[Current/authoring date]

##### CERTIFIED MAIL

##### RETURN RECEIPT REQUESTED

***(When HEL Present)***

[NRCS Service Center Name]

[NRCS Address]  
[NRCS City], [NRCS State] [NRCS Zip]  
Phone: [NRCS Phone]  
Fax: [NRCS Fax]

[Client Name]  
[Client Address]  
[Client City], [Client State] [Client Zip]

SUBJECT: Highly Erodible Land (HEL) Determination

TRACT: [Tract Number]  
Administrative County: [Admin County], [Admin State]

This is to notify you that as of the date of this letter the Natural Resources Conservation Service (NRCS) has made a preliminary technical determination (PTD) on the tract(s) listed above. This PTD is made in accordance with the highly erodible land (HEL) conservation provisions of the Food Security Act of 1985, as amended, and was made in response to our receipt of the Farm Service Agency (FSA) form AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification] dated on [Date of Referral].

Fields designated as HEL are identified on the attached NRCS-CPA-026-HELC form. HEL fields are highly erodible because the highly erodible soil map units constitute 33.3 percent or more of the acreage in those fields or contain highly erodible soils equal to 50 or more acres per field. Fields not meeting this criteria are not highly erodible land (NHEL). The attached map and summary report provide the basis for this determination.

In order to maintain USDA program eligibility, you will need to operate HEL fields in accordance with an approved conservation system. You may contact the NRCS for assistance with the development and implementation of an approved conservation plan which meets this requirement. NHEL fields do not require implementation of an approved conservation system.

The 2014 Farm Bill connected producer eligibility for Federal crop insurance premium subsidy to compliance with HEL provisions. Previous USDA participants who are currently not in compliance with the HEL provisions have two reinsurance years to develop and comply with an NRCS-approved conservation plan to remain eligible for Federal crop insurance premium subsidy. Producers who are subject to HEL compliance for the first time due to the 2014 Farm Bill have five reinsurance years to develop and comply with an NRCS-approved conservation plan when producing an agricultural commodity on HEL. If you are unsure about your status as a previous USDA participant, please inquire at your local FSA office.

If you made a request for a wetland determination, it will be issued separately. If you plan to conduct any activities that may disturb a wetland, please contact this office well in advance so the impacts may be evaluated along with the potential effect on your USDA program eligibility.

**If you agree** with this PTD, it will become final 30 calendar days after you receive this notification, and no further action is required.

**If you do not agree** with this PTD, you may request a field visit or mediation within thirty days of receipt of this letter. Your request should be made in writing to the above office address and should state clearly what you are appealing and why you believe the determination is erroneous. For further information on the appeals process, please see the attached information sheet. If no reconsideration field visit or mediation is requested within thirty days of receipt of this letter, this PTD will become a final technical determination.

If you are the owner of this tract of land and have a tenant, I urge you to discuss this letter and the accompanying NRCS-CPA-026-HELC with the tenant. Likewise, if you are the tenant of this tract of land, I urge you to discuss this letter with the owner.

Sincerely,

Enclosures:  
NRCS-CPA-026-HELC  
HEL Determination Map  
HEL Determination Summary Report  
Appeals Information

Cc: Farm Service Agency

# Appeals Information

This preliminary technical determination (PTD) will become final 30 days after your receipt of this letter, unless you request either of the following options:

#### 1. You may request a reconsideration field visit for NRCS to review the basis for the PTD with you and gather additional information concerning the certified determination. This request must be in writing and addressed to the Designated Conservationist who made this determination.

#### 2. Mediation may be used to assist you and NRCS in trying to reach a mutually agreeable resolution or settlement regarding this PTD. Through mediation, the parties have the opportunity to work together with the assistance of the mediator to improve communications, understand the relevant issues, develop and explore alternatives, and reach a mutually satisfactory resolution. In order to request mediation, the request must be in writing and addressed to the Designated Conservationist who made this determination.

If you choose a reconsideration field visit or mediation, a final technical determination (FTD) will be issued at the conclusion of either process. If reconsideration or mediation is not requested, this certified determination becomes an FTD 30 days after your receipt of this letter, at which time you may exercise appeal rights to the Farm Service Agency County Committee or the National Appeals Division.

To appeal an FTD, write to the Farm Service Agency County Committee or the National Appeals Division within 30 days at the appropriate address below.

|  |  |
| --- | --- |
| [FSA County] FSA County Committee | Telephone: [FSA Phone] |
| [FSA Address] | Fax: [FSA Fax] |
| [FSA City], [FSA State] [FSA Zip] |  |

Or

|  |  |
| --- | --- |
| National Appeals Division | Toll Free Phone: [NAD Toll Free] |
| [NAD Address] | TTY: [NAD TTY/Phone] |
| [NAD City], [NAD State] [NAD Zip] | Fax: [NAD Fax] |

A request for any of the above appeal options must be in writing and should state clearly what you are appealing and why you believe the determination is erroneous.