# REFERENCE DOCUMENT FOR
# HIGHLY ERODIBLE LANDS (HEL) FOR NORTH IDAHO

## Completing Compliance Reviews for Conservation Systems in Place Prior to 7/3/1996

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**Step 1.** Determine if the residue levels specified in the Idaho-Washington Coordinated Conservation Treatment Agreement (http://efotg.nrcs.usda.gov/references/public/ID/I-WAgreement.pdf) are being met by field measurement during the Food Security Act status review. See National Agronomy Manual for estimating crop residue cover 503.43 (http://efotg.nrcs.usda.gov/references/public/ID/CropResidueMeasurement.pdf) . If you are determining the pounds of standing residue needed to meet the Idaho-Washington Agreement, follow the National Range and Pasture Handbook 600.04. If crop residue is obviously greater than the minimum required, then no field measurement is required. Describe the condition in the notes section. Whenever a non-compliance determination could be made, photo documentation is required. Documentation for all field measurements is required to show where the measurement was taken and the result of the measurement.

**Step 2.** If residue levels are being met, document according to 518.11b. All completed compliance reviews will be filed in the general correspondence files by year under File Code 180-12-13. If residue levels are not met, proceed to Step 3.

**Step 3.** If residue levels are not being met, determine if the participant is using a conservation system that was in an original compliance plan (regardless of the level of erosion) that was developed and implemented prior to 7/3/1996. Determine also if that conservation system or one with the same soil protection has been maintained. To determine this you will need to gather cropping history, actual length and percent slope, and tillage information from the producer in order to complete the RUSLE2 run that will be compared to the planned target erosion rates in the original compliance plan. The planned target erosion rates can be found in the Implementation Procedures in the Idaho-Washington Agreement located in eFOTG Section III (http://efotg.nrcs.usda.gov/references/public/ID/I-WProcedure.pdf). If the actual erosion rate is less than or equal to the target erosion rate, the producer is in compliance, and you should follow 518.11b. If the producer's erosion rate is greater than the original compliance plan target rates, follow procedures outlined in 518.12 (HEL and wetland compliance violation determinations).

***Example:*** *If you have a producer who has the I-W Agreement as his compliance plan, it would have been signed prior to July 3, 1996, so you should use the tables included in the Implementation Procedures to look up the target erosion rate. If your producer had a Cut-Over Taney Silt Loam, 10-15% slope, and a rotation of winter wheat-spring barley-peas using an Alternative Tillage System (ATS), the target erosion rate is 12 tons/ac/yr.*

## Reference for Highly Erodible Land Determinations is 180.510.10:

1. **Eligibility Requirements for USDA Benefits (ref. 180.510.10)**

Producers requesting USDA benefits must apply a conservation system when:

A field has been determined to be HEL ***and*** **was cropped** prior to December 23, 1985. The system is considered to be “in compliance” if the system was in place and maintained prior to July 3, 1996. If the system was planned and applied after July 3, 1996, the system must meet FOTG criteria for a **substantial reduction** in erosion (see NFSAM 512.01(e)).

A field has been determined to be HEL with **no crop history** prior to December 23, 1985 and is or will be broken out of native vegetation (including rangeland or woodland) called SODBUSTING. The system to be applied must meet FOTG criteria for **no substantial increase** in the level of erosion (see NFSAM 512.01 (f)).

As to what constitutes "a substantial reduction," two levels of protection are allowed as described by Beth Schuler, National Appeals and Equitable Relief Specialist, on January 30, 2008.

1. If the participant is using a conservation system that was in an original compliance plan (regardless of the level of erosion) that was developed and implemented prior to 7/3/1996 and where that conservation system or one with the same soil protection has been maintained and used to the present, then the participant or any successor in interest can continue to use that conservation system into perpetuity.

2. If the participant did not participate in USDA programs until AFTER 7/3/1996, then the conservation system that must be used to meet a "substantial reduction in soil erosion" must be one that will meet the formula 75% of PE (potential erodibility; to be determined using the most current factor values) not to exceed 2T.