

For: Oregon County Offices

Roles and Responsibilities Concerning Weed Control on CRP

Approved by: Jack L. Sainsbury, State Executive Director



1 Overview

A

Purpose

To provide guidance concerning FSA and NRCS roles and responsibilities when working with CRP participants on weed control.

B

Background

Under CRP, FSA is responsible for contract administration, including non-compliance determinations. NRCS is responsible for providing technical assistance, and assisting participants during cover establishment. The presence of weeds on CRP can impact both Agencies' area of responsibilities.

CRP procedure, and the CRP contract, calls for the control of both noxious weeds, and other undesirable plants that adversely impact surrounding land.

CRP procedure provides that NRCS will conduct annual status reviews until the earlier of stand establishment, or three status reviews have been completed. NRCS may be available to provide further technical advice after the final status review, if requested by the COC, and NRCS is able to schedule the assistance with respect to current workload.

C

NRCS Concurrence

The NRCS State Office has concurred with the contents of this Notice.

Disposal Date:

January 1, 2002
2/13/01

Distribution:

Oregon County Offices, DDs, COR
FSA COF to provide a copy to local NRCS Office

OR Notice CRP-59

2 NRCS Annual Status Review

A Completing Annual Status Review Forms

Previous NRCS guidance provided that annual status review forms would generally not be completed for CRP. The NRCS and FSA State Offices have agreed that a written annual status review will be completed, and provided to FSA, when there appears to be a problem with stand establishment. The problems that should be reported to FSA include, but are not limited to:

- failure to complete actions called for in the conservation plan in a timely manner
 - not completing the practice according to the recommended specifications
 - failure to control weeds or other pests
 - haying, grazing, or any type of harvest.
-

B Action When Weeds Are Present, But Stand Can Be Certified

If NRCS determines during the status review that the stand meets the criteria for final stand certification, but there is a sufficient stand of weeds to create a potential non-compliance situation, NRCS can:

- Certify the stand and then notify FSA of the weed concerns, using the annual status review.
 - Once certified NRCS no longer is responsible for these contracts. However, NRCS may provide technical assistance to a participant in dealing with the weed problem based on NRCS current workload.
-

C Follow-up Actions

If the actions needed to address a weed or other non-compliance problem involve a revision to the conservation plan, the COC must approve the revised plan. The participants, NRCS, the Conservation District, and FSA must sign the revision.

OR Notice CRP-59

3 FSA Actions

A

FSA Response to Annual Status Review Identifying Problems

If FSA receives an annual status review from NRCS indicating a potential problem with the contract, the COC should work with NRCS and the producer to determine what course of action to take. If the case involves a potential contract violation, the producer(s) should be notified in writing of the problem, and possible consequences, and provided guidance on what steps to take to correct the situation.

B

Determining Non-Compliance

While NRCS will work with participants to address weed problems during stand establishment, only the COC has the authority to determine:

- if contract provisions have been violated
 - good faith
 - the amount of a payment reduction.
-

C

Field Visits

In many cases, FSA will be able to rely on NRCS field observations concerning weed problems. However, FSA may be required to conduct a field visit to determine if:

- the existing weeds constitute a contract violation
- the types of weeds involved
- the acreage involved.

The field visit should be conducted if needed to obtain complete data for the COC to make a final determination, even if NRCS has not completed the final status review. The fact that NRCS has not conducted a final status review does not prohibit FSA from visiting the acreage to determine contract compliance.

OR Notice CRP-59

4 Determinations Concerning Noxious Weeds

A

Weed Board Determinations

CRP procedure provides that a State or local weed board must determine if a participant is violating noxious weed provisions before the COC can determine non-compliance. If FSA believes noxious weed provisions have been violated, they should contact the local weed board and request a determination.

No determination is required from the weed board for the COC to decide if:

- other undesirable plants are adversely impacting surrounding land
- any weed is adversely impacting the establishment or maintenance of the approved cover.

Note: Failure to control other undesirable plants that adversely impact surrounding land is only a violation of CRP-1's approved after November 28, 1990.
