

Guidance for Completing FSA Form AD 1026

There has been a lot of confusion on completing FSA form AD 1026 to determine eligibility for USDA benefits for maintenance and improvement of surface and subsurface drainage projects on farmland. The first thing to do is look at existing field determination maps to evaluate the existence of any (W) wetlands or (FW) farmed wetlands or (PC) prior converted. Any farmland with a (W) or (FW) is subject to the 1985 Swampbuster Act and may need a determination for setback requirements. You will need to contact NRCS to determine setback requirements and this may entitle a field visit by a NRCS technician.

Passage of the 1996 Farm Bill stated that any review of inventory maps should be replaced by a certified wetland determination. Checking a yes box on questions 10 A, B, or C on your AD 1026 will be a request for a certified wetland determination.

Any (PC) cropland is exempt from the 1985 Swampbuster Act and CWA provisions. PC's retain this provision as long as they are in agriculture production. The definition of a PC as defined in the National Food Security Act Manual – 3rd Edition, Part 514.31 – ***Prior converted cropland is a converted wetland where the conversion occurred prior to December 23, 1985, an agricultural commodity had been produced at least once before December 23, 1985, and as of December 23, 1985, the converted wetland did not support woody vegetation and met the following hydrologic criteria: (A) Inundation was less than 15 consecutive days during the growing season or 10 percent of the growing season whichever is less in most years (50 percent chance or more); and (B) if a pothole, playa or pocosin, ponding was less than 7 consecutive days during the growing season in most years (50 percent chance or more) and saturation was less than 14 consecutive days during the growing season most years (50 percent chance or more).***

If you still have concerns about completing the AD 1026 form correctly, please seek advice from a drainage professional or legal counsel. Completing the form incorrectly could subject your parcel to a new determination and/or to the loss of farm program payments.