason to believe, or whistleblower reports, that a noncompliance of HELC or WC provisions has occurred.

B FSA-569 Requirement for Ineligibility Determinations

Under no circumstances shall FSA deny benefits to a producer for HELC or WC
 *--noncompliance in a crop year for which AD-1026 continuous certification is “certified” unless FSA-569 is received from NRCS to confirm the NRCS final technical determination of noncompliance for the applicable crop year.

For producers with past violations that certify in a subsequent crop year, FSA-569 must be generated to confirm the producer has met all requirements to be in compliance from their prior violation before recognizing them as “certified”.--*

C HELC Tract Records Show Noncompliance

FSA tract records for HEL may indicate noncompliance if NRCS determined the conservation plan or approved conservation system was **not** actively applied in a prior year. In those circumstances, FSA-569 may **not** be on file with the noncompliance determination from NRCS for the current year.

If a producer who is **not** exempt according to this handbook files an AD-1026 certification for a tract that shows noncompliance, but FSA-569 is **not** on file for the crop year entered on AD-1026:

- send FSA-569 to NRCS to make a compliance determination on the tract for the crop year for which AD-1026 is filed
- notify the producer that:
 - HELC compliance requirements were **not** met on HEL on the tract according to records received from NRCS
 - eligibility for program benefits that are subject to HELC provisions will be denied unless NRCS changes their determination.

Note: In most cases, the producer will either resolve prior year HELC noncompliance determinations with NRCS **before** signing AD-1026 or decide **not** to sign AD-1026. Take no action if AD-1026 is **not** signed.

501 Request for NRCS Compliance Check Using FSA-569 (Continued)**D FSA-569 for HELC Spot Checks**

--Prepare FSA-569 to check for potential noncompliance if any producer on the farm is “certified” for AD-1026 for the crop year and planted agricultural commodities (crops requiring annual tillage, including one pass planting operations and sugar cane) on:--

- land for which a HEL determination has **not** been made
- HEL without applying practices required by an approved conservation plan.

Note: FSA-569 shall also be prepared according to subparagraph F if NRCS requests FSA-569.

E FSA-569 for WC Spot Checks

Prepare FSA-569 if a suspected WC noncompliance has occurred according to the following table.

Note: If NRCS requests FSA-569:

- the following table does **not** apply
- FSA-569 shall be prepared according to subparagraph F.

IF the suspected WC noncompliance is...	AND an effective AD-1026 is...	THEN...
planting an agricultural commodity on a converted wetland	on file for any producer on the farm for the crop year	prepare FSA-569 for referral to NRCS.
	not on file for any producer on the farm for the crop year	FSA-569 shall not be prepared.
converting a wetland after November 28, 1990	on file for any producer on the farm for the crop year	prepare FSA-569 for referral to NRCS.
	not on file for any producer on the farm for the crop year	FSA-569 shall be: <ul style="list-style-type: none"> • clearly marked “NONPARTICIPATING PRODUCER” at the top of FSA-569 • prepared for referral to NRCS.
planting an agricultural commodity on WX (wetland was manipulated after December 23, 1985, but agriculture production was not made possible)	on file for any producer on the farm for the crop year	prepare FSA-569 for referral to NRCS.
	not on file for any producer on the farm for the crop year	FSA-569 shall not be prepared.

501 Request for NRCS Compliance Check Using FSA-569 (Continued)**F FSA-569's Requested by NRCS**

To ensure an organized and uniform method of recording HELC and WC noncompliance between FSA and NRCS, NRCS uses FSA-569 to notify FSA of HELC or WC noncompliance discovered by NRCS.

FSA-569 shall be prepared according to the following table **if** NRCS requests FSA-569.

Step	Agency	Action
1	NRCS	Request FSA to prepare FSA-569 for farms for which noncompliance is discovered by NRCS.
2	FSA	Complete FSA-569, Part A for the crop year requested by NRCS according to subparagraph 502 B.
3	FSA	Mark the area for which the determination is made on two FSA aerial copies, and attach to FSA-569 according to subparagraph 502 D.
4	NRCS	Record the NRCS determination on FSA-569, Part C, and return to FSA after the NRCS technical determination is final according to subparagraph 502 E.

***--G FSA-569 and AD-1026, Box 5B**

A producer certifying to conservation compliance on AD-1026 may check box 5B if all 3 parameters are met:

- does not participate in any USDA program that is subject to HELC and WC compliance except Federal Crop Insurance
- only has interest in land devoted to agriculture which is exclusively used for perennial crops (except sugarcane)
- has not converted a wetland after February 7, 2014.

Producers in this situation may not have full farm records established according to subparagraph 641 D. FSA-569 still must be requested if a suspected violation from FSA or NRCS is detected, or a whistle blower complaint is filed.

Prepare FSA-569 with "NA" (not applicable) for farm and tract information. Contact FSA State designated POC for RMA (4-RM, Exhibit 11). State designated POC's shall work with their RMA POC to obtain RMA acreage reporting information to determine producer information and location. Once this has been obtained from RMA, fill in producer information and mark the area for which the determination is made on two FSA aerial copies. Attach to FSA-569 according to subparagraph 502 D, and forward to NRCS.--*

602 Determining Producers Who Are Ineligible (Continued)**D Group Wetland Projects**

The activities of a Water Resource District Board or similar entity will be attributed to the persons in the district who are assessed for the activities of the Water Resource Board or similar entity.

Example: If a Water Resource District Board constructs a drainage ditch, and a person's wetland is therefore converted, the person is considered to have caused or permitted the drainage. See subparagraph 218 B for producer eligibility requirements on land converted by a drainage district or similar entity.

E Extent of Ineligibility of Affiliated Persons

The extent of ineligibility determined according to this paragraph for the producer who violated is the same for the affiliated persons determined according to paragraph 302.

Exception: Business enterprises with members or shareholders who violate the benefits of the affiliated business enterprise must be reduced in proportion to the interest held in the business enterprise by the violating member or shareholder.

Example: Member A, who owns 25 percent of the shares in Corporation A, violates on his or her individual operation. Member A is ineligible for benefits. Benefits to affiliated person Corporation A must be reduced by 25 percent.

Currently there is not an automated process to make a percentage of an entity ineligible for those situations when a member of an entity violated HELC/WC provisions. Therefore, County Offices must multiply the percentage of the violating member's share of the entity by the amount of the payment. The nonautomated program code of XXAPPR (affiliated person payment reduction) must be used to reduce or collect back the payment.

RMA SBI file has any member listed that has more than a 10 percent interest in the primary insured, but it does not have specific members' shares when an entity is the primary insured. In addition, CCC-901 may not be on file for these entities if they are only seeking RMA benefit. If a member of an entity is determined in violation, resulting in an affiliate violation to the insured entity, CCC-901 must be filed for a determination on this extent of ineligibility to be made for the reinsured crop insurance premium subsidy. If it is not filed, extent of ineligibility results in 100 percent ineligibility.

F Updating Eligibility Record for Affiliated Persons

--If a producer is determined to be ineligible for program benefits because the producer is an affiliate of a producer who has violated the HELC/WC program provisions, update the AD-1026 web-based subsidiary to "affiliate violation". If the affiliate violation is applicable to RMA, update the AD-1026 web-based subsidiary according to subparagraphs 207 C, 207 E, 231 B, 232 D, 233 C, and 601 B.--

603 Landlord Exemption – HELC or WC Planting Violation

A Landlord Exemption Rule

Ineligibility of a tenant or sharecropper for benefits shall **not** cause a landlord to be ineligible for program benefits on land other than land in which the violating tenant or sharecropper has an interest.

The landlord exemption shall **not** apply if the production of an agricultural commodity on *--HEL or converted wetland is required under the terms and conditions of an agreement between the landlord and tenant or sharecropper.

Following are landlord exemption provisions for Federal Crop Insurance participants.

- The premium subsidy shall be reduced rather than a loss of all premium subsidy.
- The percentage reduction will be determined by comparing the total number of cropland acres on the farm where the violation occurred to the total number of cropland acres on all farms in which the landlord (as owner or operator) has an interest.
- The percentage reduction will be applied to all policies and plans of insurance of the landlord in the reinsurance year subsequent to the reinsurance year in which the tenant or sharecropper is determined ineligible.
- If the landlord and tenant or sharecropper are insured under the same policy (as determined by RMA), the landlord will be ineligible for premium subsidy on that policy in lieu of a percentage reduction on that policy.
- Is only applicable to planting violations on converted wetlands determined CW \geq 2014.--*

Note: All references to landlord exemptions in this handbook shall also include landowners.

B When Landlord Exemption Applies

The landlord exemption shall be applied according to AD-1026C, page 2. See subparagraph G.

Note: A landlord who converts a wetland on or after November 28, 1990, does **not** qualify for a landlord exemption, but may still maintain eligibility for federal crop insurance premium subsidies if converted through February 7, 2014.

C Updating Eligibility Record

If a producer is granted an exemption under the landlord exemption rule, update the “HELC *--Producer Exception” field for the farm or tract, as applicable, according to 3-CM or 10-CM by selecting “Landlord/Tenant” from the drop-down box.--*

Section 2 Good Faith Relief Provisions

616 General Provisions for Good Faith Relief

A Violations Subject to Good Faith Determinations

*--Sections 1212(f) and 1222(h) of the 1985 Act, as amended, provide that the ineligibility of a person as a result of a violation of HELC/WC provisions may be waived if both of the following apply:

- the person acted in “good faith” and without the intent to violate HELC/WC provisions
- the person implements an approved HELC plan or wetland restoration/mitigation plan, as applicable within a period of time not to exceed 1 year (2 reinsurance years for the Federally reinsured crop insurance premium subsidy).

Note: Graduated payment reductions also apply to HELC “good faith” relief determinations.

To maintain the integrity of HELC/provisions, it is necessary to have adequate documentation of the reasons “good faith” relief was granted in a particular case. If the reasons for granting “good faith” relief are not adequately documented, the relief may be viewed as invalid even though appropriate reasons for granting the relief may exist.

Unjustified relief results in a:

- disincentive for producer compliance with HELC/WC compliance provisions
- perception by public and auditing agencies that FSA is not fully implementing conservation compliance provisions.

NRCS must be consulted when COC is considering a request for relief under “good faith” provisions. NRCS will submit information on AD-1068 or AD-1069 and provide supporting information that relates to the facts of the case. This information is crucial for an objective evaluation of whether good faith relief is justifiable in a particular case.

Except for HELC deficiencies observed while providing technical assistance according to paragraph 505, persons determined ineligible as the result of a HELC or WC violation must meet good faith requirements according to this paragraph for reinstatement of eligibility. The County Office will review and comply with procedure including:

- general provisions of good faith relief
- information required from NRCS for determining good faith
- documentation and notifications for good faith determinations
- factors for relief consideration
- producer requirements under the good faith provisions.--*

616 General Provisions for Good Faith Relief (Continued)

A Violations Subject to Good Faith Determinations (Continued)

--Approvals must be supported by conclusive evidence to indicate that the producer intended to comply without the intent to violate.--

The situations that require a good faith determination for reinstatement of eligibility according to this paragraph are:

- all WC violations
- HELC violations discovered by:
 - status reviews
 - whistleblowers to NRCS or FSA
 - requests by FSA for determinations because the producer certified compliance on AD-1026 and FSA has reason to believe the person did **not** meet HELC or WC requirements.

Note: HELC violations or potential deficiencies **not** included in the situations in this subparagraph shall be considered technical assistance according to paragraph 505.

B Good Faith Relief for HELC Violations

Persons who violate HELC requirements remain eligible if good faith relief is approved. If good faith relief is approved, eligibility is reinstated, but program benefits that the producer would otherwise be eligible to receive for the crop year in violation are reduced by GPR based on the seriousness of the violation.

As a condition of good faith relief, the producer must implement the measures and practices necessary to be considered to be actively applying the producer's conservation plan within the period of time required by NRCS. The maximum period of time allowed by statute is 1 year.

Note: A second good faith relief determination cannot be granted on the same violation to extend the 1-year maximum period to apply the conservation plan.

616 General Provisions for Good Faith Relief (Continued)

C Good Faith Relief for WC Violations

Persons who violate WC requirements remain eligible if good faith relief is approved.

Note: GPR's do **not** apply to WC violations.

As a condition of good faith relief, the producer must implement the measures and practices necessary to be considered to be actively restoring the wetland within the period of time required by NRCS. The maximum period of time allowed by statute is 1 year. (See subparagraph 631 A for the maximum time period for FCIC provisions.)

Note: A second good faith relief determination cannot be granted on the same violation to extend the 1-year maximum period to restore or mitigate the wetland.

D Summary of GPR Applicability

The following table provides a summary of the application of GPR's to conservation compliance violations for which the Good Faith Relief exemption is approved.

Situation	GPR
HELC violation on land that was converted from native vegetation to crop production after December 23, 1985.	*--Minimum - \$1,200--* Maximum - \$12,000
HELC violation on land that was not converted from native vegetation to crop production after December 23, 1985.	Minimum - \$1,000 Maximum - \$10,000
WC violation for planting on a converted wetland.	None
WC violation for conversion of wetland after November 28, 1990.	

Note: See paragraph 623 to use AD-1068A to determine the GPR distribution when multiple producers are approved for reinstatement of benefits under the Good Faith Relief exemption for the same HELC violation.

616 General Provisions for Good Faith Relief (Continued)**E Requests for Good Faith Determination**

Producers with a potential violation situation may request that COC make a good faith determination as soon as NRCS issues a preliminary technical determination. COC shall:

- act upon each case as soon as a request is received
- render their decision that will apply if an adverse technical determination becomes final.

A request for a good faith determination does **not** preclude the producer's opportunity to pursue all appeal rights with regard to notice given for the technical determination.

F Who Makes Good Faith Relief Request

Each producer * * * determined ineligible as the result of HELC or WC violation determination, must file AD-1068 or AD-1069 according to this section to qualify for consideration for reinstatement of eligibility.

--The affiliate violation is determined from the actions of the producer in violation. If there is relief from the violation, there is also relief from the affiliate violation. Good faith relief is determined from the actions of the violator; therefore, producers determined in affiliate violation do not apply for good faith relief.--

G Late Payment Interest

Late payment interest for withheld benefits that are reinstated because of a good faith determination shall begin 30 calendar days after the date that NRCS returns AD-1068 or AD-1069, which indicates in AD-1068, Part E or AD-1069, Part D that a conservation or mitigation plan has been signed.

H Yearly Report to NRCS

COC shall provide NRCS annually, but not later than November 30, a report of all tracts issued Good Faith Relief exemptions from HELC and WC provisions.

617-620 (Reserved)

Subsection 1 Good Faith Relief for HELC Violations

621 Good Faith Relief Provisions and Requests – HELC

A Good Faith Relief Provisions

A producer who is determined ineligible as the result of a violation of HELC provisions may regain eligibility for the crop year in violation if all of the following conditions are met:

- the producer requests good faith relief using AD-1068
- COC determines that the producer acted in good faith and without intent to violate HELC provisions

* * *

- SED, or DD if authority is delegated, reviews and concurs with COC's determination
*--(review and concurrence required for COC approvals only)

Note: If COC, DD, or SED, does **not** approve the producer's request for good faith relief, the producer must be notified with applicable appeal rights according to 1-APP.--*

- State Conservationist, or Area Conservationist if authority is delegated, provides technical concurrence based on a review of the proposed conservation plan and the factors used to determine GPR
- the producer agrees to implement the practices according to a conservation plan within an agreed period determined by NRCS, **not** to exceed 1 year
- GPR is assessed according to subparagraphs E and F.

Note: If NRCS determines the producer failed to implement practices within 1 year or the producer does not pay assessed GPR according to subparagraph J, notify producer that the good faith is rescinded and request a refund of benefits reinstated.

B Making a Request for Good Faith Relief

Requests for a good faith determination for HELC violations shall be made, in writing, by each producer who wants to regain eligibility for benefits that were or may be denied as the result of HELC violation or potential violation. The request shall include the following:

- circumstances surrounding the violation or potential violation
- any evidence indicating the activity was conducted in good faith, and **not** as a scheme or device to avoid compliance.

Note: Do either of the following:

- attach the producer's signed and dated request to AD-1068 for processing
- have the producer write the request on AD-1068.

621 Good Faith Relief Provisions and Requests – HELC (Continued)**C Where to Make a Good Faith Relief Request**

Producer shall file a good faith relief request with COC for the county where the farm with the HELC violation is located for program administration purposes.

D Information Required From NRCS for Determining Good Faith

NRCS shall provide the following information to COC on AD-1068 for making a determination:

- any facts about the case that may affect the COC determination
- copies of documents containing pertinent information about the case, such as NRCS notification to the producer about their determination
- whether the producer obtained or attempted to obtain a conservation plan for the land in a timely manner
- whether there was any face-to-face discussion with the producer concerning the violation
- whether the landlord attempted to work with NRCS in developing a conservation plan that could be actively applied by the producer
- information about the violation and the erodibility index of each field in violation
- characteristics of the field and whether the producer should have known that the field was HEL and/or was subject to gully erosion
- whether the participant had been provided a previous determination and/or conservation plan, and made a good faith effort to comply
- whether there is evidence of intent to violate HELC provisions.

Subsection 2 Good Faith Relief for WC Violations

631 Good Faith Relief Provisions and Requests – WC

A Good Faith Relief Provisions

A producer who is determined ineligible as the result of a violation of WC provisions may regain eligibility for the crop year in violation if **all** of the following conditions are met:

- the producer requests good faith relief using AD-1069
- COC determines that the producer acted in good faith and without intent to violate WC provisions
- *--SED, or DD if authority is delegated, reviews and concurs with COC's determination of good faith (COC determination of no good faith do not require SED or DD review)--*
- State Conservationist, or Area Conservationist if authority is delegated, provides technical concurrence based on a review of the proposed mitigation plan
- the producer agrees to implement the measures and practices necessary to be considered to be actively restoring the subject wetland within an agreed period determined by NRCS, not to exceed 1 year for FSA and NRCS benefits and 2 reinsurance years for the federal crop insurance premium subsidy.

No payment reduction shall apply for producers who meet the good faith relief requirements for a WC violation.

Note: See paragraph 637 for reducing the payment ineligibility for producers who are unable to restore or mitigate the converted wetland, but acted in good faith without *--the intent to violate WC provisions (applicable only to planting on converted violations).--*

B Requests for Good Faith Relief

Requests for good faith relief for WC violations shall be made, in writing, by the producer. The request shall include the following:

- the circumstances surrounding the violation
- any evidence indicating that the violation was in good faith and without intent to violate WC provisions, and **not** as a scheme or device to avoid compliance.

Note: Either have the producer provide the request in AD-1069, Part A or attach the producer's request to AD-1069 for processing.

631 Good Faith Relief Provisions and Requests – WC (Continued)**C Where to Make a Good Faith Relief Request**

Producers shall file good faith relief requests with COC for the county where the farm with the WC violation is located for program administration purposes.

D Information Required From NRCS and SWCD for Determining Good Faith

NRCS shall provide the following information to COC on AD-1069 for making a determination:

- any facts about the case that NRCS or SWCD has that may affect COC's determination
- copies of documents containing pertinent information about the case that provide facts and details that may affect COC's good faith decision, such as NRCS' notification to the producer about their determination
- whether the producer was officially informed of the wetland determination made by NRCS
- whether there was any face-to-face discussion with the producer about the wetland, before the violation occurred
- whether NRCS has knowledge that the producer was involved in a previous WC issue
- characteristics of the site before the conversion occurred.

E Making Good Faith Determinations

COC shall determine whether the producer acted in good faith and without intent to violate WC provisions, based on information:

- provided by the producer
- provided by NRCS on AD-1069
- COC may have concerning the circumstances in the case.

F Adverse Determinations

*--If COC, SED or DD does **not** approve the good faith determination, the producer shall be--* provided appeal rights according to 1-APP.

If the NRCS State or Area Conservationist does **not** provide technical concurrence, the mitigation plan shall be returned to the District Conservationist for technical corrections.

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).

The wetland determination remains as CW or CW + year until NRCS determines that wetland has been restored or mitigated (farm/tract producer exceptions of “good faith” restores a producer’s eligibility during this time period). After the wetland has been restored or mitigated NRCS issues applicable wetland determination (MIW or MWM for mitigated, restored wetlands return to the determination prior to the conversion (e.g., W), wetlands restored prior to 2000 may be determined, RVW, or RVW + year).--*

If NRCS determines that the producer is **not** fully applying the required plan, after restored or mitigated, 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.

If NRCS determines that the wetland was not restored within the statutorily required 1-year time period, a new FSA-569 does not need to be issued. There is an existing FSA-569 that already determines the acreage as CW or CW + year.

If NRCS determines that the mitigation plan requirements are **not** met because of violation of the restoration or mitigation, or not meeting the 1 year restoration requirement:

- 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.

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.

633 Mitigation Activities for Good Faith Approvals (Continued)

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 will **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)

Reports, Forms, Abbreviations, and Delegations 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 (HELC) and Wetland Conservation (WC) Certification	306	Text, Ex. 5
AD-1026 Appendix	Appendix to Form AD-1026, Highly Erodible Land Conservation (HELC) 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 ≥ 2014	611	611
AD-1068	Request for Good Faith Relief – Highly Erodible Land Conservation (HELC) 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		302, 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 HELC 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-026-HELC	Highly Erodible Land (HEL) Determinations		400
NRCS-CPA-026-WC	Certified Wetland Determination		400
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
NRCS-CPA-028	Consolidated Wetland Determination Ledger		400

Reports, Forms, Abbreviations, and Delegations 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, 616
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

Delegations of Authority

None