

## Instructions for AD-1026

### ***Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification***

Producers shall use this form to certify compliance with the highly erodible land and wetland conservation provisions as a condition of eligibility for certain USDA programs. It is not necessary to complete this form if a previously filed AD-1026 is on file in the FSA serving office and there have not been any changes in your farming operation or changes to the previously listed affiliates.

Submit the original of the completed form in hard copy or facsimile to the appropriate FSA servicing office.

Customers who have established electronic access credentials with USDA may electronically transmit this form to the USDA servicing office, provided that (1) the customer submitting the form is the only person required to sign the transaction, or (2) the customer has an approved Power of Attorney (Form FSA-211) on file with USDA to sign for other customers for the program and type of transaction represented by this form.

Features for transmitting the form electronically are available to those customers with access credentials only. If you would like to establish online access credentials with USDA, follow the instructions provided at the USDA eForms web site.

***Producers must complete Parts A, B, and C, then sign and date in 10A and 10C of Part D. Part D 11A and 11B are for FSA use only.***

Fld Name/ Item No.	Instruction
Part A – Basic Information	
1 Producer's Name	Enter your full name or the name of the business entity applying for USDA program benefits.
2 Producer's Identification Number	Enter last 4 digits of your SSN or tax ID number.
3 Crop Year	Enter crop year for which benefits are being requested. In most cases, it will be the current crop year. However, if applying for program benefits for a past year, enter the specific year applicable to the application.

Fld Name/ Item No.	Instruction
4 Farming Interests	List all affiliated persons with farming interests (as owner, operator, or other producer on any farm). Only affiliated persons with farming interests are required to complete AD-1026. See number 7 of AD-1026 appendix to determine affiliated persons.
5 Farming Interests	<p>Check box:</p> <ul style="list-style-type: none"> <li>• “A” if you, or any affiliated person, does <b>not</b> have an interest in land devoted to agriculture. Examples include bee keepers who place their hives on another person’s land, producers of crops grown in greenhouses, and producers of aquaculture <b>and</b> these producers do <b>not</b> own/lease any agriculture land themselves.</li> </ul> <p><b>Note:</b> Do <b>not</b> check this box if you share in a crop.</p> <ul style="list-style-type: none"> <li>• “B” if you, or any affiliated person, does not participate in any USDA program that is subject to HELC and WC compliance except Federal Crop Insurance, and only has interest in land devoted to agriculture which is exclusively used for perennial crops, except sugarcane, and has not converted a wetland after February 7, 2014.</li> </ul> <p><b>Note:</b> All 3 conditions must exist to check this box.</p> <p>Perennial crops include, but are not limited to, tree fruit, tree nuts, grapes, olives, native pasture and perennial forage. A producer that produces alfalfa should contact the Natural Resources Conservation Service at the nearest USDA Service Center to determine whether such production qualifies as production of a perennial crop. A crop list for compliance purposes is located at <a href="http://www.nrcs.usda.gov/compliance">www.nrcs.usda.gov/compliance</a>.</p> <p>If either box “A” or box “B” is checked, go to Part D, read and complete the certification.</p>
Part B – HELC/WC Compliance Questions	
6 Production of Agricultural Commodities	<p>ENTER “X” in either the “YES” or “NO” box.</p> <p>Answer “YES” if during the crop year entered in Part A, or the term of a requested USDA loan, if you, <b>did or will</b> plant and produce an agriculture commodity on land for which an HEL determination has not been made.</p> <p>If “YES” is answered, FSA will request a HEL determination from NRCS for the specific field(s) provided in Part C.</p>

Fld Name/ Item No.	Instruction	
7 Drainage Evaluation Questions	ENTER “X” in either the “YES” or “NO” box for each of the items in 7A, 7B, and 7C. Item 7A, 7B, and 7C questions refer to drainage activity.	
	<b>IF...</b>	<b>THEN...</b>
	“Yes” is answered in Item 7A or 7B	FSA will request a wetland evaluation from NRCS for the specific areas listed in Part C.
“Yes” is answered in Item 7C (maintenance)	a certified wetland determination is <b>not</b> required. NRCS will be notified of the intention to maintain an existing drainage system.	
8 First time participant due to FCIC reinsured crop insurance and tenant and landlord refusal to comply with HELCS requirements	<p>ENTER “X” in <b>Box A</b> if you have FCIC reinsured crop insurance and the filing of this AD-1026 represents the first time the producer in Part A, including any affiliated person, has been subject to HELC and WC provisions.</p> <p>ENTER “X” in <b>Box B</b> if either of the following applies to you for the specified crop year in Part A Item 3:</p> <ul style="list-style-type: none"> <li>• is a tenant on a farm that will <b>not</b> be in compliance with HELC and WC provisions because the landlord refuses to allow compliance, but other farms associated with that landlord are in compliance (AD-1026B, <b>must</b> be completed).</li> <li>• is a landlord of a farm that is not or will not be in compliance with HELC and WC provisions because of a violation by the tenant on that farm, but other farms not associated with that tenant are in compliance (AD-1026C, <b>must</b> be completed).</li> </ul> <p>If neither Box A nor Box B are checked proceed to Part C.</p>	
Part C – Additional Information		
9 Location, activity, current land use, of applicable area	This item must be completed <b>only</b> if “YES” was answered in Items 6 or 7. List farm, tract, and field number in A. Briefly describe activity in B. List land use and specify crops in C. List the location county in D. Forward to NRCS the request for determinations only for those fields that will be used in the production of an agriculture commodity as defined by HELC and WC, or locations specifically identified for wetland determinations in Part B.	
Part D – Certifications		
10	Read the Certification of Compliance statement and sign and date the	

<b>Fld Name/ Item No.</b>	<b>Instruction</b>
Producer's signature and date	certification. You should <b>not</b> sign AD-1026 if the producer's farming operation is <b>not</b> in compliance with all HELC and WC provisions.
11	This item is for FSA use only.