

ASCS

HANDBOOK

**HIGHLY ERODIBLE LAND CONSERVATION AND
WETLAND CONSERVATION PROVISIONS**

For State and County Offices

SHORT REFERENCE

6-CP

**UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
P.O. Box 2415
Washington, D.C. 20013**

EXHIBIT

17

UNITED STATES DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

P.O. Box 2415

Washington, DC 20013

**HIGHLY ERODIBLE LAND CONSERVATION AND
WETLAND CONSERVATION PROVISIONS
6-CP**

AMENDMENT 1

Approved By: Deputy Administrator, State and County Operations

Earle J. Bedenbaugh

1 BACKGROUND

- A The Food Security Act of 1985, Title XII, provides for highly erodible land conservation and wetland conservation.
- B The provisions of highly erodible land conservation and wetland conservation are intended to discourage cultivating highly erodible land and converting wetlands to produce agricultural commodities.

2 REASON FOR ISSUANCE

This handbook provides ASCS policies and guidelines for administering the provisions of highly erodible land conservation and wetland conservation.

6-CP

TABLE OF CONTENTS

		<u>Page No.</u>
PART 1	BASIC PROVISIONS AND RESPONSIBILITIES	
SECTION 1	GENERAL PROVISIONS	
1	Objectives of Highly Erodible Land Conservation and Wetland Conservation Provisions	1
2	Source of Authority for Highly Erodible Land Conservation and Wetland Conservation Provisions	1
3	Related ASCS Handbooks	1
4	DASCO Relief Actions	2
5	Handbook Applicability	3
6	Access to Farm and Farm Records	3
7	Internal Control	3
8-15	(Reserved)	
SECTION 2	RESPONSIBILITIES	
16	USDA Responsibilities	11
17	Conservation Districts	13
18	U.S. Fish and Wildlife Service	13
19, 20	(Reserved)	
SECTION 3	STC AND COC ROUTINE ADMINISTRATIVE RESPONSIBILITIES	
21	STC Responsibility	21
22	COC Responsibility	21
23	Written Documentation of COC Actions	22
24	County Office Employees	22
25-27	(Reserved)	
PART 2	HELC AND WC DEVELOPMENT	
28	State Conservationist Responsibilities	31
29-35	(Reserved)	

6-CP

Page No.

PART 3 CERTIFICATION

SECTION 1 BASIC PROVISIONS FOR CERTIFICATION

36	Program Activities Covered by Certification	37
37	Screening Cases Before Referring to SCS for Determination of Highly Erodible Land, Wetland, or Converted Wetland	38
38	Referrals to SCS	39
39	Actions Based on SCS Determination	41
40	Request for Commenced Conversion Determination	43
40.5	Request for Third Party Exemption	44.5
40.6	Request for Commenced Conversion Determination for Group Projects or Government Entity Projects	44.6
41	(Reserved)	

SECTION 2 AD-1026 CERTIFICATION REQUIREMENT

42	Certification Requirement and Filing Date	47
43	SCS Determination Before Certification on AD-1026	47
44	SCS Determination Before January 1, 1990	52
45	Reconstitution of Farms After Certification on AD-1026	56
46	Acceptance of Producer Certification Initiated by FCIC	57
47	Documentation of Certification	57
48	Spot Check of Certification	58
49	Identification on Aerial Photographs	58
50	Updating Tract Record	59
51	Redefining Fields	59
52	Power of Attorney	60
53-60	(Reserved)	

PART 4 PROGRAM INELIGIBILITY AND EXEMPTIONS

SECTION 1 HELC INELIGIBILITY PROVISIONS

61	Program Ineligibility Determination for HELC	69
62	Ineligible Person	70
63-68	(Reserved)	

6-CP

Page No.

SECTION 2	HELC EXEMPTIONS	
69	Grandfather Provisions	79
70	Conservation Plan	79
71	Approved Conservation System	80
72	Reliance on SCS Determination	81
73	Small Noncropland Areas Within or Adjacent to Existing Cropland Fields	81
74-80	(Reserved)	
SECTION 3	WC INELIGIBILITY PROVISIONS	
81	Program Ineligibility Determination for Wetland	89
82	Ineligible Person	89
83-90	(Reserved)	
SECTION 4	WC EXEMPTION	
91	Exemptions	97
92	Maintaining Existing Drainage	99
93	Abandonment	100
94	(Reserved)	
SECTION 5	HELC AND WC EXEMPTION	
95	Exemptions Established During December 23, 1985, and June 27, 1986	101
96	Loans Before December 23, 1985	101
97-100	(Reserved)	
PART 5	SCHEME OR DEVICE AND APPEALS	
SECTION 1	SCHEME OR DEVICE	
101	Scheme or Device	103
102-105	(Reserved)	
SECTION 2	APPEALS	
106	General Appeal Rules	103

6-CP

EXHIBIT

		<u>No. Pages</u>
1	Reports, Forms, Abbreviations, and	
	Redelegations of Authority	1
2	Definitions	4
3	Internal Control Checklist	1
3.1-3.4	(Reserved)	
3.5	U.S. Fish and Wildlife Service Farm	
	Bill Coordinators, October 1987	7
4	AD-1026, Highly Erodible Land and	
	Wetland Conservation Certification	7
4.1-4.4	(Reserved)	
4.5	SCS-CPA-26, Highly Erodible Land and	
	Wetland Conservation Determination	3
4.6	ASCS-492, Data Needed for Swampbuster	
	Commenced and Third-Party Determinations	1
5	Identification of HEL, AW, W, MW,	
	CW, PC, FW, and Redefining Fields	
	on Aerial Photographs	3
6	Ineligible Persons and Their Affiliates	5
7	Submitting the Operator's AD-1026 Only,	
	to SCS for Farms With 2 or More	
	Producers	3

PART 4

6-CP

PAR. 91

SECTION 4 WC EXEMPTION

91 EXEMPTIONS

A person shall not be determined ineligible for program benefits because of producing an agricultural commodity on:

A Converted wetland, if the conversion began before December 23, 1985. Conversion will be considered as having begun before December 23, 1985, if any of the following applies:

- *--1 The draining, dredging, leveling, filling, or other manipulation including any activity that results in impairing or reducing the flow, circulation, or reach of water was actually started on the wetland before December 23, 1985.
- 2 The person applying for benefits has expended or legally committed substantial funds before December 23, 1985, by either of the following:
 - a Entering into a contract for installation of any of the activities described in subparagraph 1.
 - b Purchasing construction supplies or material for the primary and direct purpose of converting the wetland.--*