



NRCS Conservation Compliance Developments – 2014 Farm Bill

The new Farm Bill recouples Federal crop insurance premium subsidy (PS) benefits to Highly Erodible Land (HEL) and Wetland Conservation requirements.

- February 7, 2014, is the new wetland conversion trigger date. Wetlands converted prior to this date are not subject to the wetland compliance provisions of the Food Security Act of 1985 (the Act) for PS eligibility. (This does not apply to benefits for existing covered programs, or if they become new participants in any other programs.)
- Producers new to compliance due to crop insurance recoupling who need technical assistance are to receive priority for technical assistance.
- HEL – Producers new to compliance have 5 years to develop and implement a plan, and 2 years to implement a conservation system if they are currently out of compliance.
- Wetlands – Producers who convert a wetland after February 7, 2014, have 2 years to mitigate a converted wetland if they are subject to the Act for the first time.
- For PS purposes a producer can choose to make a “payment in lieu” contribution for conversions of less than 5 acres, equal to 150 percent of the cost of mitigating the converted wetland, versus restoring the converted wetland.
- Producers that have filed a request for determination cannot be found ineligible for the PS while waiting for the Natural Resources Conservation Service (NRCS) to evaluate their compliance determination or certification.
- Annual compliance certification for crop insurance purposes will be coordinated between the Farm Service Agency, NRCS, and the Risk Management Agency to avoid the duplication of paperwork and allow use of the existing compliance tracking systems.
- For those currently in compliance with the conservation compliance provisions, there should be no perceptible change in the certifications required to receive the PS.

Other Developments:

- No later than November 1st of each year, NRCS will be required to submit a report to Congress detailing national HEL and wetland determination progress and backlog.
- USDA is mandated to operate or work with third parties to operate a wetland mitigation banking program. USDA is no longer required to be the easement holder for mitigation banks.

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