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Change\$ to Good Faith Provi\$ion For HEL Violation\$

It's been a while since the original rules regarding conservation compliance and Highly Erodible Land, or HEL requirements were issued. "The rules, different legislation, and Farm Bill programs have been changed, updated and revised over the years," explains USDA NRCS Acting District Conservationist, Jason Hessman. "But it's important to know where things stand right now and it's even more important to know where you stand and how your operation and your land stack up. Now is a good time to ask how prepared you and your conservation plan are." Hessman offers straightforward and helpful information on these issues for local producers.

The 2008 Farm Bill made some notable changes to the way penalties for HEL violations are assessed. What did not change are requirements for Conservation Compliance. To sum up Conservation Compliance, a few basic requirements must be followed to remain eligible for USDA benefits. These include following an approved conservation plan on HEL ground and not manipulating wetlands.

Hessman explains that an approved conservation plan specifies the crop rotation and tillage that are allowed while still keeping soil loss at tolerable levels. A plan also specifies additional conservation practices that are needed to successfully control gully erosion on specific tracts. This includes practices, such as grassed waterways, grade stabilization structures, water and sediment control basins, critical area seeding, or field borders.

New to the 2008 Farm Bill were terms, such as Good Faith Relief and Graduated Payment Reduction. If a violation is found on HEL ground, such as performing too much tillage or failure to install required conservation practices outlined in your conservation plan, USDA's Farm Services Agency (FSA) County Committee will determine if a Good Faith exemption is appropriate. Their determination requires concurrence from both the FSA State Executive Director and the NRCS State Conservationist in order to be granted.

Good Faith exemptions are granted if the USDA participant has acted in good faith without intent to violate the provisions. If this is the case, the participant's program eligibility can be reinstated after they sign a new and approved conservation plan and agree to implement needed changes according to the schedule.

However, even if a Good Faith exemption is granted, there will be a penalty issued to producers in the form of a Graduated Payment Reduction. This penalty is a minimum of \$1,000 and a maximum of \$10,000. The amount is determined by the seriousness of the violation--the number of acres in violation, the erodibility index of the soils, and the actual amount of soil loss that resulted. According to the latest provisions, this penalty can be up to \$500 per acre.

If a Good Faith exemption is not granted, participants become ineligible for USDA program benefits on all farms for the years they were found to be in violation. Any money previously received for that crop year must be refunded.

"Rules for HEL compliance and the penalties folks could face are serious—but so are the USDA benefits they can secure for you," explains Hessman. NRCS specialists and USDA Service Center staff are here to help you stay on top of everything involved. "Conservation planning is one of the things we do best. Following that plan is the best way you can protect your resource base and your USDA benefits. Let's work together to keep everything on track," Hessman adds.

Need to know more about HEL compliance or update your farm's conservation plan? Call NRCS and schedule an appointment at (309) 937-5263, extension 3.