

# Conservation Compliance

*Maintain Your USDA Benefits*

## New York Fact Sheet

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[www.ny.nrcs.usda.gov](http://www.ny.nrcs.usda.gov)

### Highly Erodible Land and Wetland Conservation Compliance

The Highly Erodible Land and Wetland Conservation Compliance provisions are required by the Farm Bill to participate in USDA programs. The purpose of these provisions is to protect highly erodible land from excessive soil erosion and protect wetlands. Violating these provisions can place you at risk for losing your USDA benefits. The provisions objectives are to:

- Reduce soil loss due to wind and water erosion.
- Protect the Nation's longterm capability to produce food and fiber.
- Reduce sedimentation and improve water quality.
- Assist in preserving the functions and values of the Nation's wetlands.

### Activities that Put You at Risk

Activities that can affect your compliance with the highly erodible and wetland provisions have to be evaluated by NRCS through the filing of the AD-1026 form with the Farm Service Agency. Acts that need determination are:

- Land clearing
- Land leveling
- Working new lands
- Excavation
- Dredging
- Filling
- Stump removal
- Constructing a building or structure
- Installing a new drainage system
- Improving an existing drainage system
- Modifying an existing drainage system
- Maintaining an existing drainage system
- Planting an agriculture commodity on Highly Erodible Land
- Planting or making possible the planting of a commodity crop on a wetland

If you undertake these activities before a determination is completed by NRCS you could be at risk for losing your USDA program benefits. To initiate the determination process visit your local Farm Service Agency (FSA) office and fill out an AD-1026 form. FSA will forward the request to NRCS for determination. Find local USDA Service Center locations at: <http://offices.sc.egov.usda.gov/locator/app?state=NY>.

### Maintain Your Conservation Compliance and USDA Benefits

#### Protect Highly Erodible Land

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

Find out if any fields are designated as highly erodible land. Fields designated must be protected from excessive sheet and rill soil erosion when used to produce agricultural commodities by applying an approved conservation system as included in a conservation plan or as documented by the landowner.

#### Get a Wetland Determination

**Wetlands:** *are identified by confirmation of three factors: 1) a predominance of wetland soil, 2) the prevalence of wetland vegetation, and 3) having wetland hydrology. NRCS can make a wetlands determination upon request.*

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

USDA conservation or commodity program benefits can be affected by non-compliance with the highly erodible land and wetland provisions.