



Conservation Reserve Program: Early-Outs for Some Contracts

OVERVIEW

The Conservation Reserve Program (CRP) is a voluntary program whereby the U.S. Department of Agriculture contracts with agricultural producers so that environmentally sensitive agricultural land is not farmed or ranched, but instead used for conservation benefits. CRP participants establish long-term, resource-conserving vegetative species, such as approved grasses or trees (known as “covers”) to control soil erosion, improve the water quality and enhance wildlife habitat. In return, FSA provides participants with rental payments and cost-share assistance. Continuous sign-up contracts are 10 to 15 years in duration.

The Agriculture Act of 2014 (the 2014 Farm Bill) requires the U.S. Department of Agriculture (USDA) to allow a limited number of CRP participants who meet specific qualifications an opportunity to terminate (referred to as “opt-outs”) the CRP contract during fiscal year 2015, if those contracts have been in effect for at least five years and if other conditions are also met. The start and end dates for requesting opt-outs will be announced later by a news release.

The Food Security Act of 1985, as amended, authorized CRP and is governed by regulations published in 7 CFR, part 1410. The USDA Farm Service Agency (FSA) implements CRP on behalf of USDA’s Commodity Credit Corporation (CCC).

EARLY TERMINATION

The 2014 Farm Bill requires USDA to offer a limited number of producers opportunities to opt-out of certain CRP contracts during fiscal year 2015, if those contracts have been in effect for at least five years and if one or more of the exceptions noted below do not apply.

EXCEPTIONS

The 2014 Farm Bill specifies that the following types of land **will not be eligible** for opt-out:

- Filterstrips, waterways, strips adjacent to riparian areas, windbreaks, and shelterbelts;
- Land with an erodibility index of more than 15;
- Land devoted to hardwood trees;
- Wildlife habitat, duck nesting habitat, pollinator habitat, upland bird habitat buffer, wildlife food plots, State acres for wildlife enhancement, shallow water areas for wildlife, and rare and declining habitat;
- Farmable wetland and restored wetland;
- Land that contains diversions, erosion control structures, flood control structures, contour grass strips, living snow fences, salinity reducing vegetation, cross wind trap strips, and sediment retention structures;
- Land located within a federally designated well-head protection area;
- Land that is covered by an easement under CRP;
- Land located within an average width, according to the applicable Natural Resources Conservation Service field office technical guide, of a perennial stream or permanent water body; and
- Land enrolled under the Conservation Reserve Enhancement Program (CREP).

ADDITIONAL LIMITATIONS

The 2014 Farm Bill did not change the following provisions for prorated rental payment, renewed enrollment, conservation requirements, and liability for contract violation. If a CRP contract is terminated before the end of the fiscal year for which a CRP rental payment is due, FSA will provide a prorated rental payment covering the portion of the fiscal year during which the CRP contract was in effect.

FACT SHEET

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An opt-out will not affect the ability of the owner or operator that requested the opt-out to submit a subsequent bid to enroll the land that was subject to the CRP contract into CRP.

If the producer returns land that was subject to a CRP contract to production of an agricultural commodity, the conservation requirements for highly erodible land conservation and wetland conservation under 7 CFR part 12 and 16 U.S.C. Chapter 58, subchapters II and III, will apply.

The opt-out does not relieve the producer of liability for a contract violation occurring before the date of the contract termination.

TIMELINE

Requested by CRP participants to opt-out of contracts that meet the above requirements must be approved by the FSA County Office Committee. The start and end dates for requesting the opt-out will be determined by FSA and announced later by a news release.

MORE INFORMATION

For more information about FSA and its programs, visit the local FSA county office or on the visit the FSA website at www.fsa.usda.gov.

CRP Practices Eligible for Opt-Out

Practice	Title	Eligible for Early-Out (If not in a wellhead area)
CP1	Establishment of Permanent Introduced Grasses and Legumes	Yes
CP2	Establishment of Permanent Native Grasses	Yes
CP3	Tree Planting	Yes
CP10	Vegetative Cover – Grass – Already Established	Yes
CP11	Vegetative Cover – Trees – Already Established	Yes

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