

## Appendix to Form for AD-1026 Highly Erodible Land Conservation (HELCS) and Wetland Conservation (WC) Certification

The following conditions of eligibility are required for persons to receive any USDA loans or other program benefits that are subject to highly erodible land and wetland conservation provisions, unless an exemption has been granted by USDA.

**By signing Form AD-1026, Item 13, the producer certifies receipt of this form, and unless an exemption has been granted by USDA, agrees to the following on any farms in which such person has an interest.**

|   |   |
|---|---|
| A | <b>NOT</b> to plant or produce an agricultural commodity on highly erodible fields unless actively applying an approved conservation plan or maintaining a fully applied conservation system.   |
| B | <b>NOT</b> to plant or produce an agricultural commodity on wetlands converted after December 23, 1985.   |
| C | <b>NOT</b> to convert wetlands by draining, dredging, filling, leveling, or any other means that would allow the planting of any crop, pasture, agricultural commodity, or other such crops.  |
| D | <b>NOT</b> to use proceeds from any FSA farm loan, insured or guaranteed, received after December 23, 1985, for a purpose that will contribute to the conversion of a wetland to produce an agricultural commodity, or contribute to excessive erosion of highly erodible land as determined by NRCS. |

**NOTE:** Signature on Form AD-1026 gives representatives of USDA authorization to enter upon and inspect all farms in which the producer has an interest for the purpose of confirming the above statements.

Any questions concerning the requirements of the Food Security Act of 1985, as amended, shall be directed to your County FSA Office personnel before signing AD-1026 in Item 13.

**NOTE:** *The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information to be supplied on this form is the Food Security Act of 1985, Pub. L. 99-198, and regulations promulgated under the Act (7 CFR Part 12). The information will be used to determine eligibility for program benefits and other financial assistance administered by USDA agencies. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court magistrate or administrative tribunal. Furnishing the Social Security Number is voluntary. Furnishing the other requested information is voluntary; however, failure to furnish to correct, complete information will result in a determination of ineligibility for certain program benefits and other financial assistance administered by USDA agencies. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided by the produce on this form.*

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0185. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. **RETURN THIS COMPLETED FORM AD-1026 TO YOUR COUNTY FARM SERVICE AGENCY (FSA) OFFICE (address printed in Item 6 of AD-1026A).***

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.*

## HIGHLY ERODIBLE LAND CONSERVATION (HELIC) AND WETLAND CONSERVATION (WC) CERTIFICATION

(See Page 2 for Public Burden and Privacy Act Statements).

|  |                          |                      |
|--|--------------------------|----------------------|
| 1. Name of Producer  | 2. Identification Number | 3. Current Crop Year |
| 4. Does the attached AD-1026A(s) list all your farming interests by county, and show current NRCS determinations?<br><i>If "NO", contact your County FSA Office before completing this form.</i> |                          | YES NO               |
| 5. Are you a landlord on any farm listed on AD-1026A that will not be in compliance with HELC and WC provisions?<br><i>If "YES" AD-1026C must be prepared.</i>                                   |                          | YES NO               |
| 6. Does the landlord refuse to comply with HELC requirements on any farms listed on AD-1026A?<br><i>If "YES", AD-1026B must be prepared.</i>   |                          | YES NO               |

**If items 5 or 6 are answered "YES", circle the applicable farm number on AD-1026A.**

|  |     |    |
|--|-----|----|
| 7. List here or attach a list of affiliated persons with farming interests. <i>See Page 2 for an explanation. Enter "None", if applicable.</i>   |     |    |
| 8. During the crop year entered in Item 3 above, or the term of a requested USDA loan, did or will you plant or produce an agricultural commodity on land for which a highly erodible determination has not been made?                         | YES | NO |
| 9. On <b>any</b> land in which you have an interest, <b>has anyone</b> conducted any activities (since December 23, 1985) or <b>will anyone</b> conduct any activities (during the current crop year or the term of a requested USDA loan) to: | YES | NO |
| (a) Create new drainage, conduct land leveling, filling, dredging, land clearing, or stump removal that has not been evaluated by NRCS? <b>Indicate year if answered "YES":</b> _____  | YES | NO |
| (b) Maintain, improve, or modify an existing drainage that has not been evaluated by NRCS? <b>Indicate year if answered "YES":</b> _____   | YES | NO |
| 10. Will you conduct any activities for fish production, trees, vineyards, shrubs, building construction, or other non-agricultural purposes on lands for which a wetland determination has not been completed by NRCS?                        | YES | NO |

**If answers to Item 8, 9, or 10 are:**

**"YES" for any one of these items, sign and date in Item 11 below, and circle the applicable tract number on AD-1026A. A "YES" answer authorizes FSA to refer this AD-1026 to NRCS to make a HELC and or certified wetland determinations. DO NOT sign in Item 13 until the NRCS determination is complete.**

**"NO" for all of these items, complete Item 13.**

|   |   |                                 |
|---|---|---------------------------------|
| 11. Signature of Producer               | I hereby certify that the information on this form and the attached AD-1026A's is true and correct to the best of my knowledge. | Date: (MM-DD-YYYY)              |
| 12. Referral to NRCS (Completed by FSA) | Enter a checkmark if a NRCS determination is needed because "YES" is answered in Items 8, 9, or 10. <input type="checkbox"/>    | Signature of FSA Representative |
|   |   | Date: (MM-DD-YYYY)              |

**NOTE: Before signing in Item 13, Read AD-1026 Appendix.**

|  |                   |
|--|-------------------|
| <b>Continuous AD-1026 Certification</b><br>I understand and agree that my eligibility for certain USDA program benefits is contingent upon this certification of compliance with the highly erodible land and wetland conservation provisions of the 1985 Food Security Act as amended. This agreement shall serve as a continuous certification and agreement for subsequent crop years. For current and subsequent crop years:   |                   |
| <ul style="list-style-type: none"> <li>I agree to the terms and conditions stated on AD-1026 Appendix on all land in which I have or will have an interest.</li> <li>I agree that if there are any changes in my operation or activities that may affect compliance with these provisions, I will file a revised AD-1026.</li> <li>I agree to file any required exemption requests for each applicable crop year.</li> <li>I understand that affiliated persons are also subject to compliance with these provisions and their failure to comply or file AD-1026 will result in loss of eligibility to persons or enterprises with whom they are affiliated. (<i>Affiliated person rules are printed on Page 2 of this form.</i>)</li> </ul> |                   |
| 13. Producer Sign Here   | Date (MM-DD-YYYY) |

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ORIGINAL - FSA COPY

NRCS COPY

PRODUCER'S COPY

**INSTRUCTIONS FOR ITEM 7 OF AD-1026**

The producer requesting benefits on AD-1026 shall attach a list of the applicable affiliated persons with farming interests who are required to file AD-1026. Follow the rules in this table to determine affiliated persons.

|   |  |
|---|--|
| <i><b>IF</b> producer, requesting benefits is a (an) . . .</i>  | <i><b>THEN</b> affiliated persons who must file AD-1026 if they have farming interests are . . .</i>   |
| individual  | spouse or minor children with separate farming interests, or who receives benefits under their individual ID number.                             |
| <b>NOTE: If the individual filing is a minor child, the father and mother shall be listed as affiliates</b> | estates, trusts, partnerships, and joint ventures in which the individual filing, or the individual's spouse or minor children have an interest. |
|   | corporations in which the individual filing or the individual's spouse or minor children have more than 20% interest.                            |
|   | general partnership  |
| limited partnership   |  |
| joint venture   |  |
| estate  |  |
| irrevocable or revocable trust  |  |
| Indian tribal venture or group  |  |
| corporation with stockholders   | first level members with more than 20% interest in the corporation.  |
| State   | none   |
| Church or other charitable organization   |  |
| county  |  |
| city  |  |
| public schools  |  |
| corporation with no stockholders  |  |

**KEY TO NRCS DETERMINATIONS IN ITEMS 8 THROUGH 11 LISTED ON AD-1026A**

- |   |  |
|---|--|
| <p><b>8. HEL</b> = Highly Erodible Land:<br/>                 "Y" = NRCS determined highly erodible land.<br/>                 "N" = NRCS determined no highly erodible land.<br/>                 " " = NRCS has not made a determination.</p>                     | <p><b>9. 027</b> = Approved Conservation Plan (CPA-027):<br/>                 "Y" = Tract has an approved conservation plan.<br/>                 "N" = Tract <b>does not have</b> an approved conservation plan.<br/>                 "X" = HEL flag is "Y". Producer has a 2-year grace period after soil survey is available to obtain an approved conservation plan.</p> |
| <p><b>10. A027</b> = Applying Conservation Plan:<br/>                 "Y" = Producer is actively applying an approved conservation plan or system.<br/>                 "N" = Producer is <b>NOT</b> actively applying an approved conservation plan or system.</p> | <p><b>11. W</b> = Wetlands:<br/>                 "Y" = NRCS determined wetlands on this tract. (* See footnote.)<br/>                 "N" = NRCS determined no wetlands on this tract.<br/>                 " " = NRCS has not made wetland determinations on entire tract.</p>  |

\* NRCS has determined a wetland does exist on this tract. Contact your local NRCS office or FSA office for details concerning the location of the wetland and restrictions applying to the land according to NRCS determination before planting an agricultural commodity or performing any drainage or manipulation on this tract.

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