



Natural Resources Conservation Service
Farm Service Agency

AD-1026

What You Need to Know

Overview

Producers perform work and land activities on the farm every day to keep the farm running smoothly. It is important to remember that in order to be eligible for USDA farm program benefits, producers must remain compliant with the conservation compliance rules and regulations. Producers should be cautious when performing the following activities:

- bringing more land into production,
- combining fields or dividing one field into two or more fields,
- converting woodlots to cropland, and
- installing or conducting new, or modifying existing drainage activities not previously evaluated by NRCS.

Producers planning to perform any of the above activities, which may affect their conservation compliance, must notify the Farm Service Agency (FSA) by completing form AD-1026. This form details the types of planned or completed activities. FSA will notify NRCS, who will provide Highly Erodible Land (HEL) or Wetland technical evaluations. NRCS then issues determinations as needed.

This handout provides guidance for completing questions 6 and 7 of the AD-1026 form. Answering these questions helps producers determine when proposed activities will trigger special requirements associated with regulations in the new 2014 Farm Bill.

Question 6

Did you, or will you, plant or produce an agricultural commodity crop on land NRCS has not issued an official Highly Erodible Land (HEL) determination? If so, you must complete an AD-1026 at your local USDA Service Center:

1. The local FSA staff will assist you in locating areas you intend to farm on aerial maps or digital photos and have you complete the AD-1026.
2. FSA will refer the AD-1026 to NRCS, who will complete a Highly Erodible Land (HEL) determination. If the area also includes wetlands, please refer to AD-1026, Question 6 for more information.
3. Once completed, NRCS will notify you if the area qualifies as Highly Erodible Land (HEL) and explain what this means to you and your farm operation.



Soil erosion as often found on highly erodible land.



Farming activities in drainage ditches can impact wetlands.

Question 7

Question 7 helps to address possible impacts your planned or completed activities may have on wetlands protected by the Wetland Conservation Provisions of the Food Security Act of 1985. A wetland is an area that:

- Has predominantly hydric (wet) soils.
- Is flooded, ponded, or saturated by surface or ground water frequently enough and for long enough to support a prevalence of water-tolerant vegetation typically adapted for life in saturated soil conditions. In some cases, this period can be as little as seven days of ponding or 14 days of soil saturation.
- Under normal circumstances supports a prevalence of such vegetation.

Question 7A

Question 7 A covers farming activities that may result in a converted wetland (changing it from a wet area to an ag production area). These activities typically include:

Land Leveling/Filling - Many wetlands occur as shallow depressions. If you level the land or fill these areas, you eliminate them and divert surface water from entering the former depression.

Land Clearing/ Stump Removal - The Food Security Act categorizes tree/stump removal as a wetland conversion activity. As a result, NRCS must evaluate any land clearing or stump removal planned in possible wetland areas to determine if wetlands are present.



Dredging/Excavation - In some instances, dredging or excavating work can create new drainage ditches which carry water away from possible wetlands.

Tile Installation – If you install perforated tile, which causes water to flow away from a wetland, this is considered a creation of a “new drainage system.” Under the Food Security Act, even when installed outside the wetland boundary, tile can remove water from the wetland and can also be considered a wetland conversion activity.

Question 7B

Question 7 B pertains to instances where landowners alter the existing drainage system in a way that may increase the potential for it to remove water from a possible wetland. Examples of this type of activity include:

- Widening or deepening a surface drainage ditch that removes water from a possible wetland.
- Replacing existing perforated tile with a larger diameter tile, OR placing tile at a greater depth, OR adding additional tile to the existing system that drains and impacts new areas.

Question 7C

Question 7 C pertains to instances where you wish to maintain or replace the existing drainage system to nearly the exact same condition as when it was initially installed. Examples of this type of activity include:

- Sediment removal from a drainage ditch that accumulated naturally, reducing the capacity of the conservation feature.
- Replacing failed tile with new tile of the same diameter, depth, and location.

In Summary

These are several items to be aware of that tend to come up on agricultural land when you wish to bring more land into crop production or make changes to, or add drainage systems, that can become a problem and could jeopardize your USDA benefits.

For more guidance or information on this and other issues concerning compliance with USDA and Farm Bill regulations, call or visit your local county USDA Service Center. Please visit www.il.nrcs.usda.gov or www.fsa.usda.gov/wi to learn more.

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