# FSA
## HANDBOOK

# Agricultural Resource Conservation Program

To access the transmittal page click on the short reference.

## For State and County Offices

SHORT REFERENCE

## 2-CRP
## (Revision 4)

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

**UNITED STATES DEPARTMENT OF AGRICULTURE**
Farm Service Agency
Washington, DC 20250

| Agricultural Resource Conservation Program 2-CRP (Revision 4) | Amendment 17 |
|---|---|

**Approved by:** Deputy Administrator, Farm Programs

## Amendment Transmittal

### A Reasons for Amendment

Subparagraph 3 C has been amended to add an addition for CRP emphasis.

Subparagraph 58 D has been amended to:

- remove WRI footnotes
- include PIP's and SIP's and rental rate incentives for practices CP23, CP23A, CP31, and CP37.

Subparagraphs 82 B and C have been amended to add reference 1-PL and 4-PL for "person".

Paragraph 87 has been amended to:

- clarify policy for adjusted gross income provisions for CRP-1's approved May 13, 2002, through September 20, 2008
- add policy for adjusted gross income provisions for CPR-1's approved October 1, 2008, and after.

Subparagraph 87 C has been added to include the exception for environmentally sensitive lands of special significance.

Subparagraph 124 B has been amended to include practices CP23, CP23A, CP31, and CP37 for practices eligible for 20 percent incentive.

## A Reasons for Amendment (Continued)

Subparagraph 125 A has been amended to:

- include practices CP23, CP23A, CP31, and CP37 for practices eligible to receive CRP-SIP
- clarify provisions for CP23 one-time incentives for CRP-1's approved before November 3, 2008.

Subparagraph 125 B has been amended to remove practices CP23, CP23A, CP31, and CP37 from the list of practices ineligible for PIP.

Subparagraph 125 B has been amended to clarify provisions for CP23 one-time incentives for CRP-1's approved before November 3, 2008.

Subparagraph 138 C has been amended to add instructions for entering commercial pond-raised aquaculture (CP40) and flooded prairie wetlands (CP41) to CRP-2C.

Part 6, Section 4 has been amended to include 2008 Farm Bill provisions for FWP.

Subparagraph 150.2 B has been amended to remove the enrollment level of 39.2 million acres.

Subparagraph 150.10 G is updated to remove reference to WRI's.

Subparagraph 150.11 B has been updated to allow C/S for tree thinning.

Subparagraph 156 B has been amended to provide State Offices and NRCS are authorized to update Soils Data Management System.

Subparagraph 236 B has been amended to clarify contract management activity policy.

Paragraph 239 has been amended to add:

- tree thinning as appropriate management activities
- thinning under voluntary management activity
- an exception for customary forest management activities.

Subparagraph 268 A has been amended to clarify policy to provide C/S for certain forestry activities on CRP.

Subparagraph 277 B has been amended to add CP38E to the practices for light disking.

Subparagraph 341 A has been amended to add husband and wife provisions for CRP-1's approved before October 1, 2008.

## A Reasons for Amendment (Continued)

Subparagraph 371 B has been amended to clarify policy for WRI payments.

Paragraph 372 has been amended to clarify policy for:

- WRI payments
- issuing CRP annual rental payments.

Paragraph 374 has been amended to remove the requirement for reviewing producer transaction statements.

Subparagraph 375 B has been amended to clarify policy for WRI payments.

Subparagraph 405 B has been amended to add the exception for customary forestry activities.

Subparagraph 509 B has been amended to add that CREP agreements cannot be used to assist toward meeting requirements of a court order, settlement agreement, or other legal mandate.

Paragraph 510 A has been amended to:

- remove language about non-Federal EPA 319 funds
- clarify policy about State 20 percent matching funds for a CREP project
- clarify policy about State requirements for cost analysis
- provide statutory authority language for enrolling into CREP.

Exhibit 2 has been amended to add definitions for the following:

- commercial pond-raised aquaculture facility
- pollinator
- technical assistance.

Exhibit 6 has been amended to provide the MOA between NRCS, FSA, and CCC for implementation of CRP through September 30, 2012.

## A Reasons for Amendment (Continued)

Exhibit 9 has been amended to:

- provide C/S for tree thinning for practice CP11
- update acreage allocations for CP23 and CP23A
- clarify policy for CP23 and CP23A incentive to restore hydrology for CRP-1's approved before November 3, 2008
- provide planting of cottonwoods as a nurse crop for CP23 and CP23A if determined silviculturally and ecologically appropriate

  **Note:** No C/S is authorized for the cottonwood planting.

- update maximum acceptable size of any 1 CP27 from 10 to 40 acres
- update policy for CP27 and CP28 according to provisions of the 2008 Farm Bill
- update CP31 annual rental payment policy and provide C/S for tree thinning
- update CP33 acreage allocations
- update CP35A, 35B, 35C, 35D, 35E, 35F,35G, 35H, and 35I annual rental payment policy
- clarify policy for CP37 incentive to restore hydrology
- update acreage allocations for CP37
- add CP39, CP40, and CP41 policy provisions.

Exhibit 30 has been amended to update CRP-37.

## A Reasons for Amendment (Continued)

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# Part 1 Basic Provisions

## 1 Overview

### A Handbook Purpose

This handbook provides CRP policies and instructions to FSA State and County Offices and NRCS Regional, State, Area, and Field Offices for:

- adhering to general provisions and carrying out Agency responsibilities
- maintaining useful life easements
- approving CRP-1's
- making annual rental payments
- performing other CRP activities
- C/S policies.

## 2 Implementing CRP

### A Introduction

This part provides:

- the CRP:
  - sources of authority
  - objective
  - emphasis
- a list of related handbooks
- information on:
  - voluntary participation
  - CRP forms
  - who shall have access to farm and farm records
  - relief actions
  - restrictions on lobbying activities.

### B Voluntary Participation

A producer who purchases land enrolled in CRP shall **not** be required to participate in CRP.

## 3 Authority, Program Objective, and Emphasis

### A Sources of Authority

Sources of authority for CRP are:

- the Food Security Act of 1985, as amended *** * ***
- 7 CFR Part 1410
- annual appropriations acts.

### B CRP Objective

CRP's objective is to cost-effectively assist owners and operators in conserving and improving the nation's natural resource base.

### C CRP Emphasis

CRP is a natural resource program that:

- protects the nation's soil, water, and wildlife resources
- improves and preserves water quality
- enhances fish and wildlife habitat
- ***--**addresses issues raised by State, regional, and national conservation initiatives.**--***

# 4 Related Handbooks, Manuals, and Forms

## A Related Handbooks and Manuals

This table lists handbooks and manuals related to CRP.

| Handbook or Manual | Purpose |
|---|---|
| 1-APP | Appeals. |
| 1-AS | Supplementing CRP provisions. |
| 3-AS | Clearing forms. |
| 25-AS | Records management. |
| 1-CM | Common management provisions. |
| 2-CM | Common farm and program provisions. |
| 3-CM | Farm, tract, and crop data. |
| 1-CONSV | Processing forms related to CRP. |
| 1-COR | Quality control. |
| 2-CP | Acreage compliance determinations. |
| 4-CP | Payment reductions and violations. |
| 6-CP | Highly erodible land conservation and wetland conservation provisions. |
| 7-CP | Finality rule and misaction/misinformation. |
| 1-DCP | Direct and counter-cyclical payments. |
| 1-EQ | Environmental Quality Programs. |
| 1-FI | Making CRP payments. |
| 3-FI | Handling receipts and deposits. |
| 50-FI | Prompt payment interest rates. |
| 58-FI | Handling claims. |
| 61-FI | Prompt payment provisions. |
| 62-FI | Nonresident alien income tax. |
| 63-FI | Assignments and joint payments. |
| 115-FI | Handling collections. |

## 4 Related Handbooks, Manuals, and Forms (Continued)

### A Related Handbooks and Manuals (Continued)

| Handbook or Manual | Purpose |
|---|---|
| 2-IC | Internal review and control. |
| 2-INFO | Providing information to the public. |
| 3-INFO | Privacy Act |
| 1-PL | Common payment limitation provision for CRP-1's approved after July 31, 1988, ***--**and **before** October 1, 2008. |
| 4-PL | Common payment limitation provisions for CRP-1's approved **after** September 30, 2008**--***. |
| 22-PM | County Office personnel management procedures about conflict of interest with official duties. |
| 1-TB SCOAP | Other kinds of tobacco. |
| 9-TB SCOAP | Flue-cured tobacco. |
| 10-TB SCOAP | Burley tobacco. |
| DM 9500-1 | CRES procedures. |
| National Planning Procedures Handbook | Conservation planning requirements. |
| National Food Security Act Manual | Highly erodible land and wetland determinations and delineations. |
| General Manual 180, Part 409 | Conservation planning. |
| General Manual 190, Part 401 | National Environmental Policy Act. |
| General Manual 300, Part 405 | Conservation planning assistance. |
| General Manual 450, Part 407 | Quality assurance. |
| Field Office Technical Guides | Technical criteria. |

## 4 Related Handbooks, Manuals, and Forms (Continued)

### B Adding or Withdrawing Provisions

***--**Handbook instructions shall **not** be less or more restrictive than the provisions of this handbook; however, State-specific amendments may be made that are consistent with CRP provisions. For permanent directives, the following guidelines **must** be followed:**--***

- issue a permanent State Office directive **only** as a supplement to this handbook

  **Note:** Do **not** create a separate State handbook.

- do not rewrite or elaborate on unclear or incomplete national instructions

- do not modify national wording when adding supplemental information.

State Offices may supplement these handbook instructions according to 1-AS.

***--Note:** Periodically, the National CRP Program Manager may select State amendments for review.**--***

### C Using Forms

Use national forms when applicable.

Other forms used for CRP may be:

- modified, according to the applicable exhibits
- developed as needed
- submitted for clearance and approval, according to 3-AS.

## 5 Access to Farm and Farm Records and Relief Actions

### A Access to Farm and Farm Records

Authorized representatives of the Secretary shall have access to farm and farm records to:

- make eligibility determinations
- determine compliance with this handbook's provisions.

### B Procedure Waiver by DAFP

Unless prohibited by statute, DAFP may waive any provision in this handbook.

**Exception:** The waiver provision is not a substitute for:

- appeal provisions in 1-APP
- misaction or misinformation provisions in 7-CP.

### C Request for Meritorious Relief

STC may authorize meritorious relief to an applicant based on a producer's request, documented justification, and COC recommendation **only** within the authorities delegated to it by CRP-1 and attachments or this handbook.

COC may submit to STC fully documented requests for relief from complying with the CRP-1 terms and conditions.

**Note:** A COC written request submitted to STC for relief **must** describe the basis and justification for the request.

## 6 Restrictions on Lobbying Activities

### A Applicability

The disclosure requirements apply to all AD-245 applications for C/S payments filed and disbursed since December 23, 1989.

### B Complying With Lobbying Disclosure Requirements

To comply with lobbying disclosure requirements, applicants for and recipients of a CRP C/S payment exceeding $100,000 must file, with the County Office, either of the following for **each** C/S payment that exceeds $100,000:

- CCC-674 (Exhibit 4), if they have not used or will not use monies received for lobbying purposes

- SF-LLL (Exhibit 4), if they have used or will use monies received for lobbying purposes.

  **Note:** Complete SF-LLL-A (Exhibit 4) if needed.

### C Providing Forms

Each time a single CRP C/S payment exceeds $100,000, County Offices shall:

- send a copy of CCC-674, SF-LLL, and SF-LLL-A to the recipient with instructions to complete and return the applicable form or forms to the County Office within 10 workdays

- if a response is not received within 10 workdays, request a refund of payment according to 58-FI.

  **Note:** If an amount less than the C/S amount was repaid, send a demand letter, according to 58-FI, to collect the difference between full C/S repayment and the amount repaid.

## 6 Restrictions on Lobbying Activities (Continued)

### D Forwarding and Filing Forms

County Offices shall:

- forward a copy of the completed forms to OAS, through State Offices and DAFO
- file the original of the completed forms in the County Office in folder entitled “CRP4 Contract Folders”.

### E Disbursing Payments

County Offices shall:

- not disburse CRP C/S payments exceeding $100,000 until the applicant has returned the completed applicable form to the County Office
- not issue multiple payments to avoid the requirements in subparagraph B.

### F Unusual Situations

County Offices shall contact FMD, through State Offices and DAFO, for assistance if situations arise that are not covered in this paragraph.

## 7 CCC-770-CRP's, CRP Checklists

### A Background

County Offices have come under close scrutiny because of audits and reviews performed:

- externally by Price-Waterhouse
- internally by COR checking improper payments.

The National Office was mandated to assemble a checklist to assist County Offices.

### B CCC-770-CRP Information

It is not the intent of CCC-770-CRP's to supersede or replace procedure. County Offices should:

- use CCC-770-CRP1, CCC-770-CRP2, CCC-770-CRP3, and/or CRP-770-CRP4 as reminders of the most frequently "erred" determinations and certifications

- recognize that the questions asked on CCC-770-CRP's are very general in nature.

**Note:** For CCC-770-CRP's to address every conceivable situation as it pertains to eligibility would **not** be practical.

### C Completing CCC-770-CRP's

***--**In each FY CCC-770-CRP1, CCC-770-CRP2, CCC-770-CRP3, and/or CRP-770-CRP4 **must** be completed for:

- each of the first 5:

  - CRP-1's completed
  - annual rental payments, cost-share payments, and incentive payments issued

- all CRP-1's for FSA employees including STC's and COC's.**--***

County Offices shall:

- obtain CCC-770-CRP1, CCC-770-CRP2, CCC-770-CRP3, and/or CRP-770-CRP4 from the FFAS Employee Forms Web Site at **http://165.221.16.90/dam/ffasforms/currentforms.asp**

*** * ***

- file in each CRP contract folder.

Completing CCC-770-CRP's is **mandatory**. CCC-770-CRP's developed by the National Office are the only authorized checklists for CRP. County Offices **shall not** use State- or locally-generated checklists for CRP.

## *--7 CCC-770-CRP's, CRP Checklists (Continued)

### D Spot Check Policy

CCC-770-CRP's shall be:

- randomly selected for spot check
- spot checked to:
  - verify that it was properly completed and filed
  - ensure accurate approvals and payments were made.

### E CED Spot Checks

CED or their designated representative:

- shall select to spot check, the first five CCC-770's completed by FSA employees
- shall randomly spot check a minimum of five CCC-770's for each STC, COC, and/or employee
- shall sign CCC-770-CRP's and check the "Concur" or "Do Not Concur" box for the randomly selected determination or certification changes
- are **not** required to spot check every CCC-770-CRP1, CCC-770-CRP2, CCC-770-CRP3, and/or CRP-770-CRP4 completed in their county
- additional CCC-770's will be required if apparent deficiencies are found during CED reviews
- shall report to COC and the STC representative any CCC-770-CRP's that is checked "Do Not Concur".

### F State Office Spot Check Selection

The State Office shall select a minimum of 5, not to exceed 10, spot checks by STC or their representative every FY.**--***

***--7 CCC-770-CRP's, CRP Checklists (Continued)**

**G STC or Designee Spot Checks**

STC or their designee shall:

- spot check determinations selected by the State Office
- spot check, at a minimum 5, not to exceed 10, of the CED's spot checks in subparagraph E
- sign CCC-770-CRP's and check the "Concur" or "Do Not Concur" box for the selected determination or certification changes
- additional CCC-770's will be required if apparent internal control deficiencies are found during STC representative reviews
- submit the results of the spot checks to SED.**--***

## *--7 CCC-770-CRP's, CRP Checklists (Continued)

### H Streamline CCC-770 State Office Reporting Process

To streamline the reporting process for State Offices, an Excel spreadsheet has been developed by the National Office. The spreadsheet consolidates all required information onto 1 document. State Offices shall use the Excel spreadsheet to submit 1 FY summary report for CCC-770's, except for tobacco.

This table provides instructions for State Offices to complete the Excel spreadsheet for FY 20XX Summary Report of CCC-770's.

| Step | Action |
|---|---|
| 1 | Enter State's name. |
| 2 | Enter the total number of CCC-770's completed for each type of CCC-770 listed. If no CCC-770 was completed for a type of CCC-770, enter "0". |
| 3 | Enter the total number of CCC-770's selected for spot-check by CED or designee for each type of CCC-770. If no CCC-770 was selected for a type of CCC-770, enter "0". |
| 4 | Enter total number of "Total Concur" and "Total Non-Concur" by CED or designee for each type of CCC-770. |
| 5 | Enter total number of CCC-770's selected for spot-check STC or designee for each type of CCC-770. If no CCC-770 was selected for a type of CCC-770, enter "0". |
| 6 | Enter total number of "Total Concur" and "Total Non-Concur" by STC or designee for each type of CCC-770. |
| 7 | Enter the date the report was reviewed and approved by SED. |
| 8 | Save the Excel spreadsheet to save the data entered on the report. |
| 9 | Print out the "FY 20XX Summary Report of CCC-770's" and have SED sign and retain for documenting the review. |
| 10 | E-mail a copy of the **saved** report to the list of e-mail recipients provided, by no later than October 31 each FY. |

--*

## *--7 CCC-770-CRP's, CRP Checklists (Continued)

### H Streamline CCC-770 State Office Reporting Process (Continued)

This is an example of the Excel spreadsheet for FY 20XX Summary Report of CCC-770's.

| State | | FY 20XX Summary Report of CCC-770's | | | | | |
|---|---|---|---|---|---|---|---|
| TYPE OF CCC-770 COMPLETED | Total CCC-770's Completed | Total CCC-770's Selected For Spot Check by CED or Designee | Total Concur | Total Non-Concur | Total CCC-770's Selected For Spot Check by STC or Designee | Total Concur | Total Non-Concur |
| Eligibility | | | | | | | |
| Cotton-MAL | | | | | | | |
| CRP1 | | | | | | | |
| CRP2 | | | | | | | |
| CRP3 | | | | | | | |
| CRP4 | | | | | | | |
| DCP | | | | | | | |
| DDAP | | | | | | | |
| DIPP | | | | | | | |
| ECP-1 | | | | | | | |
| ECP-2 | | | | | | | |
| GRP | | | | | | | |
| HURRICANE HDP | | | | | | | |
| LCP | | | | | | | |
| LDPeLDP | | | | | | | |
| LIP-II | | | | | | | |
| MAL | | | | | | | |
| MILCX | | | | | | | |
| NAP | | | | | | | |
| SU-1 | | | | | | | |
| SU-2 | | | | | | | |
| TAA | | | | | | | |
| TAP | | | | | | | |
| UPLDP | | | | | | | |

PLEASE EMAIL YOUR STATE REPORT TO ALL THE BELOW LISTED CONTACTS:

| NAME | DIVISION | EMAIL ADDRESS |
|---|---|---|
| James Michaels | CEPD | james.michaels@wdc.usda.gov |
| Dan McGlynn | PECD | dan.mcglynn@wdc.usda.gov |
| Kimberly Graham | PSD | kimberly.graham@wdc.usda.gov |
| Trina Brake | DAFO | trina.brake@wdc.usda.gov |
| Craig Trimm | DAFP | craig.trimm@wdc.usda.gov |

| | |
|---|---|
| Report reviewed and approved by the SED on: | xx/xx/07 |
| | Date |

--*

## *--8 Updating SRR's

### A SRR Updates

Maximum payment rates for cropland offered for CRP are calculated using SRR's. SRR's shall be set at levels that reflect local prevailing average cash rental rates per acre for **nonirrigated** cropland for the production of the predominant annually tilled crops for each soil map unit area within a soil survey area within a county during the most recent 3 years.

STC's and COC's shall ensure that SRR's for all forms of CRP signup shall be updated according to paragraph 157.**--***

## 9-17 (Reserved)

# Part 2 Responsibilities

## Section 1 Agency Responsibilities

### 18 Responsibilities

#### A FSA Responsibilities

FSA shall administer CRP. Supervision shall be provided by:

- STC to COC
- COC to County Offices for the day-to-day CRP operations.

#### B NRCS Responsibilities

NRCS will, as appropriate, participate in State-level technical determinations and policy reviews, such as evaluating soil payment rates, C/S policies, and other requirements.

#### C TSP Responsibilities

TSP will:

- assist County Offices and participants in identifying soil types for calculating maximum payment rates for continuous signup
- develop an approved conservation plan
- assist participants to ensure that practice specifications are met
- provide FSA with:
  - accurately completed CRP-2C for continuous signup
  - certification of practice completion
  - copy of completed annual status review
- through State Foresters:
  - develop the tree planting plan for:
    - inclusion in the approved conservation plan
    - approval of the Conservation District

## 18 Responsibilities (Continued)

### C TSP Responsibilities (Continued)

- provide technical assistance for the tree planting practices
- monitor and certify practice completions
- develop landowner stewardship plans for converted CRP-1's.

### D CSREES Responsibilities

CSREES will coordinate and conduct educational activities on CRP through the State Extension system.

### E Conservation Districts Responsibilities

Conservation Districts will have the opportunity to approve conservation plans.

## *--19 Memorandums of Understanding and Memorandums of Agreement

### A Approving Officials

All Memorandums of Understanding/Agreement, other than those in Exhibit 6 to administer CRP, require prior DAFP or Executive Vice President, CCC, approval.

### B NRCS Memorandum of Agreement

See Exhibit 6 for a copy of the approved Memorandum of Agreement between NRCS, FSA, and CCC.

### C FS Memorandum of Agreement

See Exhibit 6 for a copy of the approved Memorandum of Agreement between FS, FSA, and CCC.--*

## 20-30 Reserved)

## 31 STC Administrative Responsibilities

### A STC Responsibility

Within the authorities and limitations in this handbook, STC shall:

- direct the administration of CRP
- adjust SRR's according to Part 7, Section 1
- document actions taken in minutes or other written records
- approve State research projects
- determine whether meritorious relief is applicable on a case-by-case basis
- establish a per acre maintenance rate, according to paragraphs 124 and 153
- upon recommendation from the County Office, designate areas of the State where the use of tree shelters, netting, plastic tubes, or other animal damage control devices are warranted and cost-effective on CP3A, CP5A, CP16A, CP22, CP23, CP27, or CP28

  **Note:** See paragraph 441 and Exhibit 9.

- establish the primary nesting or brood rearing season for wildlife in consultation
  ***--**with the State Technical Committee; for States affected by the National Wildlife Federation Settlement Agreement, see subparagraph 293.5 B**--***

  **Note:** Establishment of the primary nesting or brood rearing season shall not be delegated to COC's or County Offices.

- notify Director, CEPD, each time the beginning date to the primary nesting or brood rearing season is changed by STC, in consultation with the State Technical Committee.

  **Note:** STC shall FAX changes to the Director, CEPD at 202-720-4619.

If STC does not establish dates as recommended by the State Technical Committee, STC **must**:

- submit dates to CEPD for approval
- include justification to support the dates not recommended by the State Technical Committee.

## 31 STC Administrative Responsibilities (Continued)

### A STC Responsibility (Continued)

**Note:** All cases submitted to DAFP for relief shall contain the following:

- copy of participant's written request for relief
- copy of COC and STC minutes thoroughly documenting request and justification
- copy of all applicable forms and documents in the case file, including but not limited to CRP-1's, CRP-2's, copy of aerial photocopies, conservation plans, land deeds, etc.
- all documentation used by COC and STC during review
- narrative of the case in chronological order.

  **Note:** Incomplete case files may delay response.

### B STC Delegating Responsibility

STC may delegate an official representative to sign documents.

### C Retaining Easement Forms

Although useful life easements are not required after the tenth CRP signup, State Offices shall retain all versions of easement forms on file.

## 32 COC Policies and Responsibilities

### A Establishing and Maintaining Policy

COC shall establish local policies that conform to national and State CRP policies.

National practices **shall** be offered in the State CRP for practices that have not been completed unless STC determines that the practice is not applicable to the State. See Exhibit 9.

Practice specifications shall be maintained for all practices that have not been completed.

## 32 COC Policies and Responsibilities (Continued)

### B COC Responsibilities

COC shall:

- fully comply with national and State CRP policies
- document actions taken in COC minutes
- document recommendations for relief to STC according to this handbook and 4-CP
- ***--**ensure that successors in interest to CRP-1's meet requirements in 1-PL or 4-PL, as applicable**--***
- ensure that County Office employees adhere to provisions and instructions in this handbook
- ensure that participants are taking necessary actions to establish scheduled conservation practices.

**Note:** See paragraph 405 for noncompliance.

## 33 Written Documentation

### A COC Actions

COC shall document determinations by recording in the COC minutes and completing any of the following as applicable:

- having a member sign the form
- making a note on the document
- attaching COC member's signed statement to the document
- ensuring a statement is in COC minutes.

### B County Office Employee Action

County Office employees shall ensure that facts obtained, or actions taken, are made a matter of written record by:

- recording the facts or actions on either of the following:
  - the document
  - a statement attached to the document
- signing or initialing the document.

## 34 Redelegations of Authority

### A Permitted Redelegations

COC may redelegate the following to CED:

- approving AD-245 for:
  - conservation practices
  - changes in extent and C/S, including increases if supported by TSP or NRCS
- extending the time to complete practice or report performance
- approving CRP-1, except for CRP-1's involving lands owned by STC, COC, or CED
- approving CRP-1G Addendum
- determining:
  - sufficiency of signatures
  - authority of persons signing in a representative capacity
  - contributions of individual or individuals sharing in establishing the practice
  - estimates for report of accomplishment
  - eligible cropland acres
- approving conservation plans.

## 34 Redelegations of Authority (Continued)

### B Prohibited Redelegations

COC shall not redelegate:

- actions and determinations involving lands owned by STC, COC, or CED
- determining violations of CRP-1's
- determining violations of landlord and tenant provisions
- hearing reconsideration appeals
- appeal decisions
- payment limitation determinations

***--Note:** See 1-PL or 4-PL, as applicable, for exceptions.**--***

- maintenance rate determinations if authorized by STC.

## 35 Actions on Redelegations

### A COC Action

COC shall:

- in COC minutes, document delegation standards and policies to be followed by CED
- establish review procedures to ensure correct implementation.

### B CED Action

CED shall carry out responsibilities delegated by COC.

## 36 CED Responsibilities

### A Nondelegated Responsibilities

Without formal delegation, and as part of the daily office operations, CED or program assistant designee shall:

- issue AD-245 to participants
- send referrals to TSP or NRCS
- approve AD-245 for payment
- prepare forms for C/S payments
- compute C/S and rental payments
- maintain and update changes in land ownership in the name and address file
- renumber fields redefined for CRP according to 2-CP
- maintain cropland classification for acres devoted to trees for the life of CRP-1
- determine value of refunds, interest, and liquidated damages, when applicable, and according to the provisions of this handbook
- inform landowners that CRP-1 expiration does not terminate the easement on the land under CRP-1. The landowner is responsible for removing the easement from the deed after the easement expires and written approval has been obtained from COC. COC shall **not** incur any expenses for removing the easement.

## 37-46 (Reserved)

## 47 NRCS Responsibilities

### A NRCS National Headquarters

The following table provides the responsibilities of the NRCS National Office.

| Position | Responsibilities |
|---|---|
| Deputy Chief for Programs | Provides overall national leadership for NRCS coordination of program development and implementation with FSA and other agencies. |
| Director, Conservation Operations Division | Provides national program leadership, representing the NRCS Chief in maintaining liaison and working relationship with program leaders in FSA.<br><br>Provides policy and procedural guidance on CRP operations to NRCS State Offices.<br><br>Coordinates training for State and Regional CRP activities. |

### B NRCS Regional Offices

The Regional Conservationist is responsible for providing oversight and evaluation of CRP to ensure:

- consistency in the use of RUSLE and WEQ
- consistency with the water and wind erosion index
- technical adequacy of conservation planning
- technical adequacy of conservation treatment implementation.

Continued on the next page

**C**
**NRCS State Offices**

State Conservationists provide leadership for NRCS activities associated with CRP activities in the State. State Conservationists:

- shall represent NRCS, and chair the State Technical Committee
- shall develop agreements with other Federal and State agencies, as applicable
- shall designate staff to carryout NRCS responsibilities at the State and field levels
- may transfer funds to Conservation Districts or other units of State or local government through cooperative agreements.

  **Note:** The application for funds must be made on SF-424-1 and forwarded to the State Conservationist by the unit of government.

**D**
**NRCS Area Offices**

In States with Area Offices, or the equivalent, the Area Conservationist shall carryout NRCS responsibilities for CRP as delegated by the State Conservationist.

Continued on the next page

## 47 NRCS Responsibilities (Continued)

### E NRCS Field Offices

The following table explains the responsibilities of the District Conservationist.

| Activity | Responsibility |
|---|---|
| Coordination and Representation | Coordinates responsibilities and represents NRCS with:<br>• FSA<br>• FSA COC<br>• State Forestry Agency<br>• State Wildlife Agency<br>• Conservation Districts<br>• other agencies, as appropriate. |
| Reporting and Records Management | Reports to FSA COC promptly:<br>• findings that may affect an applicant's eligibility, including changes in cropping history or management<br>• cases of apparent noncompliance with program requirements. |

## 47 NRCS Responsibilities (Continued)

### E NRCS Field Offices (Continued)

| Activity | Responsibility |
|---|---|
| Planning and Application | Assists producers with:<br><br>• developing a conservation plan that NRCS has technical responsibility for that contains all appropriate practices, including operation and maintenance<br><br>•*--servicing up to 10 percent of AD-862's for which NRCS has--* technical responsibility for the assigned practices identified in the conservation plan<br><br>• applying NRCS-assigned conservation practices for which NRCS has technical responsibility for ensuring that they meet FOTG standards<br><br>• obtaining conservation district approval of conservation plans<br><br>• coordinating planning of tree planting with the producer and State Forestry Agency representative for development of the tree planting plan to be referenced in the conservation plan (other approved electronic form). |
| Certification | Certifies on approved forms that the conservation plan meets minimum requirements before obtaining the Conservation District review and approval. |
| Completes Status Reviews | *--Completes status reviews, as applicable or up to 10 percent,--* according to procedure. |

### F NRCS Employee Prohibitions

NRCS employees are prohibited from servicing CRP-1's on land that they, or their immediate family, own or lease. The Area or State Conservationist shall designate another NRCS employee to service such CRP-1's.

**48-57 (Reserved)**

# Part 3 CRP Practices

## 58 National Practices

### A National Practices and Titles

National practices are listed in this table.

| Practice | Title |
|---|---|
| CP1 | Establishment of Permanent Introduced Grasses and Legumes |
| CP2 | Establishment of Permanent Native Grasses |
| CP3 | Tree Planting |
| CP3A | Hardwood Tree Planting |
| CP4B | Permanent Wildlife Habitat (Corridors), Noneasement |
| CP4D | Permanent Wildlife Habitat Noneasement |
| CP5A | Field Windbreak Establishment, Noneasement |
| CP8A | Grass Waterways, Noneasement |
| CP9 | Shallow Water Areas for Wildlife |
| CP10 | Vegetative Cover - Grass - Already Established |
| CP11 | Vegetative Cover - Trees - Already Established |
| CP12 | Wildlife Food Plot |
| CP15A | Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement |
| CP15B | Establishment of Permanent Vegetative Cover (Contour Grass Strips), on Terraces |
| CP16A | Shelterbelt Establishment, Noneasement |
| CP17A | Living Snow Fences, Noneasement |

## 58 National Practices (Continued)

### A National Practices and Titles (Continued)

| Practice | Title |
|---|---|
| CP18B | Establishment of Permanent Vegetation to Reduce Salinity, Noneasement |
| CP18C | Establishment of Permanent Salt Tolerant Vegetative Cover, Noneasement |
| CP21 | Filter Strips |
| CP22 | Riparian Buffer |
| CP23 | Wetland Restoration |
| CP23A | Wetland Restoration, Non-Floodplain |
| CP24 | Cross Wind Trap Strips |
| CP25 | Rare and Declining Habitat |
| CP27 | Farmable Wetlands |
| CP28 | Farmable Wetland Buffer |
| CP29 | Marginal Pastureland Wildlife Habitat Buffer |
| CP30 | Marginal Pastureland Wetland Buffer |
| CP31 | Bottomland Timber Establishment on Wetlands |
| CP32 | Expired CRP Hardwood Tree Planting on Marginal Pastureland |
| CP33 | Habitat Buffers for Upland Birds |
| CP35A | Emergency Forestry - Longleaf Pine - New |
| CP35B | Emergency Forestry - Longleaf Pine - Existing |
| CP35C | Emergency Forestry - Bottomland Hardwood - New |
| CP35D | Emergency Forestry - Bottomland Hardwood - Existing |
| CP35E | Emergency Forestry - Softwood - New |
| CP35F | Emergency Forestry - Softwood - Existing |
| CP35G | Emergency Forestry - Upland Hardwood - New |
| CP35H | Emergency Forestry - Upland Hardwood - Existing |
| CP35I | Emergency Forestry - Mixed Trees - Existing |
| CP36 | Longleaf Pine – Establishment |
| CP37 | Duck Nesting Habitat |
| * * * | * * * |
| *--CP38A | SAFE - Buffers |
| CP38B | SAFE - Wetlands |
| CP38C | SAFE - Trees |
| CP38D | SAFE - Longleaf Pine |
| CP38E | SAFE - Grass--* |

**Notes:** See Exhibit 9.

*--For SAFE practices, the title is determined by each State.--*

## 58 National Practices (Continued)

### *--B CRP Practices for Signup 33

This table lists eligible practices and CRP-1 length for signup 33.--*

| Practice | CRP-1 Length |
|---|---|
| CP1 | 10 |
| CP2 | 10 |
| CP3 | 10 |
| CP3A | 10 to 15 1/ |
| CP4B | 10 to 15 1/ |
| CP4D | 10 |
| CP10 | 10 |
| CP11 | 10 |
| CP12 2/ | 10 to 15 |
| CP25 | 10 to 15 1/ |
| CP32 | 10 |

1/ Producer shall elect a contract period between 10 and 15 years.

2/ CP12 is only available in conjunction with certain other practices. The length of CRP-1 is determined by the practice used in conjunction with CP12. See Exhibit 9.

## 58 National Practices (Continued)

### C CRP Practices for Continuous Signup

This table lists eligible practices and CRP-1 length for the continuous signup.

| Practice | CRP-1 Length |
|---|---|
| CP1 2/ | 10 |
| CP2 2/ | 10 |
| CP3 2/ | 10 |
| CP3A 2/ | 10 to 15 1/ |
| CP4B 2/ | 10 to 15 1/ |
| CP4D 2/ | 10 |
| CP5A | 10 to 15 1/ |
| CP8A | 10 |
| CP9 | 10 |
| CP10 2/ | 10 |
| CP15A | 10 |
| CP15B | 10 |
| CP16A | 10 to 15 1/ |
| CP17A | 10 to 15 1/ |
| CP18B | 10 |
| CP18C | 10 |
| CP21 | 10 to 15 1/ |
| CP22 | 10 to 15 1/ |
| CP23 | 10 to 15 1/ |
| CP23A | 10 to 15 1/ |
| CP24 | 10 |
| CP27 | 10 to 15 1/ |
| CP28 | 10 to 15 1/ |
| CP29 | 10 to 15 1/ |
| CP30 | 10 to 15 1/ |
| CP31 | Bottomland Timber Establishment on Wetland 10 to 15 1/ |
| CP33 | 10 |
| *--CP35A-I | 10 3/ |
| CP36 | 10 to 15 1/ |
| CP37 | 10 to 15 1/ |
| CP38 | Determined based on agreement.--* |

1/ Producer shall elect a contract period between 10 and 15 years.
2/ Practices eligible within approved wellhead protection areas only. See paragraph 112.
*--3/ Practices eligible only in States and counties authorized for EFCRP.--*

## 58 National Practices (Continued)

### D CRP Practices, Signup Types, Contract Lengths, and Incentives

This table provides CRP practices, signup types, contract lengths, and incentives.

| Practice Number And Name | Continuous | General | Contract Length | SIP | PIP | Rental Rate Incentive | Maximum Maintenance *--Incentive Rate |
|---|---|---|---|---|---|---|---|
| CP1, Establishment of Permanent Introduced Grasses and Legumes | Wellhead | X | 10 | N | N 1/ | Y (10%) for wellhead only | $2 |
| CP2, Establishment of Permanent Native Grass | Wellhead | X | 10 | N | N 1/ | Y (10%) for wellhead only | $2 |
| CP3, Tree Planting | Wellhead | X | 10 | N | N 1/ | Y (10%) for wellhead only | $2 |
| CP3A, Hardwood Tree Planting | Wellhead | X | 10-15 | N | N 1/ | Y (10%) for wellhead only | $2 |
| CP4B, Permanent Wildlife Habitat Corridors - Noneasement | Wellhead | X | 10-15 | N | N 1/ | Y (10%) for wellhead only | $2 |
| CP4D, Permanent Wildlife Habitat - Noneasement | Wellhead | X | 10 | N | N 1/ | Y (10%) for wellhead only | $2 |
| CP5A, Field Windbreak Establishment - Noneasement | X | | 10-15 | Y | Y | Y (20%) | $4 |
| CP8A, Grass Waterway - Noneasement | X | | 10 | Y | Y | Y (20%) | $2--* |

1/ PIP is authorized for practices enrolled under wellhead protector criteria.

## 58 National Practices (Continued)

### D CRP Practices, Signup Types, Contract Lengths, and Incentives (Continued)

| Practice Number And Name | Continuous | General | Contract Length | SIP | PIP | Rental Rate Incentive | Maximum Maintenance *--Incentive Rate |
|---|---|---|---|---|---|---|---|
| CP9, Shallow Water Areas for Wildlife | X | | 10 | N | Y | N | $2 |
| CP10, Vegetative Cover, Grass Already Established | Wellhead | X | 10 | N | N 1/ | Y (10%) for wellhead only | $2 |
| CP11, Vegetative Cover, Trees Already Established | | X | 10 | N | N | N | $2 |
| CP12, Wildlife Food Plot | | X | 10-15 | N | N | N | $2 |
| CP15A, Establishment of Permanent Vegetative Cover – Contour Grass Strip | X | | 10 | N | Y | N | $2 |
| CP15B, Establishment of Permanent Vegetative Cover – Contour Grass Strip on Terraces | X | | 10 | N | N | N | $2 |
| CP16A, Shelterbelt Establishment | X | | 10-15 | Y | Y | N | $4--* |

1/ PIP is authorized for practices enrolled under wellhead protector criteria.

## 58 National Practices (Continued)

### D CRP Practices, Signup Types, Contract Lengths, and Incentives (Continued)

| Practice Number And Name | Continuous | General | Contract Length | SIP | PIP | Rental Rate Incentive | Maximum Maintenance Incentive Rate |
|---|---|---|---|---|---|---|---|
| CP17A, Living Snow Fences - Noneasement | X | | 10-15 | Y | Y | N | $4 |
| CP18B, Establishment of Permanent Vegetation to Reduce Salinity - Noneasement | X | | 10 | N | Y | N | $2 |
| CP18C, Establishment of Permanent Salt Tolerant Vegetative Cover - Noneasement | X | | 10 | N | Y | N | $2 |
| CP21, Filter Strip | X | | 10-15 | Y | Y | Y (20%) | $2, $6, $7 |
| CP22, Riparian Buffer | X | | 10-15 | Y | Y | Y (20%) | $4, $6, $7 |
| CP23, 1/ Wetland Restoration | X | | 10-15 | *--Y | Y | Y (20%) | $2 |
| CP23A, 1/ Wetland Restoration, Non-floodplain | X | | 10-15 | Y | Y | Y (20%) | $2 |

1/ Incentives apply for contracts approved after November 3, 2008.--*

**58 National Practices (Continued)**

**D CRP Practices, Signup Types, Contract Lengths, and Incentives (Continued)**

| Practice Number And Name | Continuous | General | Contract Length | SIP | PIP | Rental Rate Incentive | Maximum Maintenance Incentive Rate |
|---|---|---|---|---|---|---|---|
| CP24, Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips | X | | 10 | N | Y | N | $2 |
| CP25, Rare and Declining Habitat | | X | 10-15 | N | N | N | $2 |
| CP27, Farmable Wetlands Pilot Wetland | X | | 10-15 | Y | Y | Y (20%) | $2 |
| CP28, Farmable Wetlands Pilot Buffer | X | | 10-15 | Y | Y | Y (20%) | $2 |
| CP29, Marginal Pastureland Wildlife Buffer | X | | 10-15 | Y | Y | Y (20%) | $2, $6, $7 |
| CP30, Marginal Pastureland Wetland Buffer | X | | 10-15 | Y | Y | Y (20%) | $2, $6, $7 |
| CP31, 1/ Bottomland Timber Establishment on Wetlands | X | | 10-15 | *--Y | Y | Y (20%)--* | $2 |
| CP32, Expired CRP Hardwood Tree Planting on Marginal Pastureland | | X | 10 | N | N | N | $2 |

*--1/ Incentives apply for contracts approved after November 3, 2008.--*

## 58 National Practices (Continued)

### D CRP Practices, Signup Types, Contract Lengths, and Incentives (Continued)

| Practice Number And Name | Continuous | General | Contract Length | SIP | PIP | Rental Rate Incentive | Maximum Maintenance *--Incentive Rate |
|---|---|---|---|---|---|---|---|
| CP33, Habitat Buffers for Upland Birds | X | | 10 | Y | Y | N | $2 |
| CP35A, Emergency Forestry – Longleaf Pine-New | X | | 10 | N | N | N | $2 |
| CP35B, Emergency Forestry – Longleaf Pine-Existing | X | | 10 | N | N | N | $2 |
| CP35C, Emergency Forestry – Bottomland Hardwood - New | X | | 10 | N | N | N | $2 |
| CP35D, Emergency Forestry – Bottomland Hardwood - Existing | X | | 10 | N | N | N | $2 |
| CP35E, Emergency Forestry – Softwood - New | X | | 10 | N | N | N | $2 |
| CP35F, Emergency Forestry – Softwood - Existing | X | | 10 | N | N | N | $2--* |

## 58 National Practices (Continued)

### D CRP Practices, Signup Types, Contract Lengths, and Incentives (Continued)

| Practice Number And Name | Continuous | General | Contract Length | SIP | PIP | Rental Rate Incentive | Maximum Maintenance Incentive Rate |
|---|---|---|---|---|---|---|---|
| 35G, Emergency Forestry – Upland Hardwood - New | X | | 10 | N | N | N | $2 |
| 35H, Emergency Forestry – Upland Hardwood - Existing | X | | 10 | N | N | N | $2 |
| 35I, Emergency Forestry – Mixed Trees - Existing | X | | 10 | N | N | N | $2 |
| CP36, Longleaf Pine - Establishment | X | | 10-15 | Y | Y | N | $2 |
| CP37, 1/ Duck Nesting Habitat | X | | 10-15 | *--Y | Y | Y (20%)--* | $2 |
| CP38A, SAFE - Buffers | X | | 10-15 | Y | Y | N | $2 |
| CP38B, SAFE – Wetlands | X | | 10-15 | Y | Y | N | $2 |
| CP38C, SAFE – Trees | X | | 10-15 | Y | Y | N | $2 |
| CP38D, SAFE – Longleaf Pine | X | | 10-15 | Y | Y | N | $2 |
| CP38E, SAFE - Grass | X | | 10-15 | Y | Y | N | $2 |
| *--CP39, FWP Constructed Wetland | X | | 10-15 | Y | Y | Y | $2 |
| CP40, FWP Aquaculture Wetland Restoration | X | | 10-15 | Y | Y | Y | $2 |
| CP41, FWP Flooded Prairie Wetlands | X | | 10-15 | Y | Y | Y | $2 |

1/ Incentives apply for contracts approved after November 3, 2008.--*

**59-68 (Reserved)**

# *--Part 4 Total County Cropland

## 69 Cropland Limitation

### A All CRP/WRP and CRP General Signup--*

The Food Security Act of 1985, as amended, requires that USDA not enroll more than 25 percent of the total cropland in a county in CRP, including Continuous, CREP, FWP, and WRP, unless the Secretary determines **both** of the following:

- the action would not adversely affect the local economy of the county
- producers in the county are having difficulties complying with conservation plans.

**Note:** Counties with no or minimal cropland with an EI of 15 or greater are not eligible for a waiver of the 25 percent cropland limitation.

***--**This cropland limitation does not apply to acreage:

- enrolled in EWRP that is administered by NRCS
- CRP marginal pastureland
- WRP marginal pastureland.

After CRP-1 expiration, land subjects to a CRP easement will continue to be included when determining acres enrolled in CRP for the 25 percent cropland limitation.

**Note:** System 36b data is used as the basis for these calculations.

***--**When authorized by notice, COC's may reserve acreage for continuous, FWP, CREP, and WRP signups. COC's that reserve acreage for continuous, FWP, CREP, and WRP signups have 2 total county cropland limits; the county:

- 25 percent limit for all CRP/WRP acreage that shall continue to apply to all CRP and WRP cropland enrolled, except for counties that obtain future waivers to exceed this 25 percent level

- limit for general signup acreage.**--***

### B Total Cropland

The total cropland acreage amount is maintained in the CRP software in the County Office. The software enables County Offices to compare the amount of cropland acreage enrolled in CRP and WRP to the total cropland acreage in the county. WRP cropland data shall be updated when acreage data is provided by NRCS on an annual basis, by December 31.

## *--69 Cropland Limitation (Continued)--*

### B Total Cropland (Continued)

After WRP easement is filed, NRCS shall provide:

- total acreage under easement
- photocopy of easement acreage.

**Note:** County Offices shall update:

- CRP software total cropland data according to 1-CRP
- aerial photography designating WRP acreage as noncropland according to 2-CP
- the farm and tract record according to 3-CM.

To determine percent of cropland enrolled in CRP or WRP, the County Office shall:

- on Menu EPCA00, ENTER “10” to review percent of cropland available, according to 1-CRP

- divide acreage offered during CRP signup period by total cropland available.

### *--C Acreage Subject to All CRP/WRP Limit

Acreage **subject** to the applicable cropland limits, and included in cropland limit reports, includes:

- CRP active cropland acreage on contracts projected to be active October 1 of the current year and all later years

- CRP useful easement acreage under active easement periods but under expired CRP-1 contracts

- WRP cropland acreage as reported by NRCS and recorded by County Office staff in System 36 files.

**Note:** Under REX signups exceptions to CRP acreage subject to the cropland limits may be made by the National Office to “forward expire” active CRP acreage.--*

## *--69 Cropland Limitation (Continued)

### D Acreage Not Subject to the Applicable Cropland Limits (Continued)

Acreage **not subject** to the applicable cropland limits and excluded from cropland limit reports, includes:

- any land enrolled in the EWRP program administered by NRCS
- pastureland or other non-cropland enrolled in the WRP program administered by NRCS
- CRP marginal pasture land
- CRP cropland acreage on active contracts scheduled to expire September 30 of the current year.

### E Counties Exceeding Maximum Acreage

When the current enrolled acreage exceeds the limitation and a waiver has not been--* approved, County Offices shall:

- announce the CRP signup period
- notify all producers that only offers for continuous signup for marginal pastureland practices CP22, CP29, and CP30 and land physically located in a county that has not reached or exceeded the 25 percent limitation will be processed.

  **Note:** See subparagraph A and paragraph 194.

**Note:** COC shall immediately reject all offers for acreage physically located in the county and inform the producer using CRP-26.

***--69 Cropland Limitation (Continued)--***

**F Requesting Waivers**

**For CRP**, if the current accepted CRP and WRP acreage in a county has either exceeded 25 percent limitation or is within the smaller of 1,000 acres or 1 percent of 25 percent of the ***--**total cropland for CRP general signup set by the COC according to subparagraph 69 A in**--*** the county:

- COC may:
  - with STC concurrence, determine to have signup for continuous signup for marginal pastureland practices CP22, CP29, or CP30 only
  - request a waiver of the cropland limitation from STC
- COC shall:
  - ***--**document case thoroughly and record in COC minutes
  - complete AD-894 and AD-893 according to paragraphs 70 and 71 respectively, if**--*** a waiver will be requested
  - submit requests to STC by a STC-established deadline
  - include verifiable documentation that indicates producers are having difficulties complying with conservations plans.

    **Important:** Waivers must:

    - be approved by DAFP before the applicable signup begins
    - ***--**are authorized only for the upcoming signup and do not apply to future signups**--***

**For WRP**, NRCS:

- is responsible for:
  - determining whether a waiver will be requested
  - making the request
- will complete AD-894 if a waiver will be requested
- will submit NRCS determinations to STC for concurrence.

**Note:** Upon NRCS request, COC shall distribute AD-893's to at least a 10 percent random sampling of agricultural producers and groups listed on AD-894, items 26 and 27.

## *--69 Cropland Limitation (Continued)--*

### G What to Include With Waiver Request

County Offices shall include the following with the request:

- letters of recommendation from at least 1 county commissioner and Soil Conservation District
- AD-894 with all items completed
- copies of all AD-893's.

**Note:** County Offices shall:

- distribute AD-893 to at least 10 percent random sampling of the agricultural producers and groups listed on AD-894, items 26 and 27
- summarize and keep returned AD-893's on file for 10 years.

## *--69 Cropland Limitation (Continued)--*

### H STC Waiver Review and Determination

STC shall:

- review AD-894, letters of recommendation, and AD-893's submitted by the County Office

- determine whether an adequate number of AD-893's were distributed to sample the opinions of producers, agricultural-related business, and others

- based on AD-894, determine the level of interest in the county for waiving the 25 percent cropland limitation requirement and the effect of a waiver on producers and businesses in the county

  **Note:** If a waiver would have significant adverse affects, as determined by STC, deny the request.

- thoroughly document the basis used to determine whether producers are having difficulties complying with conservation plans

- submit verifiable documentation that indicates producers are having difficulties complying with conservation plans

  **Note:** If producers are **not** having difficulties complying with conservation plans, STC shall deny request.

  **Important:** Counties with no or minimal cropland with an EI of 15 or greater are **not** eligible for a waiver of the 25 percent cropland limitation.

- obtain NRCS concurrence on all waiver determinations

- if all requirements are met and STC recommends a waiver be approved, submit request and recommendation to CEPD for determination

- if all requirements are **not** met or STC does not recommend a waiver be approved, deny request and notify CEPD that the:

  - request was denied and include the reason for denial

  - county will only process offers for land physically located in a county that has **not** reached or exceeded the 25 percent cropland limitation or continuous signup offers for marginal pastureland practices CP22, CP29, and CP30.

## 70 Completing AD-894

### A How to Complete AD-894

Complete AD-894 according to this table.

| Item Number | Instructions | |
|---|---|---|
| 1 | Enter the county name. | |
| 2 | Enter the State name. | |
| 3 | Check the applicable program (CRP or WRP) for which a waiver is being requested. | |
| 4 | Enter total cropland in the county. | |
| 5 | Enter the maximum cropland limitation for CRP and WRP (25 percent of the total cropland in the county). | |
| 6 | Enter the maximum cropland limitation for easements (10 percent of the total cropland in the county). | |
| 7 | Complete items 7 through 10 as follows. | |
| | **Line** | **Instructions** |
| | A | Enter total acres approved for CRP. |
| | B | Enter total easement acres, excluding CP5 and CP16, approved for CRP. |
| | C | Leave blank if this request is for CRP waiver. |
| | D | Enter total cropland acreage under WRP easement. |
| 8 | A | Enter the total number of acres being offered for CRP during the current signup. |
| | B | Enter the number of easement acres, excluding CP5 and CP16, being offered for CRP. |
| | C | Leave blank if this request is for CRP waiver. |
| | D | Leave blank if this request is for CRP waiver. |
| 9 | A | Enter CRP total acres approved and offered (item 7 A plus item 8 A). |
| | D | Enter total cropland acreage from item 7 D. |
| 10 | B | Enter the total easement acres, excluding CP5 and CP16, approved for CRP. |
| | D | Leave blank if this request is for CRP waiver. |

**A**
**How to Complete**
**AD-894**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 11 | Enter the total CRP acres approved and the total cropland acres approved for WRP (sum of item 7 A plus item 7 D). |
| 12 | Enter the total acres offered for CRP or total cropland acres for WRP (item 8 A or 8 D, as applicable). |
| 13 | Enter the sum of item 9 A plus item 9 D. |
| 14 | Enter the sum of item 10 B plus item 10 D. |
| 15 | Enter the percentage of total county cropland accepted in both CRP and WRP (item 7 A plus item 7 D divided by item 4). |
| 16 | Enter the percentage of cropland being offered in the **current** signup (item 8 A or 8 D divided by item 4). |
| 17 | Enter the percentage of cropland waiver requested (item 13 divided by item 4 minus 25 percent). |
| 18 | Enter percentage of easement accepted (item 7 B plus item 7 D divided by item 4). |
| 19 | Enter percentage of easement offered (item 12 divided by item 4). |
| 20 | Enter percentage of easement waiver requested (item 14 divided by item 4 minus 10 percent). |
| 21 through 23 | Enter the acres and percentage of waiver being requested for the following:<br>• COC recommendation to STC<br>• Governor or State Director of Agriculture<br>• County Commissioners. |

Continued on the next page

**A**
**How to Complete**
**AD-894**
**(Continued)**

<table>
<tr><th>Item Number</th><th colspan="2">Instructions</th></tr>
<tr><td>24</td><td colspan="2">Enter the acres and percentage of waiver being requested from the following agricultural leaders in the community:<br><br>• CSREES<br>• NRCS<br>• Soil Conservation District<br>• FS<br>• other.</td></tr>
<tr><td rowspan="4">25</td><td colspan="2">Complete a random sample of agricultural producers in the county as follows.</td></tr>
<tr><th>Column</th><th>Instructions</th></tr>
<tr><td>A</td><td>Enter the number of agricultural producers who favor an increase in the cropland limitation for easements in the county.</td></tr>
<tr><td>B</td><td>Enter the average percent of increase recommended by agricultural producers in the county.</td></tr>
<tr><td>C</td><td>Enter the number of agricultural producers who are against an increase in the cropland limitation for easements in the county.</td></tr>
</table>

Continued on the next page

**A**
**How to Complete**
**AD-894**
**(Continued)**

| Item Number | Instructions | |
|---|---|---|
| 26 | Complete a random sample of agriculture-related businesses in the county as follows. | |
| | **Column** | **Instructions** |
| | A | Enter the number of agriculture-related businesses that favor an increase in the county cropland limitation. |
| | B | Enter the average amount of increase (percent) that is being recommended by each agriculture-related business sampled. |
| | C | Enter the number of agriculture-related businesses sampled that are opposed to an increase in the county cropland limitation. |
| 27 | **Column** | **Instructions** |
| | A | Enter the number of nonagriculture-related businesses sampled that favor an increase in the county cropland limitation. |
| | B | Enter the average amount of increase (percent) that is being recommended by each nonagriculture-related business sampled. |
| | C | Enter the number of nonagriculture-related businesses sampled that opposed an increase in the county cropland limitation. |

Continued on the next page

**B**
**Example of AD-894**

This is an example of AD-894.

REPRODUCE LOCALLY. Include form number and date on all reproductions.

| AD-894 (07-03-95) UNITED STATES DEPARTMENT OF AGRICULTURE<br>REQUEST FOR CROPLAND WAIVER | 1. County: Madison | 2. State: Mississippi |
|---|---|---|
| NOTE: CP5 and CP16 acres approved after March 31, 1991 are not to be included in CRP easement acres. | 3. Mark applicable program: CRP X WRP | 4. Total Cropland in County (CRP/WRP Purposes): 143,119.1 |

| Authorized Limitation Acres | | 5. County Cropland (25% of Item 4) ➤ 35,779.8 | | 6. Easement (10% of Item 4) ➤ 14,311.9 | |
|---|---|---|---|---|---|
| | | 7. Approved | 8. Offered | 9. Cropland | 10. Easement |
| CRP | A. Total | 34,220.1 | 1,880.5 | 36,100.6 | |
| CRP | B. Easement | 359.4 | | | 359.4 |
| WRP | C. Total | | | | |
| WRP | D. Cropland | 550.4 | | 550.4 | |
| TOTAL ➤ | | 11. (Item 7A plus Item 7D) 34,770.5 | 12. (Item 8A or Item 8D as applicable) 1,880.5 | 13. (Item 9A plus Item 9D) 36,651.0 | 14. (Item 10B plus Item 10D) 359.4 |

| 15. % of Cropland Accepted (Item 11 divided by Item 4) | 16. % of Cropland Offered (Item 12 divided by Item 4) | 17. % of Cropland Waiver Requested (Item 13 divided by Item 4 minus 25%) |
|---|---|---|
| 24.2948 % | 1.3139 % | .6087 % |
| **18. % of Easement Accepted (Item 7B plus Item 7D divided by Item 4)** | **19. % of Easement Offered (Item 12 divided by Item 4)** | **20. % of Easement Waiver Requested (Item 14 divided by Item 4 minus 10%)** |
| % | % | % |

| | | A. ACRES | B. PERCENT |
|---|---|---|---|
| 21. COC Recommendation to STC for Acceptance. (Do not exceed amount necessary to cover current enrollment period.) | | 1,880.5 | 1.3139 % |
| 22. Governor or State Director of Agriculture | | 1,880.5 | 1.3139 % |
| 23. County Commissioners | | 1,880.5 | 1.3139 % |
| 24. AGRICULTURAL LEADERS IN THE COMMUNITY | a. CSREES | 1,880.5 | 1.3139 % |
| | b. NRCS | 1,880.5 | 1.3139 % |
| | c. Soil Conservation District | 1,880.5 | 1.3139 % |
| | d. FS | 1,880.5 | 1.3139 % |
| | e. Other | 1,880.5 | 1.3139 % |

| ITEM | | A. NUMBER FOR INCREASE | B. AVERAGE (%) | C. NUMBER AGAINST INCREASE |
|---|---|---|---|---|
| 25. Random Sample of Agricultural Producers | | 5 | 2 % | 0 |
| 26. Random Sample of Agriculture-Related Businesses | a. Bankers/Lending Institutions | 2 | 2 % | 0 |
| | b. Feed/Seed/Fertilizer Dealers | 1 | 2 % | 0 |
| | c. Oil/Gas Suppliers | | % | |
| | d. Implement Dealers | 2 | 2 % | 0 |
| | e. Other | 1 | 2 % | |
| 27. Random Sample of Nonagriculture-Related Businesses | a. Grocery | 1 | 2 % | 0 |
| | b. Auto Sales/Service | | % | |
| | c. Other | | % | |

*This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.*

## 71 Completing AD-893

**A**
**How to Complete AD-893**

Complete AD-893 according to this table.

| Item Number | Instructions |
|---|---|
| | Items 1 through 9 are to be completed by the FSA County Office. |
| 1 and 2 | Self-explanatory. |
| 3 | Enter the date AD-893 is distributed to the groups in item 11. |
| 4 through 8 | Enter the information for the county from Screen EPC1001 or EPC1002. |
| 9 | Self-explanatory. |
| | Items 10 through 14 are to be completed by representatives of NRCS, Soil Conservation District, CSREES, and FS, at least 1 county commissioner, and any additional local groups that would have an interest in the effect of program impact on the local economy. |
| 10 | The person completing AD-893 shall enter recommendations as follows. |
| | **Item** / **Instructions** |
| | A: Enter recommendation for county cropland percentage for CRP. |
| | B: Leave blank if this request is for CRP waiver. |
| | C: Enter “yes” or “no” to indicate whether the county cropland limitation should exceed the 25 percent by a small increase. If yes, enter the increase. |
| 11 | Check the applicable group or groups in which the representative participates. |
| 12 | Enter any additional comments or recommendations. |
| 13 | Enter the name of the person completing items 10 through 12. |
| 14 | The person completing items 10 through 13 shall sign and date AD-893. |

Continued on the next page

## 71 Completing AD-893 (Continued)

### B Example of AD-893

This is an example of AD-893.

This form is available electronically.

Form Approved - OMB No. 0560-0125

**AD-893** (08-20-01) U.S. DEPARTMENT OF AGRICULTURE

**RECOMMENDATION OF PERCENT OF CROPLAND TO BE ENROLLED IN CRP/WRP**

1. COUNTY OFFICE ADDRESS: Madison County FSA Office, P.O. Box 609, Canton, MS 39046

2. COUNTY OFFICE TELEPHONE NO. *(area code)*: (601) 859-3573

3. DATE *(MM-DD-YYYY)*: 09-14-2003

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is Pub. L. 99-198 as amended and Pub. L. 101-524 authorize the collection of the following data. The information will be used to determine the percent of cropland which can be enrolled in CRP and/or WRP in each county. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in denial of benefits. This information maybe provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 651, 1001; 15 USC 714m; and 31 USC 3729, maybe applicable to the information provided.*

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0125. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

The Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP) regulations limits enrollment to 25 percent of the cropland in our county with not more than 10% in easements, unless the Secretary of Agriculture determines that further enrollment will not adversely effect the economy of our county. The recommendations from our residents, farmers, merchants, key agricultural leaders, County Committee, and local and State elected officials will assist the Secretary in determining the percent of cropland which can be enrolled in CRP/WRP from our county. Please review information in Part A and then complete Part B, items 10-14.

**PART A - TO BE COMPLETED BY FSA**

| | ACRES |
|---|---|
| 4. Enter the total cropland in the county. | 143,119.1 |
| 5. Enter twenty-five percent of the cropland *(Item 4 times 25%)*. | 35,779.8 |
| 6. Enter ten percent of the cropland *(Item 4 times 10%)*. | 14,311.9 |
| 7. Enter the current enrollment in CRP excluding CP5 and CP16 *(current accepted acreage-not including this signup)*. | 34,220.1 |
| 8. Enter the current enrollment in WRP and CRP easements excluding CP5 and CP16 *(current accepted acreage-not including this signup)*. | 909.8 |

**PART B - TO BE COMPLETED BY RESPONDENT**

9. PLEASE COMPLETE ITEMS 10 THROUGH 14 AND RETURN THIS FORM TO THE COUNTY FSA OFFICE AT THE ADDRESS IN ITEM 1 NO LATER THAN ➡

**RETURN THIS FORM BY:** October 1, 2003

| | PERCENT |
|---|---|
| 10A. I recommend that the limit on cropland enrolled in the Conservation Reserve Program for our county be set at | 27 % |
| 10B. I recommend that the limit on cropland enrolled in the Wetlands Reserve Program for our county be set at | % |

10C. If you recommended 25%, but the county's acreage enrollment under this signup only exceeds the 25% by a small percent, would you be willing to recommend for approval this small increase? YES ☐ NO ☐ Up to what percent? _____ %

11. I belong to the following groups (please mark all that apply):

| | | | | | |
|---|---|---|---|---|---|
| County Commissioner | ☐ | Local: | | Other Agriculture-Related Business | ✔ |
| FSA County Committee Member | ☐ | NRCS | ☐ | Grocery | ☐ |
| FSA Community Committee Member | ☐ | Conservation District | ☐ | Auto Sales | ☐ |
| Agricultural Banker/Lender | ☐ | CSREES | ☐ | Other Business Not Directly Related to Agriculture | ☐ |
| Feed/Seed/Fertilizer Dealer | ☐ | FS | ☐ | Other | ☐ |
| Agricultural Oil/Gas Supplier | ☐ | Implement Dealer | ☐ | | |

12. COMMENTS ON RECOMMENDATIONS *(If any)*

| 13. NAME *(Please Print)* | 14. SIGNATURE | DATE *(MM-DD-YYYY)* |
|---|---|---|
| John Smith | | 10/1/2003 |

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## 72-81 (Reserved)

# Part 5 Eligibility Requirements

## Section 1 Producer Eligibility Requirements

### 82 Eligible Person

#### A Eligible Participants

Eligible participants can include:

- individual
- associations
- trusts
- other legal entities
- local governments
- Indian Tribal ventures
- corporations
- joint stock companies
- estates
- State governments
- joint operations.

#### B Eligibility Criteria for Owners

An owner is eligible to offer land for enrollment in CRP if the owner meets 1 of the following requirements:

- owned the land for 12 months before the close of signup for general signup offers

  **Exceptions:** Owners of land under expiring CRP-1 may reoffer such land for enrollment regardless of the length of ownership if all other eligibility requirements are met.

  Owners of land purchased that was under CRP-1 at the time of purchase may reoffer the land for enrollment regardless of length of ownership, if all other eligibility requirements are met.

- owned land for 12 months before submitting the offer

  **Note:** See paragraph 83 for ownership waivers.

## 82 Eligible Person (Continued)

### B Eligibility Criteria for Owners (Continued)

- acquired the land by will or succession as a result of death

- acquired the land under circumstances other than for placement in CRP, as determined by DAFP.

**Notes:** Ownership eligibility requirements shall be satisfied if there is any combination of *--continuously leasing and owning by the same "person" according to 1-PL or person or legal entity according to 4-PL, during the 12-month period before the close of the--* current signup period.

When new land is acquired and added to a farm that meets the requirements of this subparagraph, the new land may only be offered when it also meets the ownership eligibility requirements of this subparagraph.

### C Eligibility Criteria for Operators

An operator is eligible to offer land for enrollment in CRP when the operator meets all of the following requirements:

- operated the land for 12 months before the close of current of signup for general signup

- operated the land for 12 months before submitting the offer for Continuous, CREP, and FWP signups

- provides satisfactory evidence, as determined by COC, that control of the land will continue uninterrupted for the CRP-1 period.

  **Note:** Satisfactory evidence may include any of the following:

  - statement signed by the owner
  - written lease for the appropriate time period
  - owner's signature on CRP-1.

Operator eligibility requirements shall be satisfied if there is any combination of leasing and *--owning by the same "person" according to 1-PL or person or legal entity according to 4-PL, during the 12-month period before the close of the current signup period.--*

## 82 Eligible Person (Continued)

### D Payment Share Policy

An eligible person, as either owner or operator, offering land for CRP must be eligible to offer land for CRP in his or her own right.

Participants will determine shares. COC shall approve shares provided they are not designed to circumvent other program regulations. Payment shares are not required to be commensurate with previous CRP annual rental payments or interests on other contracts or agreements in the County Office.

**Note:** "0" percent share is not an appropriate share for the person qualifying the land.

### E Date Ownership Commences

County Offices shall determine ownership eligibility based on:

- the later of the following:
  - the date the deed was recorded
  - the date of possession, if the possession date is after the deed recording date

  **Note:** When a deed has not been recorded in the local land records office, the case shall be submitted to DAFP, Attn.: Director, CEPD, for review before CRP-1 is approved.

- the date a buyer properly filed a contract-for-deed with the seller under applicable State law

- the date the land was acquired, through foreclosure proceedings, and the new owner has the right of occupancy.

  **Note:** This provision applies only to land acquired through foreclosure proceedings.

### F Date Operatorship Commences

County Offices shall use County Office records to determine the date operatorship commenced. If no records exist, the operator shall provide adequate assurance, as determined by COC, that the operator is eligible to participate.

## 83 Waiving Ownership Eligibility Requirements

### A COC Waivers of Ownership Requirements

COC's may accept land in CRP that does not meet the ownership requirements in subparagraph 66 B when:

- the land is any 1 of the following:

  - acquired from an immediate family member within the 12-month period. The total time owned by the family members was more than 12 months. Immediate family members include parents, children, siblings, grandparents, adopted children, and spouse.

  - owned for more than 12 months, then sold on contract for deed. Later the original owner repossessed the land and wants to submit an offer for CRP.

  - sold and the original owner holds the mortgage. The original owner regains title through foreclosure proceedings after the new owner files for bankruptcy. The original owner is eligible if the land was owned for at least 12 months.

  - owned by a joint venture or general partnership of which at least 1 member has owned at least 50 percent of the land for the required 12-month period.

    **Example:** Tim and Steve have owned 100 acres with an undivided interest for the last 10 years. Tim has a 60 percent share and Steve has a 40 percent share. Six months before the end of the CRP signup period, Tim bought Steve's share of the land and became the sole owner. Tim is eligible to offer land in CRP. If Steve had bought Tim's interest, Steve would not be eligible to enroll the land.

## 83 Waiving Ownership Eligibility Requirements (Continued)

### A COC Waivers of Ownership Requirements (Continued)

- a producer did 1 of the following.

  - Producer leased a farm with an option to buy. The producer operated the acreage for more than 12 months before the close of the current signup period, then purchased the land shortly before signup.

  - Producer owned a farm for more than 12 months. The producer then purchases additional acreage and the farms are combined. CRP-1 can be approved on the resulting farm only if the designated acres are all on the original tract.

  - Producer owned a farm for more than 12 months. The producer then lost land in foreclosure and exercised the right of redemption under State law, thereby redeeming the land from the mortgage holder before signup.

COC may waive the 12-month ownership requirement if the total offered acreage is less than or equal to 10 percent of the total cropland purchased.

**Example:** James Smith (owner) purchased 180 acres of cropland on January 15, 2003. This purchase is less than 1 year before the end of the signup period. Mr. Smith offered 15 acres of cropland for enrollment in CRP. Because the 15 acres of cropland is less than or equal to 10 percent of the total cropland purchased, COC may waive the 12-month ownership provision.

Waivers for conditions not listed in this paragraph may only be approved by DAFP. All requests for waivers must include COC and STC recommendation and all relevant documentation to support the request, including a copy of the COC minutes that clearly indicate why COC determined to recommend the waiver.

**Note:** When STC does not recommend approval of a waiver request, STC shall deny the request and provide appeal rights according to 1-APP.

## 83 Waiving Ownership Eligibility Requirements (Continued)

### B STC Waivers of Ownership Requirements

STC may waive the 12-month ownership requirement if the total offered acreage is less than or equal to 20 percent of the total cropland purchased.

**Example:** John Jones (owner) purchased 400 acres of farmland on January 20, 2003. The total cropland purchased is 300 acres. This purchase is less than 1 year before the end of the signup period. Mr. Jones offered 50 acres of cropland for enrollment in CRP. Because the 50 acres of cropland is less than or equal to 20 percent of the total cropland purchased, STC may waive the 12-month ownership provisions.

### C Offer Acceptance When Eligibility Is Questionable

When ownership eligibility is questionable, County Offices shall accept offers.

County Offices shall:

- inform the producer that the offer shall not be considered until ownership eligibility has been determined
- **not** transmit offers for which ownership eligibility has not been determined.

## 84 Structural Change in Ownership of Land

### A Structural Change Policy

CRP ownership eligibility criteria provides an exception for structural changes in joint
*--operations. See 1-PL or 4-PL, as applicable, for the definition of joint operations.--*

**Note:** Structural changes in entities, such as corporations, trusts, or limited partnerships, do not affect ownership eligibility but may affect payment limitation.

When a structural change has occurred in a joint operation within the 12-month ownership requirement and the persons continuing to conduct the farming operation after the reorganization were primarily responsible for conducting the farming operation before the reorganization, the members are eligible for CRP.

**Example:** Smith Farms consisted of 3 members in a general partnership. The partnership made a structural change adding a family member as a general partner. The partnership increased by 1 person 6 months before the end of signup.

**Note:** The structural change policy applies to owners **and** operators.

### B Limited Annual Rental Payments

Annual rental payments for joint operations qualifying for CRP under the structural change exception shall be limited to the lower of the maximum payment limitation per person for the persons determined eligible before the reorganization versus after the reorganization.

**Example:** Using the example in subparagraph A, Smith Farms' CRP-1 shall be limited to $150,000 in annual rental payments. Although the maximum contract payment is determined for 3 persons, each of the 4 members will receive their appropriate share of the total payment.

## 85 Right of Redemption After Foreclosure Provision

### A Policy

Producers who, before submitting a CRP offer, exercised their right of redemption under State law and redeemed land from a mortgage holder after foreclosure or after voluntarily conveying the acreage to the lending institution instead of foreclosure are eligible to participate if all of the following are met:

- the length of original land ownership, foreclosure, redemption, and resulting ownership is at least 12 months

- the producer agrees in writing that CRP-1 shall not be assumed by a successor-in-interest

  **Note:** COC shall approve CRP-1 only after agreement is received.

- the acreage is otherwise eligible according to Section 2.

### B Notifying the Producer

County Offices shall:

- use CRP-25 to notify producers who had a brief loss of ownership, because of foreclosure or the threat of foreclosure, that they may participate when all other eligibility requirements are met

  **Note:** See Exhibit 12 for an example of CRP-25.

- modify CRP-25 to fit the specific case

- reproduce CRP-25 locally

  **Note:** Include the form number and date on the reproduction.

- prepare CRP-25 in duplicate

- mail original CRP-25 to the producer

- file a copy of CRP-25 with the producer's offer.

## 86 CRP Landlord and Tenant Provisions

### A Landlord and Tenant Provisions

Landlords shall:

- when the acreage offered is not enrolled in CRP at the time of signup:
  - provide tenants, who have an interest in the acreage being offered at the time of signup, an opportunity to participate in CRP
  - not reduce the number of tenants on the farm as a result of or in anticipation of enrollment in CRP
- when the acreage offered is enrolled in CRP at the time of signup, provide tenants, with an interest in the CRP-1 acreage, an opportunity to participate in CRP if either of the following apply:
  - the tenant is otherwise involved in farming other cropland acreage on the farm at the time of signup
  - the tenant has an interest in the acreage being offered on the effective date of the new CRP-1.

  **Note:** Interest in CRP-1 is not considered farming.

COC shall inform all producers that landlords who violate these provisions shall be ineligible to earn CRP payments, including annual rental payments, incentive payments, and C/S payments, until COC determines that the landlord is no longer in violation. See subparagraph B.

### B Before Approving CRP-1

COC shall determine whether landlord tenant provisions have been violated before approving CRP-1.

When there is a dispute between a landlord and tenant, and COC determines there is insufficient evidence to make a determination, COC shall refuse to approve CRP-1 until the landlord and tenant resolve the dispute.

If the landlord and tenant provisions have been violated, COC shall not approve CRP-1.

## 86 CRP Landlord and Tenant Provisions (Continued)

### C Binding CRP-1

An approved CRP-1 is a binding 10- through 15-year contract between all signatories on CRP-1, with a share greater than zero, and CCC. For contracts enrolled before signup 13, CRP-1 is binding between all signatories regardless of the participant's payment share.

- Transferring interest in the land under CRP-1 does **not** relieve COC's responsibility to ensure protection of the rights of the operator or tenants who are signatories on CRP-1 and who continue to have an interest in the acreage.

- CRP policy prohibits a landlord from replacing or removing the operator, tenant, or an estate from CRP-1 **unless** at least 1 of the conditions in subparagraph F or G are met.

### D When Provisions Do Not Apply

Landlord and tenant provisions do **not** apply when the tenant:

- was removed for cause as determined by RA according to State law
- left the farm voluntarily without any coercion from the landlord.

**Note:** A signed statement by the tenant or sharecropper voluntarily relinquishing his or her right to the farm or CRP benefits is sufficient evidence to show voluntary removal.

The landlord may offer land for CRP that has a history of a tenant if COC determines that the landlord has the "necessary means" to conduct the farming operation.

For CRP purposes, "necessary means" means the landlord has the knowledge and ability to establish and maintain the CRP cover.

## 86 CRP Landlord and Tenant Provisions (Continued)

### E Certification Statement for 13th Signup and Subsequent Enrollments

A certification statement shall be signed by all tenants and landlords before approval of CRP-1 for the 13th signup and subsequent enrollments. Attach the certification statement to CRP-1. State Offices shall modify the following certification statement, after consulting with RA, to conform to State law, to include State parameters for removing tenants from CRP-1, and to modify the language for it to be clearly understood by producers.

I (We) understand that tenants participating on Conservation Reserve Program Contract, form CRP-1, may be removed from the contract if tenancy is not maintained, as determined by the Commodity Credit Corporation. In addition, I (We) also understand that the tenant may be determined to be removed when the tenant:

1. was removed for cause, as determined by COC, after State Office consultation with RA

2. requests, in writing, to be removed from CRP-1

3. files for bankruptcy and the trustee or debtor in possession fails to affirm CRP-1 according to 2-CRP, paragraph 360

4. dies during the CRP-1 period and the administrator of the estate fails to succeed to CRP-1 within the 60 calendar days of COC notification; see 2-CRP, paragraph 335.

Signature(s) and date(s) _____

## 86 CRP Landlord and Tenant Provisions (Continued)

### F After Approving CRP-1

Tenants participating in CRP shall maintain tenancy throughout the CRP-1 period to remain on the contract. If a tenant fails to maintain this tenancy, COC shall determine, based on guidance from the State Office, whether the tenant should be removed for cause.

**Note:** Tenancy is defined as maintaining acreage according to the Conservation Plan of Operation or, as otherwise required on the farm, as determined by COC.

State Offices shall consult RA for guidance to establish general parameters regarding acceptable conditions leading to removing tenants for cause. COC's may immediately act on cases within these parameters.

County Offices shall assume tenancy is being maintained unless notified otherwise by anyone having an interest in the acreage.

After CRP-1 is approved, the operator or tenant may be replaced on CRP-1 when the operator or tenant:

- was removed for cause, as determined by COC, after State Office consultation with RA

  **Note:** All court-ordered directives to remove the operator or tenant from CRP-1 shall be reviewed by RA. Operators or tenants will only be removed from CRP-1 after review for legal sufficiency of the court-ordered directive by RA and RA approves the removal of the operator or tenant.

- requests, in writing, to be removed from CRP-1

- files for bankruptcy and the trustee or debtor in possession fails to affirm CRP-1 according to paragraph 360

- dies during the CRP-1 period, and the administrator of the estate fails to succeed to CRP-1 within 60 calendar days of COC notification as required by paragraph 335.

## 86 CRP Landlord and Tenant Provisions (Continued)

### G Removing Participants From CRP-1

When a landlord legally removes an operator or tenant from the farm, COC shall determine whether the operator or tenant may be removed from CRP-1 based on provisions in subparagraph F or G. If COC determines to remove the operator or tenant, the landlord may, if a revised CRP-1 is signed:

- continue CRP-1 as owner and receive all the payment
- acquire a new operator or tenant who may become a successor-in-interest to CRP-1.

County Offices shall provide the:

- landlord or new operator or tenant, if applicable, with a revised CRP-1
- former operator or tenant appeal rights according to 1-APP.

## 87 Adjusted Gross Income Provisions

### *--A Policy for CRP-1's Approved May 13, 2002, Through September 30, 2008--*

Beginning May 13, 2002, an average adjusted gross income limitation became effective for certain programs, including CRP.

This provision is effective beginning with the 2003 crop year. The average adjusted gross income limitation provides that an individual or entity shall not be eligible to receive certain benefits, during a crop year, if the average adjusted gross income of the individual or entity exceeds $2.5 million, and less than 75 percent of the average adjusted gross income of the *--individual or entity is derived from farming, ranching, or forestry operations. See 1-PL.

### B Policy for CRP-1's Approved Beginning October 1, 2008

The average adjusted gross income limitation provides that a person or legal entity shall be eligible to receive certain benefits, during a crop year if the average adjusted gross nonfarm income of the person or legal entity exceeds $1 million, unless not less than 66.66 percent of the average adjusted gross income of the person or legal entity is average adjusted gross farm income. See 4-PL.

### C AGI Certification

All producers **must** provide a certification of average AGI according to 1-PL. For CRP, certifications of average adjusted gross income are binding for the life of CRP-1.

### D Exception for Lands of Special Significance

The Administrator may allow a waiver to the $1 million AGI limitation on a case-by-case basis for land that is determined to be environmentally sensitive land of special significance.

Waivers must be submitted to DAFP using Exhibit 12.5.--*

## 88 Federal Crop Insurance Requirements for CRP Participants

### A Federal Crop Insurance Requirements

CRP participants on acreage that was enrolled on or after October 13, 1994, must be in compliance with the Federal Crop Insurance Reform Act to remain eligible for participation.

**Note:** Land enrolled in signups 1 through 12, including CRP-1's revised or modified, is exempt from the Federal Crop Insurance Reform Act, enacted October 13, 1994.

CRP participants on land enrolled on or after October 13, 1994, must do either of the following:

- obtain at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop

- ***--**provide a written FSA-570 to the Secretary that waives any eligibility for emergency**--***
  crop loss assistance in connection with the crop.

*** * ***

**89-96 (Reserved)**

## 97 Eligible Land Criteria

### A Cropland Eligibility Criteria

***--**Eligible cropland, including cropland offered under CREP, includes cropland that is both**--***
of the following:

- planted or considered planted to an agricultural commodity during 4 of the 6 crop years from 1996 through 2001

  **Notes:** The applicable crop years 1996 through 2001 are fixed by statute.

  Acreage for which the producer received a crop insurance indemnity payment for prevented planting shall be considered planted for that year for CRP cropping history purposes.

  The following are conserving use and are considered planted for cropping history purposes for CRP:

  - during 1996 through 2001, any planted alfalfa, planted other multi-year grasses and legumes, and any summer fallow is planted for cropping history purposes for CRP

  - during 1996 through 2001, any rotation of planted alfalfa, planted other multi-year grasses and legumes, and any summer fallow in rotation

    **Note:** The rotation must be during 1996 through 2001.

  - any land previously enrolled in CRP where the grass cover continues to be maintained as though enrolled in CRP.

  Field margins that are incidental to the planting of crops, such as turnrows, field borders, and center pivot corners, are eligible to be offered. Field margins do not include other areas within a field.

  Cropland enrolled in CRP is considered planted during the term of CRP-1. For CRP purposes, after CRP-1 expiration, the acreage previously enrolled in CRP maintains the cropping history earned while under CRP-1.

  **Example:** John Smith enrolled in CRP with a contract effective date of October 1, 1989. His CRP-1 expires September 30, 1999. John Smith earned and maintained cropping history credit for CRP purposes from 1989 through 1999.

  Acreage planted in an unworkmanlike manner, as determined by COC, shall not be considered planted for cropping history for CRP purposes.

## 97 Eligible Land Criteria (Continued)

### A Cropland Eligibility Criteria (Continued)

- physically and legally capable of being planted in a normal manner to an agricultural commodity, as determined by COC.

  **Note:** COC's determination shall be based on whether the cropland could be planted to an agricultural commodity in a normal manner during a normal cropping season.

Acreage enrolled in CRP maintains its status as eligible cropland. Therefore, acreage currently enrolled in CRP is eligible to be offered for enrollment if the current CRP-1 expires September 30 of the FY before the effective date of a new contract, unless the acreage has a CRP useful life easement that extends beyond the length of the current CRP-1.

For signup 26, acreage currently enrolled in CRP that expires September 30, 2003, or September 30, 2004, may be offered for enrollment. Acreage currently enrolled in CRP that is scheduled to expire any time after September 30, 2004, is not eligible to be offered for signup 26.

**Exception:** Land that is currently enrolled in CRP that did not meet the cropland eligibility criteria when initially enrolled, but was allowed to continue in CRP under erroneous eligibility provisions, is not eligible to be re-enrolled.

For signup 29, acreage currently enrolled in CRP that expires September 30, 2004, or September 30, 2005, may be offered for enrollment with an effective program year of CRP-1 of either 2006 or 2007. Acreage currently enrolled in CRP that is scheduled to expire after September 30, 2005, is not eligible to be offered for signup 29.

For signup 29, land that is not currently enrolled in CRP may be offered for enrollment with an effective program year of CRP-1 of either 2006 or 2007.

***--**For signup 33, acreage currently enrolled in CRP that expires September 30, 2006, may be offered for enrollment with an effective program year of CRP-1 of 2007. Acreage currently enrolled in CRP that is scheduled to expire after September 30, 2006, is not eligible to be offered for signup 33.

For signup 33 land, that is not currently enrolled in CRP may be offered for enrollment with an effective program year of CRP-1 of 2007.**--***

**Acreage permanently under water, including acreage currently enrolled in CRP, is ineligible to be offered for enrollment in CRP.**

**Exception:** Acreage devoted to either of the following may be eligible to be offered if all other eligibility requirements are met:

- CP9, Shallow Water Areas for Wildlife
- water according to paragraph 240.

## 97 Eligible Land Criteria (Continued)

### B Land Eligibility Criteria for General Signup

Any land meeting the requirements in subparagraph A may be eligible for enrollment if it falls into 1 or more of the following categories.

| Category | Criteria |
|---|---|
| Erodibility | ***--**Cropland offered if the weighted average EI for the 3 predominant soils of the new land on the acreage offered is 8 or greater.**--***<br><br>The most current soil survey information shall be used. EI for CRP eligibility shall be calculated using RUSLE or WEQ. Do **not** use USLE.<br><br>EI's will be calculated based on the predominance of the type of erosion present. If the offer is subject to both wind and water erosion, the higher EI calculation shall be used. The results of the RUSLE or WEQ shall **not** be added together. |
| Expiring CRP | Land currently enrolled in the CRP scheduled to expire on September 30 of the FY the acreage is offered for enrollment.<br><br>**Example:** CRP-1 is scheduled to expire on September 30, 2003. The acreage may be offered for enrollment during FY 2003. |
| CPA's | Cropland located within 1 of the following:<br><br>• Chesapeake Bay Region<br><br>• Great Lakes Region<br><br>• Long Island Sound Region<br><br>• Longleaf Pine Region<br><br>**Important:** All cropland within the Longleaf Pine Region is **not** automatically eligible to be offered for enrollment. Cropland within the Longleaf Pine Region must be:<br><br>• suitable to be devoted to longleaf pine<br>• planted or devoted to longleaf pine.<br><br>• Prairie Pothole Region<br><br>**Note:** See maps in Exhibit 13.<br><br>• State-designated CPA's. |

## 97 Eligible Land Criteria (Continued)

### B Land Eligibility Criteria for General Signup (Continued)

| Category | Criteria |
|---|---|
| * * * | * * * |
| Practices Eligible Under Continuous Signup | Those practices eligible for enrollment under continuous signup provisions.<br><br>See paragraph 111. |
| Expiring Trees on Marginal Pastureland | Land previously enrolled in CRP, provided CRP-1 expired on or before September 30, 2001, and is planted to hardwood trees. |

## 97 Eligible Land Criteria (Continued)

### C Land Enrolled in Other Programs

If all other eligibility criteria are met, the following land may be offered for CRP:

- land currently under Pub. L. 566 or Pub. L. 534 long-term contracts, if approved for modification by NRCS

- land that has had a permanent cover, including trees, established under ACP, ACP-LTA, FIP, FIP-LTA, SIP, interim EQIP, EQIP, GPCP, RCWP, or WHIP that is no longer within practice lifespan requirements.

  **Examples:** Cropland on which permanent vegetative cover has been established under ACP and still under ACP lifespan requirements is not eligible for enrollment in CRP.

  A farm under a GPCP contract that has only a part of the otherwise eligible cropland devoted to a permanent cover may have the GPCP contract modified, if approved by NRCS, to allow enrollment of acreage not devoted to a permanent cover into CRP.

**Note:** See subparagraph D for land ineligible for enrollment in CRP.

### D Ineligible Acreage

The following acreage is ineligible to be offered in CRP:

- Federally owned land unless the producer submitting the offer has a lease for the CRP-1 period

  **Note:** Federal entities are ineligible to receive CRP payments and cannot become a successor-in-interest to CRP-1.

- land on which a Federal agency restricts the use in a mortgage or an easement, except for eligible WBP acres, according to subparagraph B

## 97 Eligible Land Criteria (Continued)

### D Ineligible Acreage (Continued)

- acreage permanently under water, including acreage currently enrolled in CRP

  **Exception:** Acreage devoted to either of the following may be eligible to be offered if all other eligibility requirements are met:

  - CP9, Shallow Water Area for Wildlife
  - water, according to paragraph 240.

- ***--**land under CSP, EQIP, FIP, FIP-LTA, GRP, SIP, or WHIP that meets either of the**--*** following criteria:

  - has had a permanent cover, including trees, established and is still within the practice lifespan requirements

  - is under agreement and is scheduled to have a permanent cover, including trees, established regardless of whether any practice has been started or C/S paid.

  **Notes:** Canceling or modifying the contract or agreement or refunding C/S shall not make the acreage eligible to be offered for enrollment.

  Certain otherwise eligible cropland acreage enrolled in a GPCP contract may be eligible for enrollment in CRP if the contract is approved for modification by NRCS. See subparagraph C.

  Acreage under contract or agreement, which are management or structural in nature and does not require establishment or enhancement of a permanent cover, may be offered for enrollment if all other eligibility requirements are met. All acreage offered for enrollment in CRP that is under EQIP contract **must** be terminated from EQIP contract before CRP-1 is approved. EQIP contract **must** be modified to remove this acreage according to EQIP Manual.

  **Examples**: Following are examples of management or structural practices:

  - strip cropping
  - no-till systems
  - underground pipelines
  - terraces that do not require permanent cover.

## 97 Eligible Land Criteria (Continued)

### D Ineligible Acreage (Continued)

- land currently within practice lifespan requirements according to subparagraph C

- land already enrolled in CRP

  **Exception:** Land enrolled in CRP is eligible to be offered for re-enrollment in the program if the current CRP-1 expires September 30 of the FY the acreage is offered for enrollment, unless the acreage has a CRP useful life easement that extends beyond the length of the current CRP-1. See subparagraph A.

- existing grass waterways

  **Exceptions:** Grass waterways that are enrolled in CRP at the time this acreage is offered for enrollment in CRP.

  Newly created grass waterways completed within the 12-month period previous to signup if:

  - completed according to a conservation plan
  - not under practice lifespan requirements according to subparagraph C.

  Grass waterways enhanced or expanded within the 12-month period previous to signup if completed according to a conservation plan.

  **Note:** Grass waterways that are purposely destroyed to be made eligible for enrollment in CRP shall remain ineligible.

- land where the producer is required to perform a practice as an obligation to comply with local, State, or Federal law, and is notified in writing that the required practice must be performed or enforcement action, such as fines or closing the operation, will be taken against the producer.

## 98 Native American Tribal Lands

### A Land Eligibility

Native American tribal land is eligible for CRP. Tribal lands are:

- subject to BIA management
- not U.S. owned.

## 99 State, County, or Publicly Owned Land

### A Land Eligibility

State, county, or publicly owned land that is offered for participation in CRP is eligible if the land meets all other eligibility requirements.

## 100 Land Under Lease for Gas, Oil, Earth, or Mineral Rights

### A Guidelines for Existing Lease

Eligible land on which gas, oil, earth, or other mineral rights exploration has been leased or is owned by someone other than the person interested in enrolling acreage in CRP may be **offered** for CRP-1.

If any person has an existing mineral rights' lease or someone other than the CRP participant owns the mineral rights **before** land is offered for CRP and the person exercises the right to extract minerals, etc., from the land that is subject to CRP, COC shall:

- terminate CRP-1 on affected acres
- waive refund of annual rental payments and liquidated damages
- require refund of C/S payments
- advise the CRP participant that the land may be reoffered in a subsequent signup if the land meets all other eligibility requirements.

## 100 Land Under Lease for Gas, Oil, Earth, or Mineral Rights (Continued)

### B Guidelines After Land Is Accepted in CRP

If a person enters into a mineral rights' lease or sells the mineral rights **after** the land is accepted in CRP, and during the CRP-1 period the lessor or owner of the mineral rights exercises the right to extract minerals, etc., from land that is subject to CRP-1, COC shall:

- terminate CRP-1 on the affected acres
- obtain refund of payments and liquidated damages according to paragraph 290
- advise the CRP participant that the land may be reoffered in subsequent signups if the land meets all other eligibility requirements.

### C Exploration of Minerals by Sampling

If exploration of minerals is performed by sampling to determine whether mining is feasible, COC shall not terminate CRP-1 or reduce annual payments if:

- the exploration of minerals by sampling is completed within date specified by COC
- any disturbed cover is re-established at the CRP participant's expense
- the land will continue to meet eligibility requirements as determined by COC.

**101-110 (Reserved)**

# Part 6 Continuous CRP Signup

## 111 Overview

### A General Information

Persons determined eligible for CRP according to Part 5 may request to enroll certain acreage *--in the program at any time within the total county cropland limit requirements per Part 4.--* This provision provides producers and landowners with management flexibility when planning conservation enhancements to their farming operations. The practices available during continuous signup generally provide high environmental benefits to large areas when compared to the acreage on which the practice is implemented.

Unlike a standard CRP signup where producers submit offers indicating the amount they are willing to accept to enroll acreage in the program, the continuous signup process does not have a competitive evaluation process. Continuous signup offers are not transmitted to the National Office for evaluation and ranking.

The National Office shall provide State and County Offices:

- program information sheets for producers
- program provisions and procedures
- other information as requested.

The purpose of continuous signup is to enroll:

- small, environmentally sensitive acreages
- target acreage.

## 111 Overview (Continued)

### B Signup Numbers and Program Year

Signup numbers change at the beginning of each FY under the continuous signup provisions. See Exhibit 15.

**Exception:** CRP continuous signup period 25 began October 1, 2002, and ends May 4, 2003. Continuous signup 27 begins May 5, 2003, and ends September 30, 2003.

The program year is the FY in which the first payment is earned.

**Example:** Producer submits an offer for CP21 on July 1, 2003. COC approves CRP-1 on September 22, 2003. CRP-1 is effective October 1, 2003. The program year on CRP-1 is 2004.

### C CRP Continuous Signup Activities

The following table provides an overview of certain activities and paragraph references to assist County Offices with continuous signup offers.

| Continuous Signup Activity | Reference |
|---|---|
| Producer initiates CRP-2C, indicates acreage and practice(s) offered, and identifies acreage on aerial photocopy. | Paragraph 137 |
| COC determines whether all of the following are met:<br><br>• producer eligibility requirements<br>• basic land and practice eligibility criteria<br>• program policy and practice requirements provided in Exhibit 9<br>•***--**county cropland limit eligibility per Part 4.**--***<br><br>If basic eligibility criteria are met, County Office provides CRP-2C and photocopy of acreage offered to TSP. | Paragraphs 111 and 137 and Exhibit 9 |
| NRCS or TSP, based on a site visit, determines:<br><br>• suitability of practice for acreage offered<br><br>• need and feasibility of practice to solve resource concern and reports determination to COC<br><br>• 3 predominant soil types for the eligible acreage offered, including acreage enrolled under infeasible to farm criteria.<br><br>NRCS or TSP returns CRP-2C to FSA with all applicable items completed. | Paragraphs 111, 137, and 138 |

## 111 Overview (Continued)

### C CRP Continuous Signup Activities (Continued)

| Continuous Signup Activity | Reference |
|---|---|
| *--County cropland limit eligibility. | Part 4--* |
| County Office calculates maximum payment rate on CRP-2C and notifies producer of acceptability or rejection of offer. | Paragraphs 111, 124, 138, and 141 |
| County Office completes paid-for measurement service for the acreage offered. | Paragraph 253 |
| County Office completes CRP-1. | Paragraph 140 and Exhibit 16 |
| Conservation plan developed by NRCS or TSP. | Paragraph 236 |
| Conservation plan approved by the conservation district, if applicable. | Paragraph 236 |
| Final approval of conservation plan by COC. | Paragraph 236 |
| CRP-1 is approved by COC and producer is notified of approval. | Paragraphs 140 and 253 |
| County Office records data from CRP-2C and CRP-1 in System 36 using only the CRP contract software. | 1-CRP |

## Section 1 Continuous Signup Basic Eligibility Criteria

### 112 Eligibility Requirements

#### A Eligibility Requirements for Cropland

**All** of the following must be met before **cropland** acreage may be determined acceptable for enrollment under continuous signup.

- COC determines that the:
  - producer eligibility requirements in Part 5, Section 1, are met
  - acreage offered is cropland

    **Important:** See 3-CM for the definition of cropland.
  - acreage offered meets *** * *** eligibility criteria in subparagraph 97 A
  - practice offered is an eligible practice for continuous signup

    **Note:** See subparagraph 58 C for a list of eligible practices.
  - practice and acreage offered meet the program policy and size requirements for the practice provided in Exhibit 9

  •*****--county cropland limit eligibility criteria in Part 4 is met.--*****

## 112 Eligibility Requirements (Continued)

### A Eligibility Requirements for Cropland (Continued)

- NRCS or TSP determines, based on a site visit, the:

  - acreage is suitable for the offered practice

  - practice is needed and feasible to solve the resource concern

  ***--Note:** Expiring CRP acreage automatically meets the needed and feasible eligibility requirement.**--***

  - purpose of the practice according to Exhibit 9 is met.

- Producer offers a per acre rental rate that is less than or equal to the calculated maximum payment rate. Offers in excess of the maximum payment rate shall be rejected.

  **Note:** To calculate the per acre maximum payment rate, NRCS or TSP shall identify the 3 predominant soil types for the eligible acreage offered on CRP-2C, including land that is offered under infeasible to farm criteria. See paragraphs 124 and 138.

For cropland within an approved wellhead protection area, see subparagraph B.

**Land that meets the definition of cropland shall not be enrolled in CRP as marginal pastureland**. See subparagraph C for eligibility requirements for marginal pastureland.

### B Eligibility Requirements for Cropland Within Wellhead Protection Areas

An approved public wellhead protection area is the area designated by the appropriate State agency with an EPA-approved Wellhead Protection Program for water being drawn for public use, as defined for public use by the Safe Drinking Water Act, as amended.

Areas, such as aquifer protection areas, surrounding shallow aquifer areas, and water source protection districts are **not** public wellhead protection areas. Acreage within these areas is **not** eligible to be enrolled under the wellhead protection area provisions.

## 112 Eligibility Requirements (Continued)

### B Eligibility Requirements for Cropland Within Wellhead Protection Areas (Continued)

States that do not have an EPA-approved Wellhead Protection Program shall **not** enroll acreage in CRP under the wellhead protection area provisions. Contact the State water quality agency:

- to determine if there is an EPA-approved Wellhead Protection Program
- for approved public wellhead protection areas.

Before **cropland** acreage within an approved public wellhead protection area may be determined acceptable for enrollment under continuous signup, **all** of the following **must** be met:

- all of the requirements of subparagraph A
- all of the acreage **must** be located within the approved public wellhead protection area
- the acreage shall not exceed a radius of 2,000 feet from the approved public wellhead.

***--Exception:** For Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin, enrollment may allow beyond a radius of 2,000 feet from the approved public wellhead, provide the State has established hydrologically delineated public wellhead protection areas using a 5-year or 10-year time-of-flow criteria and the State water quality agency has approved the hydrologically delineated public wellhead protection area.

At least 51 percent of the acreage must be located within an approved public wellhead protection area.**--***

**Examples:** The approved public wellhead protection area designated by the appropriate State agency is a 1,000 foot radius surrounding the approved public wellhead. Therefore, the acreage enrolled in CRP shall not exceed the acreage within the 1,000 foot approved area.

The approved public wellhead protection area designated by the appropriate State agency is a 3,000 foot radius surrounding the approved public wellhead. Therefore, the acreage enrolled in CRP shall not exceed the acreage within a 2,000 radius from the approved public wellhead.

See subparagraph 58 C for a list of eligible practices for cropland within approved public wellhead protection areas.

## 112 Eligibility Requirements (Continued)

### C Eligibility Requirements for Marginal Pastureland

The following is **not** eligible to be enrolled in CRP as marginal pastureland:

- cropland
- forestland
- woodland.

**Under no circumstances can land be considered both cropland and marginal pastureland**. See 3-CM, paragraph 26, for provisions for removing land from cropland status to be enrolled in CRP under marginal pastureland criteria to be devoted to CP22, CP29, and CP30.

**All** of the following **must** be met before **marginal pastureland**, including grazing land that may not have been previously seeded, may be determined acceptable for enrollment under continuous signup:

- the marginal pastureland offered **must** be both of the following:
  - immediately adjacent and parallel to 1 of the following:
    - perennial stream
    - seasonal stream
    - permanent water body, such as a lake or pond, that provides at least a seasonal flow of surface water from the water body off the farm

***--Exception:** A pond that is less than 5.0 acres and does **not** provide at least a seasonal flow of surface water from the water body off the farm is **not** eligible to be enrolled in CP22.**--***

**Notes:** Water bodies that do not provide a permanent water cover throughout the year in all years are not eligible.

See subparagraph E and Exhibit 2 for definitions of perennial and seasonal streams.

  - devoted to a riparian buffer (planted or natural regeneration), wildlife habitat buffer, or wetland buffer

**Important:** Trees **must** be *** * *** immediately adjacent and parallel to the eligible perennial or seasonal stream or other eligible **permanent** water body. See subparagraph D and Exhibit 9.

## 112 Eligibility Requirements (Continued)

### C Eligibility Requirements for Marginal Pastureland (Continued)

- COC determines all of the following:
  - producer eligibility requirements in Part 5, Section 1, are met
  - land offered is marginal pastureland

    **Important:** **Land that meets the definition of cropland shall not be enrolled in CRP as marginal pastureland**. See 3-CM for the definition of cropland.

  - program policy and size requirements of the riparian buffer practice provided in Exhibit 9 are met
- NRCS or TSP determines all of the following:
  - land is suitable to be devoted to a riparian buffer (planted or natural regeneration) to trees, wildlife habitat buffer, or wetland buffer
  - riparian buffer, wildlife habitat buffer, or wetland buffer is needed and feasible to solve the resource concern
  - purpose of the practice according to Exhibit 9 is met
  - existing trees on the offered land, if applicable, are not functioning as a riparian buffer

  **Important:** See subparagraph D for eligibility criteria for marginal pastureland with existing trees.

- producer offers a per acre rental rate that is less than or equal to the calculated maximum payment rate using the applicable marginal pastureland rental rate for the county. Offers in excess of the maximum payment rate shall be rejected.

  **Note:** See paragraphs 124 and 138 for calculating maximum payment rate for marginal pastureland.

## 112 Eligibility Requirements (Continued)

### D Marginal Pastureland and Trees

Land enrolled under the marginal pastureland eligibility criteria **must** be devoted to a riparian buffer devoted (planted or natural regeneration) to trees. Trees **must** be immediately adjacent and parallel to the eligible stream or water body *** * *** regardless of FOTG standards. Marginal pastureland that is not suitable for tree plantings as determined by NRCS or TSP, as applicable, is not eligible to be enrolled as CP22. The marginal pastureland may be eligible to be enrolled as CP29 or CP30.

If trees are already established and functioning as a riparian buffer, as determined by NRCS or TSP, the land is **not** eligible to be enrolled in CP22.

If the existing trees are not functioning as a riparian buffer because of the presence of livestock, the land is **not** eligible to be enrolled in CRP. Other programs, such as EQIP or WHIP, may be used to exclude the livestock and restore the functions of the riparian buffer.

**Example 1:** Mary Smith offers to enroll marginal pastureland to be devoted to CP22. Based on a site visit, NRCS or TSP determines that the existing trees and vegetative cover would function as a riparian buffer if the livestock would be excluded from the site. No further action would be required for the existing cover to function as a riparian buffer. Therefore, the land is **not** eligible to be enrolled in CRP.

**Example 2:** Bob Brown offers to enroll marginal pastureland to be devoted to CP22. Based on a site visit, NRCS or TSP determines that the existing trees are not functioning as a riparian buffer because of the presence of livestock and the lack of a sufficient understory. The existing trees will not function as a riparian buffer by excluding the livestock. Additional vegetation **must** be planted to establish a functioning riparian buffer. Therefore, provided all other eligibility requirements are met, the land may be enrolled in CRP to be devoted to CP22.

If NRCS or TSP determines that existing trees are not functioning as a riparian buffer, the conservation plan **must** require some action by the producer, such as tree planting; otherwise, the land is not eligible to be enrolled in CRP.

## 112 Eligibility Requirements (Continued)

### E Perennial and Seasonal Streams

The following definitions shall be used for filter strip, riparian buffer, wildlife habitat buffer, or wetland buffer enrollment:

- perennial stream is a stream that contains water throughout the year

- seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt.

  **Note:** Streams **must** have a defined stream channel.

**Important:** Because the same map symbol may be used for multiple stream types, USGS maps shall **not** be solely used to determine seasonal streams.

**Only marginal pastureland, including grazing land that may not have been previously seeded to be devoted to a riparian buffer (CP22), wetland buffer (CP29), or wildlife habitat buffer (CP30), is eligible to be enrolled.**

Seasonal streams do **not** include any of the following:

- wetland of any type
- land devoted to CP9
- terrace channels
- grass or sod waterways
- gullies
- narrow or wide wash
- roadside ditches
- well, spring, or seep
- marsh or swamp
- center pivot irrigation corners
- irrigation canals
- tail water recovery pit/system.

*** * ***

## 112 Eligibility Requirements (Continued)

### *--F Expiring Continuous Signup Land Eligibility

The following are eligible land examples.

**Example 1:** CP21 is expiring and is re-offered. The average width of the practice is 80 feet. The technical agency or TSP recommends the practice should be an average width of 100 feet to meet current practice standards. The participant may re-enroll the practice provided the average width enrolled is 100 feet according to an approved conservation plan. C/S and PIP may be authorized for the additional average width required to meet the current practice standard.

**Note:** If the technical recommendation was for a width less than enrolled, **only** the lesser width would be eligible.

**Example 2:** The following practices are no longer available:

- CP13C, Filter Strips/Riparian Buffers (Grass) Noneasement
- CP13D, Filter Strips/Riparian Buffers (Trees), Noneasement.

Expiring CP13C and CP13D practices may be re-enrolled as either of the following practices, as applicable; provided the land is otherwise eligible, including meeting current practice standards:

- CP21, Filter Strips
- CP22, Riparian Buffer.

**Example 3:** Expiring general signup CRP-1 includes a tree practice such as CP3, CP3A, or CP11. The participant re-offers part or all of the applicable acreage as a continuous signup practice such as CP22 or CP31. CRP-1 is in compliance and NRCS or TSP determines the practice meets the current standards for the practice. COC may approve CRP-1. SIP and PIP are **not** authorized.

**Example 4:** Expiring general signup CRP-1 with 1 or more practices such as a CP1, CP2, CP4D, CP10, or CP11 that includes wetland restoration as part of CRP-1. The participant re-offers the restored wetland as an applicable continuous practice such as CP23, CP23A, CP27, CP28, CP31, or CP37 according to procedure. CRP-1 is determined in compliance and NRCS or TSP determines the practice meets practice standards. COC may approve CRP-1 and conservation plan.**--***

## 112 Eligibility Requirements (Continued)

### *--G Expired Continuous Signup Land Eligibility

Land previously enrolled under a CRP contract that expired in the year previous to the year the land is offered for enrollment is eligible to be offered for enrollment under continuous signup practices provided all of the following occur:

- cropland meets eligibility criteria according to paragraph 97
- cropland is offered for enrollment in CRP before June 1 of the year following the year the CRP contract expired
- CRP-1 is approved by September 30 of the year following the year the CRP contract expired
- all other eligibility and practice requirements are met.

**Note:** C/S is authorized only if required to meet current practice standards according to paragraph 236 and Exhibit 9.

The following are eligible land examples.

**Example 1:** A producer has a 40-acre field that was previously enrolled under a CRP contract that expired on September 30, 2007. The permanent cover is established to native grasses. On April 25, 2008, the producer offers the land for enrollment into CRP practice CP38E, Establishment of Permanent Native Grasses, under an approved SAFE project. The land meets all other eligibility and practice requirements. The contract is approved by COC on May 10, 2008.

**Example 2:** A producer has a 100-acre field that was previously enrolled under a CRP contract that expired on September 30, 2007. The permanent cover is established to introduced grasses. On May 2, 2008, the producer offers 4.5 acres of the land for enrollment into CRP practice CP21, Filter Strips. The land meets all other eligibility and practice requirements. The contract is approved by COC on June 16, 2008.

**Note:** CRP-SIP and PIP are **not** authorized for expired CRP land offered for enrollment in continuous signup practices.

**Exception:** Incentives may be approved for PIP only if new C/S is approved according to paragraph 236 and Exhibit 9.**--***

## 112 Eligibility Requirements (Continued)

### H Lands Ineligible for Re-Enrollment Under Continuous CRP

Lands ineligible for re-enrollment are:

- land not currently enrolled and not necessary to meet current practice standards for the existing practice according to Exhibit 9

  **Exception:** Practices in the expiring year of the contract may be enrolled, provided the contract acreage is otherwise in compliance, though an upgrade may be required because of natural wear and tear as recommended by NRCS or TSP, such as shaping or grading. Eligible practices are:

  - CP8A
  - CP9
  - CP13 (re-enrolled as CP21 as applicable)
  - CP14 (re-enrolled as CP22 as applicable)
  - CP21
  - CP22
  - CP23
  - CP23A
  - CP26
  - CP27
  - CP28
  - CP29
  - CP30
  - CP34
  - CP37.

- expiring acreage that is currently under an easement according to subparagraph 97 D, that requires a resource-conserving cover be maintained throughout the proposed contract period

## 112 Eligibility Requirements (Continued)

### H Lands Ineligible for Re-Enrollment Under Continuous CRP (Continued)

- expiring land permanently inundated with water according to subparagraph 97 D.

  **Note:** Land permanently inundated with water is land that is reasonably expected to be under water through the CRP-1 period.

  **Exception:** Practices that include water as part of the practice, as applicable, are eligible, such as CP3A, CP9, CP23, CP23A, CP27, CP30, CP31, and CP37.

  **Example:** Producer offers an expiring CP21 as practice CP21 that is an average of 80 feet in width. The producer also requests to enroll land adding an average width of 40 feet to reach the maximum average width allowed according to current FOTG standards (up to an average width of 120 feet). NRCS or TSP recommends that the practice meets the practice standards at the 80 foot average width. COC may accept an offer and approve CRP-1 and practice at the 80 foot average width. An offer of additional land to an existing buffer practice is **not** authorized because the current width is addressing the conservation issue.

### I Acreage Ineligible To Be Enrolled

See subparagraphs 97 C and D for ineligible acreage.

## 113 Infeasible to Farm

**A**
**Definition of Infeasible to Farm**

Infeasible to farm means an area that is too small or isolated to be economically farmed.

**B**
**Infeasible-to-Farm Policy**

COC may allow enrollment of certain **cropland** that is determined infeasible to farm.

**Note:** Infeasible to farm criteria does not apply to marginal pastureland.

Producers may enroll up to 25 percent of the enrolled cropland acreage of a filter strip or riparian buffer as part of the filter strip or riparian buffer if COC determines the following:

- remaining cropland is infeasible to farm according to subparagraph 113 A
- more than 50 percent of the **field** is enrolled as a filter strip or riparian buffer on cropland.

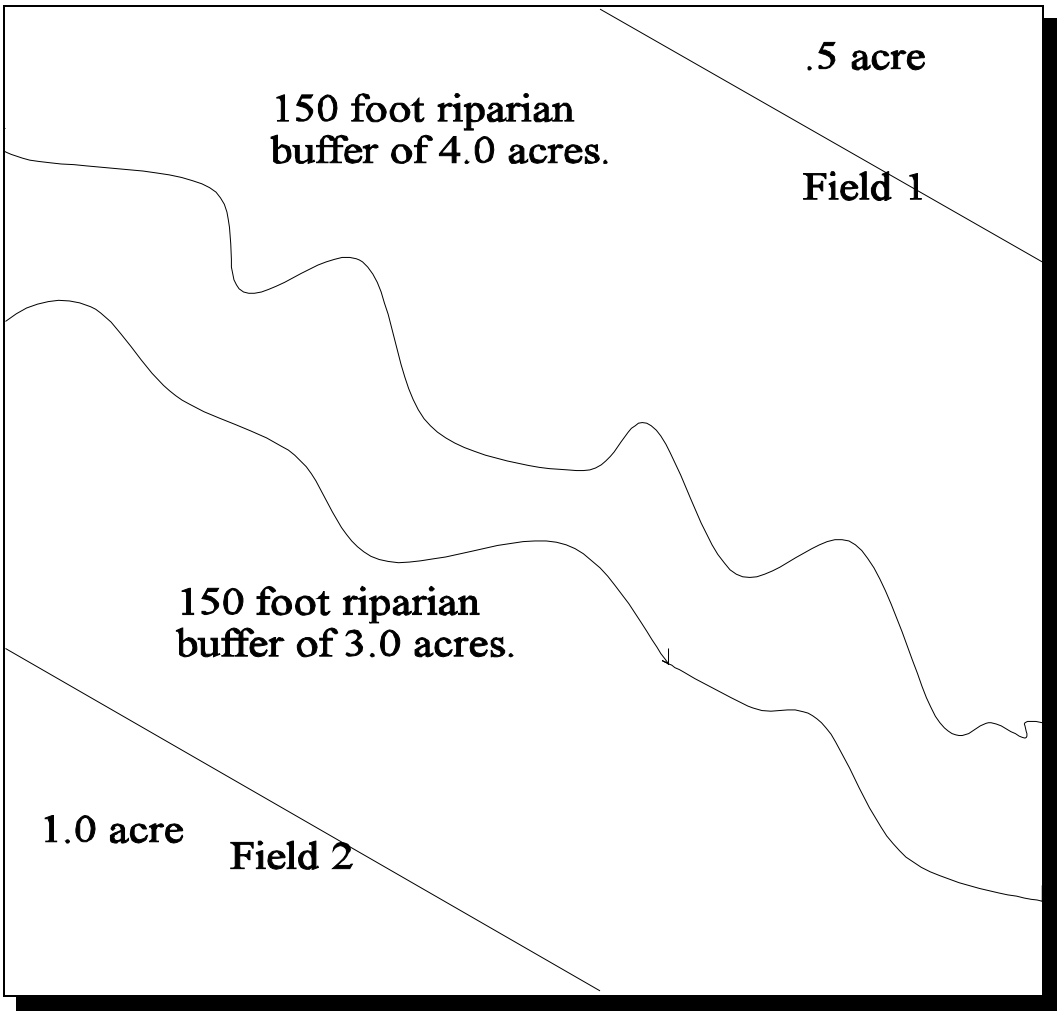
**Note:** COC is authorized to enroll only up to 25 percent of the filter strip or riparian buffer as infeasible to farm acreage. Producers may request a waiver to enroll infeasible to farm acreage in excess of 25 percent. Waivers should be submitted to DAFP.

**Example:** Producer enrolls a 4.0 acre riparian buffer in field No. 1 and a 3.0 acre riparian buffer in field No. 2. Field No. 2 has 1.0 acre remaining. The producer enrolled more than 50 percent of each field. The remaining portion of Field 1 not enrolled as a buffer is .5. The infeasible-to-farm amount is 25 percent of the enrolled riparian buffer (4.0 acres x .25 = 1.0 acre). Therefore, the producer could enroll the remaining portion if that portion of the field is 1.0 or less. The .5 remaining portion of field No. 1 is eligible to be enrolled in CRP using infeasible-to-farm criteria.

Continued on the next page

**B**
**Infeasible-to-Farm Acres (Continued)**

The remaining portion of Field 2 not enrolled as a buffer is 1.0 acre. The ***--**infeasible-to-farm amount is 25 percent of the enrolled riparian buffer**--*** (3.0 acres x .25 = .8 acre). The producer could enroll the remaining portion if that portion of the field is .8 or less. Therefore, the 1.0 acre portion remaining in field No. 2 is limited to .8 acre to be enrolled in CRP using infeasible-to-farm criteria.




**C**
**Payment Rate**

Cropland enrolled as a filter strip or riparian buffer under infeasible-to-farm criteria shall be calculated according to paragraph 124.

**Note:** Continuous signup incentives do not apply.

**114-123 (Reserved)**

## 124 Annual Payments

**A**
**Per Acre Maximum Payment Rate**

Before CRP-1 is completed, the County Office shall calculate and inform the producer of the per acre maximum payment rate for the eligible acreage being offered on CRP-2C. Producers may offer a per acre rental rate less than the calculated per acre maximum payment rate.

The per acre maximum payment rate shall be determined for:

- cropland, using all of the following:

  - the most current SRR's for the 3 predominant soils on the eligible acreage offered

    **Note:** For infeasible-to-farm acreage, the most current SRR for the 3 predominant soils on the infeasible-to-farm acreage.

  - an incentive (10 percent or 20 percent depending on the practice) of the per acre weighted average SRR, if applicable, established according to subparagraph B

    **Exception:** Continuous signup incentives do not apply to land enrolled using infeasible-to-farm criteria.

  - a maintenance incentive rate established according to subparagraph C

Continued on the next page

**A**
**Per Acre Maximum Payment Rate (Continued)**

- marginal pastureland, using all of the following:
  - the applicable marginal pastureland rental rate for the county regardless of soil type

    **Important:** For counties that have 2 marginal pastureland rental rates established, the marginal pastureland rate will be determined based on the type of stream (perennial or seasonal) or eligible permanent water body adjacent to the land offered. See subparagraph 112 E and Exhibit 2 for perennial and seasonal streams.

  - an incentive of 20 percent of the applicable marginal pastureland rental rate

    **Exception:** Continuous signup incentives do not apply to land enrolled using infeasible-to-farm criteria.

  - a maintenance incentive rate established according to subparagraph C.

See subparagraph D for calculating the per acre maximum payment rate.

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## 124 Annual Payments (Continued)

### B Per Acre Maximum Payment Rate Additional Incentive

For the following continuous signup practices, including re-enrolled practices, an additional incentive amount equal to 20 percent of the weighted average SRR shall be added to the weighted average SRR:

- CP5A
- CP8A
- CP21
- CP22
- *--CP23
- CP23A--*
- CP27
- CP28
- CP29
- CP30
- *--CP31
- CP37
- CP39
- CP40
- CP41.--*

**Important:** For marginal pastureland devoted to CP22, CP29, and CP30, the additional incentive amount is equal to 20 percent of the applicable marginal pastureland rental rate.

For land within approved public wellhead protection areas, an additional incentive amount equal to 10 percent of the weighted average SRR shall be added to the weighted average SRR.

**Note:** Practices CP1, CP2, CP3, CP3A, CP4B, CP4D, and CP10 are eligible within an approved public wellhead protection area only. See subparagraph 58 D.

**The 10 percent and 20 percent additional incentives are not additive.**

**Example 1:** Producer offers 3 acres to be devoted to a field windbreak. The 3 acres are located within an approved public wellhead protection area. The per acre incentive amount would equal 20 percent of the weighted average SRR because of the practice offered (CP5A).

**Example 2:** Producer offers 3 acres within an approved wellhead protection area with 2 acres to be devoted to CP1 and 1 acre to be devoted to a field windbreak. The County Office may complete separate CRP-2's for each practice or calculate a weighted average incentive percentage using 20 percent for the 1 acre devoted to a field windbreak and 10 percent for the 2 acres devoted to CP1. See paragraph 138.

See subparagraph D for calculating the per acre maximum payment rate.

## 124 Annual Payments (Continued)

### C Per Acre Maintenance Rates for Continuous Signup Practices

Per acre maintenance incentive rates shall be established to reimburse participants for the average annual cost of practice maintenance. Maintenance rates:

- may be established by geographic area, practice type, or other criteria
- above $0 shall only be established when the participant will be required to perform substantial maintenance on the acreage enrolled.

STC's, upon State Technical Committee recommendation and with NRCS consultation, shall establish a per acre maintenance rate:

- not to exceed $2 per acre for any of the following:
  - CP1, CP2, CP3, CP3A, CP4B, CP4D, CP8A, CP9, CP10, CP15A, CP15B, CP18B, CP18C, CP23, CP23A, CP24, CP27, CP28, CP31, CP33, CP35A-I, CP36, CP37, ***--**CP38A-E, CP39, CP40, and CP41**--***

    **Notes:** Practices CP1, CP2, CP3, CP3A, CP4B, CP4D, and CP10 are eligible within an approved public wellhead protection area only. See subparagraph 58 D.

    The revised maintenance incentive rate applies to all new offers for CRP except CRP contracts enrolled under CREP that have different maintenance incentive rates specified in the CREP agreement. If CREP agreements do **not** specify maintenance incentive rates, the revised maintenance incentive rates apply.

  - **any** land currently enrolled in CRP, including CP5A, CP16A, CP17A, CP21, and CP22, for which the same practice will be re-enrolled

    **Example:** Producer's 10-year CRP-1 for a field windbreak is scheduled to expire September 30, 2008. Producer offers to re-enroll the field windbreak under continuous signup before the existing contract expires. The STC-established maintenance rate shall not exceed $2 per acre.

## 124 Annual Payments (Continued)

### C Per Acre Maintenance Rates for Continuous Signup Practices (Continued)

•***--**not to exceed $4 per acre for new (not re-enrolled) CP5A, CP16A, and CP17A**--***

**Note:** The revised maintenance incentive applies to all new offers except for CREP. CREP related maintenance incentives are governed by approved CREP agreements.

- according to the following table for the following new (not re-enrolled) practices.

| **IF the practice is...** | **AND it includes...** | **THEN the maintenance rate shall not exceed...** |
|---|---|---|
| CP21, CP29, or CP30 | no fencing or water facility development | ***--**$2 |
| | **permanent** fencing with no water facility development | $6 |
| | **permanent** fencing and water facility development | $7 |
| CP22 | no fencing or water facility development | $4 |
| | **permanent** fencing with no water facility development | $6 |
| | **permanent** fencing and water facility development | $7**--*** |

**Note:** The revised maintenance incentive applies to all new offers except for CREP. CREP related maintenance incentives are governed by approved CREP agreements.

STC's shall ensure that the basis for the maintenance rates is clearly documented in the STC minutes.

## 124 Annual Payments (Continued)

### C Per Acre Maintenance Rates for Continuous Signup Practices (Continued)

COC shall ensure that conservation plans include:

- provisions for the maintenance of the approved cover and practices
- the applicable components for the maintenance rate provided.

**Important:** Single strand electric fence is **not** considered a permanent fence for CRP. Components **must** be maintained for the life of CRP-1.

See paragraph 153 for establishing per acre maintenance rates for standard signups.

### D Calculating Per Acre Maximum Payment Rates

The formula to calculate the per acre maximum payment rate for continuous signup offers for:

- cropland is:

  (weighted average SRR per acre) + (additional incentive (10 or 20 percent as appropriate) of weighted average SRR per acre) + (applicable maintenance rate per acre)

  **Note:** The applicable incentive percentage is based on the practice offered. See subparagraph B.

- marginal pastureland is:

  (applicable marginal pastureland rental rate per acre) + (additional incentive (20 percent) of applicable marginal pastureland rental rate per acre) + (applicable maintenance rate per acre).

**Important:** County Offices shall complete separate CRP-2C's and CRP-1's for marginal pastureland. See paragraphs 137 and 138.

**Exception:** Continuous signup incentives do not apply to land enrolled using infeasible-to-farm criteria.

**Note:** Infeasible-to-farm does **not** apply to marginal pastureland.

## 125 One-Time Payments

### A CRP-SIP

CRP-SIP is a one-time incentive payment made to participants that enroll certain practices **after all** of the following are met:

- CRP-1 is approved
- AD-1026 has been completed and signed
- ***--**certification of compliance with 1-PL or 4-PL, as applicable.

**Exception:** CRP-SIP is **not** authorized for re-enrolled continuous or FWP practices.

**Important:** CRP-SIP's shall **not** be made until **all** eligibility determinations have been made according to 1-PL or 4-PL, as applicable.

Participants that enroll practices CP5A, CP8A, CP16A, CP17A, CP21, CP22, CP23, CP23A, CP27, CP28, CP29, CP30, CP31, CP33, CP36, CP37, CP38A-E, CP39, CP40, or CP41--***** may receive CRP-SIP.

**Important:** CRP-SIP is **not** applicable to any other practice.

## 125 One-Time Payments (Continued)

### A CRP-SIP (Continued)

CRP-SIP is a one-time payment of $10 for each eligible acre enrolled for each full year of CRP-1. CRP-SIP is calculated by multiplying the number of eligible acres enrolled times the *--number of full years **(not to exceed 10 years)** of CRP-1 times $10.

**Note:** The revision to SIP applies to all new offers except for CREP. CREP related maintenance incentives are governed by approved CREP agreements.--*

**Examples:** If CRP-1 is:

- 10 years and 7 months in length, CRP-SIP is calculated using only 10 years

- *--12 years and 3 months in length, CRP-SIP is calculated using only 10 years.--*

The following table provides additional information and examples for calculating CRP-SIP's.

| Step | Action |
|---|---|
| 1 | Determine the number of acres enrolled that are eligible for CRP-SIP. Only certain practices are eligible for CRP-SIP.<br><br>**Example:** Producer enrolls 5 acres to be devoted to CP22 and 10 acres to be devoted to CP18B on the same tract. The duration of CRP-1 will be 10 years and 7 months. CRP-SIP is applicable only to the 5 acres of CP22. |
| 2 | *--CRP-SIP is made for 10 years.--*<br><br>* * *<br><br>**Example:** Using the CRP-1 in step 1, there are 10 full years in the approved CRP-1. Therefore, 10 years will be used to calculate CRP-SIP. |
| 3 | Multiply the result of step 1 times the result of step 2 times $10.<br><br>**Example:** Using the results of the examples in steps 1 and 2, the one-time CRP-SIP is $500 = 5 acres x 10 years x $10. |

## 125 One-Time Payments (Continued)

### A CRP-SIP (Continued)

CRP-SIP shall be:

- a one-time payment only
- rounded to the nearest whole dollar, see paragraph 372
- subject to the prompt payment provisions, see paragraph 372
- divided among participants according to the shares on CRP-1
- subject to the CRP $50,000 FY payment limitation, see paragraph 371
- issued according to 1-FI using program code “XXCRPSGNI”
- refunded if CRP-1 is terminated, see paragraph 355
- offset, if applicable, see paragraph 375
- assigned, if applicable, see paragraph 375
- based on a 10-year contract only.

**Note:** The revision to SIP applies to all new offers except for CREP. CREP related maintenance incentives are governed by approved CREP agreements.

CRP-SIP is a separate payment from all of the following:

- annual rental payment
- C/S payment
- PIP
- ***--**CP23 one-time incentive payment for CRP-1’s approved before November 3, 2008.**--***

## 125 One-Time Payments (Continued)

### B PIP

PIP is a one-time incentive payment made to participants that enroll land in CRP to be devoted to continuous signup practices **after all** of the following are met:

- CRP-1 is approved
- AD-1026 has been completed and signed
- participant signs AD-245, page 2, and reports completion of practice
- ***--**technical agency or producer certifies performance on AD-862
- all necessary documents to calculate total C/S amount are obtained
- certification of compliance with 1-PL or 4-PL, as applicable.

PIP is authorized for re-enrolled continuous signup practices only if new C/S is approved.

**Important:** PIP's shall **not** be made until **all** eligibility determinations have been made according to 1-PL or 4-PL, as applicable.**--***

*** * ***

PIP is a one-time incentive payment:

- applicable to all continuous signup practices, including re-enrolled continuous signup practices, except CP15B *** * ***

  **Note:** See subparagraph 58 D for eligible practices for continuous signup.

- equal to 40 percent of the total **eligible** cost of practice installation.

  **Important:** Do **not** include ineligible costs when calculating PIP.

  **Note:** Partial PIP payments are not authorized.

## 125 One-Time Payments (Continued)

### B PIP (Continued)

Determine the total **eligible** cost of practice installation. Do **not include** ineligible costs when calculating PIP. The following table provides additional information and examples for calculating PIP's.

**Note:** PIP cannot exceed 100 percent of the producer's out-of-pocket cost.

| **Example No. 1** | |
|---|---|
| **Step** | **Action** |
| 1 | Producer enrolled 10 acres as CP22. The average cost to establish hardwood trees is $150 per acre for the needed components. The producer submits an invoice that totals $200 per acre to establish the required components for the practice. The eligible cost used to determine C/S cannot exceed $150 per acre. The difference between the $200 per acre invoice and the $150 average cost is considered **ineligible cost**. The producer received C/S of $750 (10 ac. x $150 = $1,500 cost x .50 = $750). AD-862, item H1, total eligible installation cost, is $1,500 and item H2, cost-share, is $750. |
| 2 | Multiply AD-862, item H2, cost-share, times 80 percent ($750 x .80 = $600). PIP is $600. |
| **Example No. 2** | |
| **Step** | **Action** |
| 1 | Producer enrolls 5 acres to be devoted to CP22 and 10 acres to be devoted to CP18B on the same tract. The producer's total eligible cost to install CP22 and CP18B was $5,500. The producer received $4,000 from the State Department of Natural Resources. The producer's out-of-pocket cost was $1,500. The value of the contribution from the State Department of Natural Resources plus the producer's out of pocket cost did not exceed the established eligible cost. The producer received $1,500 C/S assistance ($5,500 x .50 = $2,750, limited to $1,500, producer's out-of-pocket cost). AD-862, Item H1, total eligible installation cost, is $5,500 and item H2, cost-share, is $1,500. |
| 2 | Multiply AD-862, item H2, cost-share, times 80 percent ($1,500 x .80 = $1,200). The producer's out-of-pocket cost was $1,500. PIP is limited to $1,200. |

## 125 One-Time Payments (Continued)

### B PIP (Continued)

PIP shall be:

- a one-time payment only, regardless if C/S is paid for reestablishment
- rounded to the nearest whole dollar, see paragraph 372
- subject to the prompt payment provisions, see paragraph 372
- divided among participants according to the shares on CRP-1
- subject to the CRP $50,000 FY payment limitation, see paragraph 371
- issued according to 1-FI using program code “XXCRPPRI”
- refunded if CRP-1 is terminated, see paragraph 355
- offset, if applicable, see paragraph 375
- assigned, if applicable, see paragraph 375.

PIP is a separate payment from all of the following:

- annual rental payment
- C/S payment
- CRP-SIP
- ***--**CP23 one-time incentive payment for CRP-1’s approved before November 3, 2008.**--***

## 126 First Year Prorated Annual Rental Payment for Continuous Signup

**A**
**Prorated Annual Rental Payment**

All CRP annual rental payments are made after October 1 of each year of the contract period. All CRP-1's must be for a minimum duration of 10 years and shall not exceed 15 years. See paragraph 105.

Because CRP-1's for certain land enrolled through continuous signup may have an effective date other than October 1, the first year's annual rental payment may be for less than a 12-month period.

---

**B**
**Example of Prorated Annual Rental Payment**

Producer offers land not currently enrolled in CRP for enrollment through continuous signup. The 10-year CRP-1 was approved by COC on February 22, 2003, with an effective date of March 1, 2003. Because the CRP-1 effective date is March 1, 2003, the producer would receive CRP payments for 10 years and 7 months if all eligibility requirements were met.

The producer would receive a total of 11 annual payments. The first annual rental payment would be made after October 1, 2003, for the 7 months (March 1, 2003, through September 30, 2003) CRP-1 was effective in FY 2003. The prorated annual rental payment must be made through special processing. The remaining 10 annual rental payments would be made after October 1 of each applicable year through the normal payment process.

**Important:** All CRP annual rental payments, including first year prorated annual rental payments, shall be made after October 1 of the applicable year. See paragraph 372.

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**127-136 (Reserved)**

## Section 3 Processing Continuous Signup Offers

### 137 Continuous Signup Process Information

**A**
**Receiving Continuous Signup Offers**

Producers may submit offers of acreage for CRP at any time by submitting an offer on CRP-1 and CRP-2C. There is no deadline to submit an offer under continuous signup.

**Note:** A new signup number shall be used for each FY. See paragraph 111.

Offers must be submitted by tract. **Multi-tracts shall not be used for submitting CRP offers**. See 2-CM for a definition of a tract.

Producers shall:

- indicate the acreage and practice to be enroll in CRP
- identify the acreage offered on an aerial photograph
- indicate the per acre rental rate offered.

**B**
**Separate Offers**

Separate CRP-2C's and CRP-1's must be completed for marginal pastureland.

Separate CRP-1's must be completed for:

- each CRP-2C completed
- practices with different lifespans.

**Example:** Producer offers 5 acres to be devoted to a filter strip with a 10-year lifespan and 3 acres to be devoted to a riparian buffer with a 13-year lifespan on the same tract. Only one CRP-2C is completed for the offer. However, separate CRP-1's must be completed for each practice.

Continued on the next page

**C**
**Informing Producers**

County Offices shall inform producers:

- CRP-1 (Exhibit 16) is a binding contract
- changes are not allowed on the preprinted portion of CRP-2C, CRP-1, or CRP-1 Appendix
- any changes to the data entered on CRP-2C, CRP-1, CRP-1 Continuation, or other CRP form must be initialed and dated by both the employee making the change and the producer
- CRP-1 must be signed and dated by all required signatories before COC may approve CRP-1

  **Note:** See paragraph 198 for signature requirements.

- the total enrollment of cropland in CRP and DCP cannot exceed the total cropland on the farm
- of provisions regarding CRP-1 effective date.

  **Note:** See paragraph 139 for applicable CRP-1 effective dates for continuous signup.

Continued on the next page

## 137 Continuous Signup Process Information (Continued)

### D Withdrawing Offers and Acreage Modifications

Producers may withdraw or modify acreage offered for enrollment in CRP under the continuous signup provisions, without penalty, anytime **before** CRP-1 is approved.

Producers who withdraw or modify acreage offered under continuous signup **before** CRP-1 is approved shall not be assessed liquidated damages.

**Important:** Liquidated damages are applicable after CRP-1 is approved.

If the producer modifies acreage offered after NRCS or TSP has completed CRP-2C, TSP shall review the changes and make adjustments where necessary.

A paid-for measurement service shall be completed for all acreage determined acceptable **before** CRP-1 is approved. See paragraph 253.

**Exception:** Any acreage currently enrolled that is being reoffered if the acreage was previously measured.

## 137 Continuous Signup Process Information (Continued)

### E COC Responsibilities

Before submitting CRP-2C to NRCS or TSP, COC shall determine whether all eligibility requirements in paragraph 112 are met.

**Exceptions:** COC shall not make a determination regarding:

- suitability of the acreage for the practice offered
- need and feasibility of the practice offered to solve the resource concern
- the eligibility of the per acre rental rate offered amount until maximum payment rate amount is calculated
- ***--**county cropland limit eligibility per Part 4.**--***

If all applicable eligibility requirements in paragraph 112 are **not** met, COC shall:

- **not** submit CRP-2C to TSP
- use CRP-26 to inform producer the offer was not acceptable.

### F TSP Responsibilities

NRCS or TSP shall, for every continuous signup CRP-2C received:

- complete a site visit to determine whether the:
  - land offered is suitable for the practice offered
  - practice offered is needed and feasible to solve the resource concern
  - existing cover is functioning as the practice offered, see paragraph 112
- complete the applicable items of CRP-2C according to paragraph 138

  **Important:** NRCS or TSP must complete a site visit before completing CRP-2C.
- return completed CRP-2C's to COC to calculate maximum payment rate.

## 138 Completing CRP-2C for Continuous Signup

### A Overview

CRP-2C shall be completed for all acreage on which producers want to submit a request for enrollment. The document is used by FSA and NRCS or TSP to:

- make eligibility determinations
- calculate maximum payment rates
- obtain data and statistics on acreage offered for the program.

**Note:** See paragraph 196 for completing CRP-2 for standard CRP signups.

### B Separate CRP-2C's and CRP-1's for Marginal Pastureland

**Separate CRP-2C's and CRP-1's** must be completed for marginal pastureland offered for enrollment in CRP. See paragraph 137.

County Offices shall:

- **not** process offers that contain both marginal pastureland and cropland
- immediately notify producers who submit offers that contain both cropland and marginal pastureland that the offer shall **not** be processed until separate offers are completed
- **not** submit offers that contain both cropland and marginal pastureland to NRCS or TSP for evaluation.

To be eligible to be enrolled in CRP, marginal pastureland must be devoted to a riparian buffer devoted (planted or natural regeneration) to trees, wildlife habitat buffer, or wetland buffer. See paragraph 112.

**Important:** Land that meets the definition of cropland shall **not** be enrolled in CRP as marginal pastureland. See 3-CM for the definition of cropland.

Continued on the next page

**C**
**Completing CRP-2C**

Complete CRP-2C for continuous signup according to the following table.

All item numbers, except item numbers 2, 3B, and 6, must be completed before producer signs CRP-2C. If an item number is not applicable to the offer, enter "N/A". NRCS or TSP shall return all incomplete CRP-2C's to FSA for completion.

**All changes to data entered on CRP-2C, including completion of item numbers 2 and 3B after producer signs CRP-2C, must be initialed and dated by both the employee making the change and the producer.**

**Important:** Continuous signup data is entered into the System 36 CRP contract software only.

| Item Number | Instructions |
|---|---|
| 1 | Enter tract number. |
| 2 | Enter the program year after the producer elects an effective date. See subparagraph 111 B for program year and paragraph 139 for effective dates. |
| 3A | Enter the signup number. |
| 3B | Enter the date CRP-1 will be effective if the acreage offered is accepted. See paragraph 139. |
| 4A through 4E | Enter the:<br>• farm number<br>• producer's name, address, and telephone number<br>• County Office address and telephone number. |

Continued on the next page

**C**
**Completing**
**CRP-2C**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 5A | Enter the State and county code where the acreage being offered is administratively located. |
| 5B | If **all** of the acreage being offered is:<br><br>• physically located in the State and county where the acreage being offered is administratively located, enter the same State and county code entered in item 5A<br><br>• **not** physically located in the State and county where the acreage being offered is administratively located, enter the State and county code where at least 51 percent of the acreage being offered that is not located in the administrative county is physically located.<br><br>**Important: Do not leave this entry blank.** |
| 6 | Enter the CRP-1 number after approval by a CCC representative. Number CRP-1's in the sequence in which approved. Use only 1 series (1, 2, 3, etc. up to 8999) regardless of FY in which CRP-1 is approved. |
| 7 | Enter the number of acres to be offered for enrollment in CRP. Round to the nearest tenth of an acre. |

Continued on the next page

**C**
**Completing**
**CRP-2C**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 8 | Check the applicable box. **Check only 1 box.**<br><br>If the applicant requests C/S assistance for **any** practice listed in item 11, check the "YES" box.<br><br>If the applicant declines C/S assistance for **all** practices listed in item 11, check the "NO" box.<br><br>**Important:** If the "NO" box is checked, the producer will be ineligible for C/S assistance if the offer is accepted. |
| 9 | To be completed by the producer after the maximum payment rate is calculated.<br><br>**Important:** The producer must complete this item. County Office shall **not** complete this item. |
| 10 | Check the applicable signup type. **Check only 1 box.** |
| 11A through 11D | Enter the:<br><br>• practices the producer wants to install<br>• applicable acreage amount<br>• total estimated C/S per practice<br>• practice length.<br><br>Enter the estimated total C/S amount for each applicable practice, in whole dollars, needed for the acres offered.<br><br>When computing the estimated total C/S amount, use flat C/S rates for components that accurately reflect the average costs of installing the practice. Do not use "not to exceed" rates for this item.<br><br>**Note:** This policy does not apply when calculating actual C/S for practice approvals and payment calculations on AD-245. The amount of C/S paid is not limited to the amount on CRP-2C. |

Continued on the next page

**C**
**Completing**
**CRP-2C**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 12 | Enter the hydrologic unit code number. Enter the 8-, 10-, 11-, 12-, or 14-digit number. |
| 13 | Enter the total number of eligible acres offered in the **applicable** continuous signup categories. Depending on the acreage and practices offered, acres may be entered in 1 or all of the continuous signup categories for cropland acres.<br><br>**Important:** Do **not** enter data in any category except the **applicable continuous signup categories.**<br><br>**Continuous signup offers for marginal pastureland to be devoted to CP22, CP29, or CP30 must be separate CRP-2C's and CRP-1's.** County Offices shall not process any offer that contains both marginal pastureland and cropland. See paragraph 137.<br><br>**Examples:** If the producer offers 3 acres within an approved public wellhead protection area to be devoted to CP1, ENTER "3" in the block titled "Wellhead Protection Acres".<br><br>If the producer offers 3 acres within an approved public wellhead protection area to be devoted to CP5A, ENTER "3" in the block titled "Wellhead Protection Acres" and also ENTER "3" in the block titled "Other Cropland".<br><br>If a producer offers 5 acres within an approved public wellhead protection area to be devoted to CP1 and 2 acres of marginal pastureland to be devoted to CP22, the County Office shall:<br><br>• **not** process CRP-2C<br><br>• notify the producer that the marginal pastureland acreage must be submitted as a separate offer from any cropland acreage offered. |

Continued on the next page

**C**
**Completing**
**CRP-2C**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 14A | Enter the physical location. |
| 14B | For cropland, enter the soil survey area ID number associated with the primary, secondary, and tertiary soil map unit symbols for the eligible acreage offered.<br><br>**Example:** A producer offers 20 acres for enrollment in CRP continuous signup. Five acres are determined ineligible for enrollment. Enter the soil survey ID number associated with the primary, secondary, and tertiary soil map unit symbols for the 15 eligible acres only.<br><br>For marginal pastureland, enter the soil survey area ID number for the soil survey applicable for the eligible marginal pastureland offered.<br><br>**Note:** The marginal pastureland rental rates are not based on the soil survey.<br><br>**Important:** Continuous signup offers for marginal pastureland to be devoted to CP22, CP29, or CP30 must be separate CRP-2C's and CRP-1's. County Offices shall not process any offer that contains both marginal pastureland and cropland. See paragraph 137. |

Continued on the next page

**C**
**Completing**
**CRP-2C**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 14C | For cropland, enter the primary, secondary, and tertiary soil map unit symbols for the entire eligible acreage offered.<br><br>For marginal pastureland, if the county has:<br><br>• 1 marginal pastureland rental rate, enter "MPLALL"<br>• 2 marginal pastureland rental rates, enter:<br><br>  • "MPLSEA" if the eligible land offered is adjacent to a seasonal stream<br><br>  • "MPLPER" if the eligible land offered is adjacent to a perennial stream or other permanent water body.<br><br>**Important:** See subparagraphs 111 C and E. |
| 14D | For cropland, enter the primary, secondary, and tertiary soil map unit acres for the eligible acreage offered. Add lines 1 through 3 and enter the result on the Total line.<br><br>For marginal pastureland, enter the number of eligible marginal pastureland acres offered for each type (MPALL, MPLPER, or MPLSEA) listed in item 14C. Add lines 1 and 2 and enter the result in the Total line.<br><br>**Example:** Producer in a country with 2 marginal pastureland rental rates offers 7 acres of eligible marginal pastureland adjacent to a perennial stream and 5 acres of eligible marginal pastureland adjacent to a seasonal stream on the same tract. Enter 7 acres in line 1 of item 14D with a soil map unit symbol of "MPLPER" and 5 acres in line 2 of item 14D with a soil map unit symbol of "MPLSEA." Enter 12 acres in the Total line of item 14D.<br><br>**Important:** Continuous signup offers for marginal pastureland to be devoted to CP22, CP29, and CP30 must be separate CRP-2C's and CRP-1's. County Offices shall not process any offer that contains both marginal pastureland and cropland. See paragraph 137. |

Continued on the next page

**C**
**Completing**
**CRP-2C**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 14E | For cropland, enter the appropriate SRR from the soil/payment rate table for each soil type listed in column C.<br><br>**Note:** If only 1 soil type is listed in column C, leave column E blank.<br><br>For marginal pastureland, enter the appropriate marginal pastureland rental rate for the type listed (MPALL, MPLSEA, or MPLPER) in column C.<br><br>**Note:** If only 1 marginal pastureland type is listed in column C, leave column E blank. |
| 14F | Multiply column D times column E, and enter the result in column F.<br><br>**Notes:** If only 1 type (cropland soil type or marginal pastureland type) is listed in column C, leave column F blank.<br><br>Add lines 1 through 3, and enter the result on the Total line. |

Continued on the next page

**C**
**Completing**
**CRP-2C**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 15 | For cropland, do either of the following:<br><br>• if more than 1 soil type is listed in item 14C, enter the weighted average SRR by dividing item 14F, line 4 by item 14D, line 4<br><br>• if only 1 soil type is listed in item 14C, enter SRR for that soil type.<br><br>For marginal pastureland, do either of the following:<br><br>• if more than 1 marginal pastureland type is listed in item 14C, enter the weighted average marginal pastureland rental rate by dividing item 14F, line 4 by item 14D, line 4<br><br>• if only 1 marginal pastureland type is listed in item 14C, enter the marginal pastureland rental rate for that type marginal pastureland.<br><br>**Important:** **Continuous signup offers for marginal pastureland to be devoted to CP22, CP29, or CP30 must have separate CRP-2C's and CRP-1's.** County Offices shall not process any offer that contains both marginal pastureland and cropland. See paragraph 137. |

Continued on the next page

**C**
**Completing**
**CRP-2C**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 16 | Complete item 16 only when an offer is being submitted for practices eligible for a per acre incentive, according to subparagraph 124 B.<br><br>Enter the result of multiplying item 15 times the total acres in item 14D times the applicable percentage.<br><br>If an offer contains practices eligible for differing incentive percentages, including offers containing practices not eligible for an incentive, the County Office may do either of the following:<br><br>• complete a separate CRP-2C for each practice<br>• calculate a weighted average incentive percentage.<br><br>**Note:** Separate CRP-1's must be completed:<br><br>• if separate CRP-2C's are completed<br>• for practices with different lifespans.<br><br>**Example:** A producer's offer includes 10 acres of CP1, located within an approved public wellhead protection area, and 5 acres of CP21. The weighted average SRR (item 15) for the offer is $40.<br><br>The County Office calculates a weighted average incentive percentage by:<br><br>• multiplying the number of acres offered for each practice times the applicable incentive percentage for that practice, according to subparagraph 124 B (10 X .1 = 1.0 for CP1 and 5 x .2 = 1.0 for CP21)<br><br>• dividing the resulting total by the total acres offered (round to 2 decimal places) (2.0 divided by 15 = 0.13).<br><br>The weighted average incentive percentage would be 0.13. The County Office would enter the result of multiplying the weighted average SRR (item 15) times the weighted average incentive percentage (0.13), rounded to 2 decimal places, in item 16. For this example, the County Office would enter $5.20 ($40 x 0.13) in item 16.<br><br>**Note: Infeasible to farm acres are not eligible for incentive payments.** |

## 138 Completing CRP-2C for Continuous Signup (Continued)

### C Completing CRP-2C (Continued)

| Item Number | Instructions |
|---|---|
| 17A | Enter the physical location. |
| 17B | For cropland offered as infeasible to farm acreage, enter the soil survey area ID number associated with the primary, secondary, and tertiary soil map unit symbols for the eligible infeasible to farm acreage offered.<br><br>**Example:** A producer offers an 11 acre field adjacent to a perennial stream to be to a filter strip. Only 10 acres are eligible for the filter strip. At least 50 percent of the field was offered as a filter strip and the 1 acre remaining does not exceed 25 percent of the filter strip acreage. The 1.0 acre may be enrolled as infeasible to farm acreage. See paragraph 113. |
| 17C | For cropland, enter the primary, secondary, and tertiary soil map unit symbols for the entire eligible acreage offered as infeasible to farm acreage.<br><br>Infeasible-to-farm criteria does not apply to practices on marginal pastureland.<br><br>***--**In the case for FWP where there is no soil survey data or soil data is delineated as “W” water, the soil map unit symbol should be AVGRT (the county average CRP rental rate)**.--***. |

## 138 Completing CRP-2C for Continuous Signup (Continued)

### C Completing CRP-2C (Continued)

| Item Number | Instructions |
|---|---|
| 17D | For cropland, enter the primary, secondary, and tertiary soil map unit acres for the eligible infeasible to farm acreage offered. Add lines 1 through 3 and enter the result on the Total line. |
| 17E | For cropland, enter the appropriate SRR from the soil/payment rate table for each soil type listed in column C.<br><br>**Note:** If only 1 soil type is listed in column C, leave column E blank. |
| 17F | Multiply column D times column E, and enter the result in column F.<br><br>**Notes:** If only 1 type (cropland soil type) is listed in column C, leave column F blank.<br><br>Add lines 1 through 3, and enter the result on the Total line. |
| 18 | Enter the weighted average SRR plus the total Incentive Payment amounts using the following formula:<br><br>Items 14F + 16 + 17F divided by the total acres (14D + 17D). |

**C**
**Completing**
**CRP-2C**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 19 | Enter the established maintenance rate, if applicable.<br><br>**Note:** See subparagraph 124 C for establishing and limits on maintenance rates.<br><br>When land offered is physically located in more than 1 State and/or county and each State and/or county has a different maintenance rate for the practice offered, the County Office shall calculate and enter a weighted average maintenance rate from the State/county where the predominance of land offered is physically located.<br><br>When multiple practices with different maintenance rates are offered, the County Office shall calculate and enter a weighted average maintenance rate.<br><br>**Example:** STC established maintenance rates of $2 for CP3, $3 for CP2, and $4 for CP4D. A producer's offer includes 10 acres of CP3, 20 acres of CP2, and 5 acres of CP4D.<br><br>The County Office calculates the weighted average maintenance rate by:<br><br>• multiplying the number of acres offered times the maintenance rate for each practice ($20 for CP3, $60 for CP2, and $20 for CP4D<br><br>• dividing the total dollar amount by the total acres offered rounded to 2 decimal places ($100 divided by 35 =$2.86).<br><br>The County Office would ENTER "$2.86" in item 19. |

Continued on the next page

**C**
**Completing**
**CRP-2C**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 20 | Add items 18 and 19 and enter the result in this item. |
| **Complete items 21 through 25 to determine 4 out of 6 years cropping history and other data for the acres being offered for enrollment.** | |
| 21 | Enter the tract number. |
| 22 | Enter the current field number.<br><br>**Note:** Subdivide field if a portion of the cropland in the field does not meet the cropland eligibility according to subparagraph 97 A. |
| 23 | List current crop and land use. Enter the CRP acres and practice, by code, to be implemented. Enter the practices to be cost-shared and practices that will not be cost-shared separately. |
| 24A | Enter the acreage offered by field. |
| 24B | If COC determines that:<br><br>• **all** acreage meets the applicable requirements according to paragraph 112, COC shall enter the acreage amount by field in this item<br><br>• **all** acreage offered does not meet the applicable requirements according to paragraph 112, CRP-2C shall **not** be submitted to NRCS or TSP<br><br>**Note:** COC shall ENTER "0" in this item.<br><br>• part of the acreage offered does not meet the applicable requirements according to paragraph 112, **before** submitting CRP-2C to NRCS or TSP, **COC** shall enter the amount of eligible acres in this item<br><br>• the acreage meeting all requirements will be recorded on CRP-1.<br><br>After receiving completed CRP-2C, NRCS or TSP shall determine whether the acreage is suitable for the practice offered and if the practice is needed and feasible to solve the resource concern. NRCS or TSP shall provide COC written documentation that the acreage is not eligible. |

Continued on the next page

## 138 Completing CRP-2C for Continuous Signup (Continued)

### C Completing CRP-2C (Continued)

| Item Number | Instructions |
|---|---|
| 24C through 24I | For cropland, enter the years for which cropping history is being recorded, then enter the crop code using short abbreviations of not more than 4 letters, such as "Wht", "Corn", "SB", "Sorg", and "CU" for the applicable year.<br><br>County Offices shall record any 4 years of cropping history for the 6 applicable years (1996 through 2001). It is not necessary to list all 6 years to determine cropping history eligibility.<br><br>For FWP, County Offices shall record any 3 years of cropping history for the 10 applicable years. It is not necessary to list all 10 years to determine cropping history eligibility.<br><br>***--**For commercial pond-raised aquaculture (CP40), County Offices shall record "pond" for eligible land for wetland restorations that was devoted to commercial pond-raised aquaculture any 1 year 2002 through 2007.<br><br>For flooded prairie wetlands (CP41), County Offices shall enter "FPW" to record producer's certification for cropland that was:<br><br>• subject to the natural overflow of a prairie wetland<br><br>• **physically** cropped during at least 3 out of the 10 crop years after January 1, 1990, and **before** December 31, 2002.**--***<br><br>For marginal pastureland, enter "MPL" in item 24C. |
| 25 | Enter the totals of item 24B. |
| 26 through 27B | **Have the producer read, sign, and date the CRP-2C certification. The producer shall sign CRP-2C. The County Office shall not process offer until producer signs CRP-2C. Unsigned CRP-2C's shall not be considered timely filed.** |

# 138 Completing CRP-2C for Continuous Signup (Continued)

## D Example of CRP-2C

The following is an example of CRP-2C.

This form is available electronically. *See Page 2 for Privacy Act Statement.*

**CRP-2C** (02-04-03) **U.S. DEPARTMENT OF AGRICULTURE** Farm Service Agency

**CONSERVATION RESERVE PROGRAM WORKSHEET** (For Continuous Signup)

*NOTE. The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

| | |
|---|---|
| 1. TRACT NUMBER | 106 |
| 2. PROGRAM YEAR | 2004 |
| 3A. SIGN UP NUMBER | 27 |
| 3B. EFFECTIVE DATE (MM-DD-YYYY) | 10-1-2003 |
| 4A. FARM NUMBER | 574 |
| 4B. NAME AND ADDRESS OF PRODUCER (Zip Code): | John H. Producer<br>1675 Virginia Lane<br>Anytown, AL<br>TELEPHONE NO. (Include Area Code): (212)555-1212 |
| 5A. STATE & COUNTY CODE ADMIN. LOCATION | 17163 |
| 5B. STATE & COUNTY CODE PHYSICAL LOCATION | 17157 |
| 6. CONTRACT NUMBER | |
| 7. ACRES FOR ENROLLMENT | 9 |
| 4C. COUNTY FSA OFFICE ADDRESS (Zip Code): | St, Clair CO FSA Office<br>2031 Mascoutah Avenue<br>Belleville, IL 62220 |
| 4D. COUNTY FSA OFFICE TELEPHONE NO. (Include Area Code): | (212)555-1213 |
| 8. IS COST-SHARE REQUESTED? | YES [X] NO [ ] |
| 9. RENTAL RATE PER ACRE OFFERED | $ 67.67 |
| 10. SIGNUP TYPE (Check one): | CONTINUOUS [X]<br>CREP [ ]<br>FWP [ ] |

11. PRACTICES:

| A. PRACTICES | B. ACRES | C. ESTIMATED TOTAL C/S | D. LENGTH |
|---|---|---|---|
| CP21 | 9 | $1000 | 15 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

12. HUC Number:

13. Land Eligibility Category by Acres: *(Enter the amount eligible for each critera.)*

| | |
|---|---|
| Marginal Pastureland | |
| CREP Acres | |
| Wellhead Protection Acres | |
| Expiring CRP | |
| Water Bank Program | |
| Infeasible to Farm | 1.0 |
| Other Cropland | |

14. Soil Map Data and Maximum Payment Rate Calculations:

| | A. Physical Location | B. Soil Survey ID No. | C. Map Unit Symbol | D. Acres | E. Soil Rental Rate | F. Total Rent |
|---|---|---|---|---|---|---|
| (1) Primary | 17157 | IL157 | 122B | 8 x | $ 55 = | $ 440.00 |
| (2) Secondary | | | | x | $ = | $ |
| (3) Tertiary | | | | x | $ = | $ |
| | | | TOTALS | 8 | | $ 440.00 |

15. Weighted Average Soil Rental Rate *(Col. 14F Total divided by Col. 14D total)* $ 55.00

16. Total Incentive *(if applicable) (Item 15 times 14D times applicable incentive percentage )* $ 88.00

17. Soil Map Data and Maximum Payment Rate Calculations. For Infeasible to farm Acreage:

| | A. Physical Location | B. Soil Survey ID No. | C. Map Unit Symbol | D. Acres | E. Soil Rental Rate | F. Total Rent for Infeasible to Farm Acres |
|---|---|---|---|---|---|---|
| (1) Primary | 17157 | IL157 | 216G | 1 x | $ 36 = | $ 36 |
| (2) Secondary | | | | x | $ = | $ |
| (3) Tertiary | | | | x | $ = | $ |
| | | | TOTALS | 1 | | $ 36 |

18. Weighted Average Soil Rental Rate Plus Total Incentive *(14F + 16 + 17F)* divided by *(14D + 17D)* $ 62.67

CONTRACT TOTALS

19. Weighted Average Maintenance Rate for Contract $ 5.00

20. Maximum Payment Rate *(Item 18 + Item 19)* $ 67.67

[ ] ORIGINAL - COUNTY FSA OFFICE COPY [ ] FSA PENDING COPY

## 138 Completing CRP-2C for Continuous Signup (Continued)

### D Example of CRP-2C (Continued)

**CRP-2C** (02-04-03) (Page 2)

| 21. Tract No. | 22. Current Field No. | 23. Current Crop or Land Use | 24. Crop Land Use Summary | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | A. Offered Acres | B. Eligible Acres | C. Year: 2001 | D. Year: 2000 | E. Year: 1999 | F. Year: 1998 | G. Year: | H. Year: | I. Year: |
| 106 | 2 | CORN | 9 | 9 | CORN | WHT | WHT | CORN | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | 25. TOTAL | | 9 | | | | | | | |

**26. PRODUCER'S CERTIFICATION:**

*By signing below I certify to all of the following: (1) I have been informed of the estimated cost of establishing the cover offered; (2) I have been informed that declining cost share assistance to establish the cover offered and/or offering a per acre rental payment less than the calculated annual maximum payment rate may enhance the acceptability of the offer; (3) I have been informed that if I decline cost share assistance I will be ineligible for cost share assistance; (4) I have been informed that I may be required to pay for a measurement service on the acreage offered before such acreage may be enrolled in the CRP; (5) To the best of my knowledge and belief the acreage of crops and land listed herein, if applicable, are true and correct; and (6) The signing of this form gives USDA representatives authorization to enter and inspect crops and land uses and for other purposes on the above identified land.*

*I understand that an inaccurate certification could result in a payment reduction or loss of program benefits.*

| 26A. PRODUCER'S SIGNATURE | 26B. DATE (*MM-DD-YYYY*) |
|---|---|
| John H. Producer | 5-22-2003 |
| | |

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the following information is the Food Security Act of 1985. (Pub. L. 99-198), as amended the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D. C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.*

## 139 CRP-1 Period for Continuous Signup

**A**
**Overview**

The duration of CRP-1 may vary for each CRP-1. The CRP-1 period shall be not less than 10 nor more than 15 FY's. See subparagraph 58 C for continuous signup practices and associated CRP-1 length.

**Important:** CRP payments shall not exceed 15 years.

---

**B**
**Effective Date of CRP-1 for Land Not Currently Enrolled in CRP**

For land that is **not** enrolled in CRP at the time the producer submits CRP-1 and CRP-2C, the effective date of CRP-1's under continuous signup provisions shall be the first day of the month following the month COC approves CRP-1.

**Exception:** The producer may defer the effective date of CRP-1 up to 6 months. However, the effective date shall always be the first day of the applicable month. See subparagraphs E, F, and G for examples.

**CRP-1's not approved within 6 months of the date the producer signs CRP-2C shall be rejected.**

Because the producer may defer CRP-1 effective date up to 6 months, all crops must be removed from the accepted acreage before the effective date of CRP-1.

**Notes:** Unless CRP-1 is effective on October 1, of any year, the first year's annual payment shall be prorated and paid through special processing. See paragraph 126.

Grazing is prohibited beginning the later of the following:

- the effective date of CRP-1
- 10 calendar days after COC approves CRP-1.

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Continued on the next page

**C**
**Effective Date of CRP-1 for Land Currently Enrolled in CRP**

Land currently enrolled in CRP may be offered for re-enrollment through continuous signup if all of the following are met:

- the land enrolled in CRP is in the last year of CRP-1

  **Important:** If the land enrolled in CRP is **not** in the last year of CRP-1, the land is **not** eligible to be offered for re-enrollment.

- the acreage offered meets **all** of the applicable eligibility requirements according to paragraph 112

- CRP-1 effective date is October 1 of the year the existing CRP-1 expires.

  **Important:** Land enrolled in CRP in the last year of CRP-1 is **not** eligible to be re-enrolled with an effective date other than October 1 of the year the existing CRP-1 expires. The CRP-1 effective date shall not be deferred.

**D**
**Expiration Date of CRP-1**

Expiration date of CRP-1's under continuous signup provisions shall be September 30 of the applicable year, as determined by the duration of CRP-1, regardless of the effective date of CRP-1.

Continued on the next page

**E**
**Example 1 of 10-Year CRP-1**

Producer offers land not currently enrolled in CRP for enrollment through continuous signup. CRP-1 was approved by COC on February 22, 2003. The effective date shall be March 1, 2003, unless the producer chooses to defer the effective date. The producer may elect to defer the effective date up to 6 months.

In this example, a 6-month deferment would result in an effective date of September 1, 2003.

Regardless of the effective date, the expiration date for CRP-1 shall be September 30, 2013.

Assuming an effective date of March 1, 2003, the producer would receive CRP payments for 10 years and 7 months if all eligibility requirements were met. Assuming an effective date of September 1, 2003, the producer would receive CRP payments for 10 years and 1 month.

**Note:** Each payment, including the first year prorated payment, will be paid after October 1 of each applicable year. See paragraph 126.

Continued on the next page

**F**
**Example 2 of 10-Year CRP-1**

On May 10, 2003, producer offers land currently enrolled in CRP for enrollment through continuous signup. The existing CRP-1 expires September 30, 2003, and all other eligibility requirements are met. CRP-1 for acreage offered was approved by COC on July 12, 2003. The effective date shall be October 1, 2003. The effective date shall **not** be deferred.

The expiration date shall be September 30, 2013.

---

**G**
**Example of 15-Year CRP-1**

Producer offers land not currently enrolled in CRP for enrollment through continuous signup. CRP-1 was approved by COC on February 22, 2003. The effective date shall be March 1, 2003, unless the producer chooses to defer the effective date. The producer may elect to defer the effective date up to 6 months.

In this example, a 6-month deferment would result in an effective date of September 1, 2003.

The producer shall not receive CRP payments for more than 15 years; therefore, the expiration date for CRP-1 shall be September 30, 2017. Assuming an effective date of March 1, 2003, the producer would receive CRP payments for 14 years and 7 months. Assuming an effective date of September 1, 2003, the producer would receive CRP payments for 14 years and 1 month.

**Note:** See paragraph 126 for first year prorated annual rental payments.

---

## 140 Completing CRP-1 for Continuous Signup

**A**
**Completing CRP-1**

**All** item numbers, except item number 3, must be completed before producer signs CRP-1.

**All changes to data entered on CRP-1 after producer signs CRP-1 must be initialed and dated by both the employee making the change and the producer.**

**Notes:** Complete CRP-1 for continuous signup according to Exhibit 16.

See paragraph 141 for notifying producers.

Unlike a general CRP signup where CRP-1 effective date is known at the time the producer completes CRP-1 and CRP-2, the continuous signup CRP-1 effective date cannot be accurately determined at the time the producer completes CRP-2C.

**Exception:** The continuous signup CRP-1 effective date is known at the time the producer completes CRP-2C when the land offered is currently enrolled in CRP. See paragraph 141.

Because continuous signup CRP-1 effective date may not be known at the time the producer completes CRP-1 and CRP-2C and there is no penalty for withdrawing or modifying a continuous signup offer.

Continued on the next page

**A Completing CRP-1 (Continued)**

The following table provides an example of land offered for enrollment under continuous signup with the producer not signing CRP-1 until all documents and information required are obtained. This is an example for demonstration purposes only.

| Date | Action |
|---|---|
| February 22, 2003 | Producer initiates CRP-2C to enroll land in CRP under continuous signup on February 22, 2003. The land is not currently enrolled in CRP and the producer wants CRP-1 to be effective as soon as possible. |
| March 2, 2003 | COC determines all applicable eligibility requirements according to paragraph 112 have been met and submits CRP-2C to NRCS or TSP with copy of aerial map. |
| March 13, 2003 | NRCS or TSP completes a site visit, determines the land is suitable for the practice offered, and the practice is needed and feasible to solve the resource concern. |
| March 15, 2003 | NRCS or TSP completes the applicable items on CRP-2C and returns it to COC. |
| March 17, 2003 | County Office calculates maximum payment rate and notifies producer that CRP-1 and CRP-2C is completed and ready for producer signature. |

Continued on the next page

**A**
**Completing**
**CRP-1**
**(Continued)**

| Date | Action |
|---|---|
| April 3, 2003 | Producer completes CRP-2C, item 9 and CRP-1, item 11A with an acceptable per acre rental rate offered amount and signs CRP-1 and CRP-2C. County Office provides producer CRP-1 Appendix and informs producer:<br><br>• the offer is acceptable<br>• starting the practice before CRP-1 approval is at the producers own risk<br>• of all the requirements needed for CRP-1 approval, such as:<br><br>  • working with NRCS or TSP to obtain a conservation plan<br>  • completing a paid for measurement service<br>  • signed landlord/tenant certification statement.<br><br>**Note:** See subparagraph 343 F for applicable CRP-1 Appendix. |
| May 17, 2003 | County Office:<br><br>• receives all required information and forms to approve CRP-1<br><br>• completes second party review of all eligibility requirements and maximum payment rate calculations. |
| May 25, 2003 | COC approves CRP-1 with an effective date of June 1, 2003. |
| May 26, 2003 | County Office notifies producer of contract approval and effective date. |

## 141 Notifying Producers with Continuous Signup Offers

### A Unacceptable Offers

Before submitting CRP-2C to NRCS or TSP, COC shall determine whether all eligibility requirements in paragraph 112 are met.

If all applicable eligibility requirements are **not** met, COC shall:

- **not** submit CRP-2C to TSP
- use CRP-26 to inform producer the offer was not acceptable.

### B Acceptable Offers

If CRP-2C is returned from NRCS or TSP and all eligibility requirements are met, COC shall notify producer that CRP-1 and CRP-2C must be completed and signed.

**Important:** CRP-1 and CRP-2C not signed within 30 calendar days of the date the producer is notified CRP-2C is ready for signature shall be rejected.

If producer completes CRP-1 and CRP-2C with an acceptable per acre rental rate offered amount and signs CRP-1 and CRP-2, County Office shall provide producer CRP-1 Appendix and inform producer:

- the offer is acceptable using CRP-23
- starting the practice before CRP-1 approval is at the producers own risk
- of all the requirements needed for CRP-1 approval, such as:
  - working with NRCS or TSP to obtain a conservation plan
  - completing a paid for measurement service
  - completing CRP-15, if applicable
  - signed landlord/tenant certification statement.

**Note:** See paragraph 343 for applicable CRP-1 Appendix.

Continued on the next page

## 141 Notifying Producers With Continuous Signup Offers (Continued)

**B**
**Acceptable Offers (Continued)**

**All changes to data entered on CRP-1 and CRP-2C after producer signs CRP-1 and CRP-2C must be initialed and dated by both the employee making the change and the producer.**

CRP-1's not approved within 6 months of the date the producer signs CRP-2C shall be rejected.

**Note:** See paragraph 139.

When CRP-1 is approved, COC shall use CRP-24 to notify producer of approval and CRP-1 effective date. See Exhibit 12.

**Note:** See paragraph 253 for CRP-1 approval requirements.

**142, 143 (Reserved)**

## Section 4 FWP Provisions

### 144 General FWP Information

#### A Background

*--The Food, Conservation and Energy Act of 2008 authorized FWP through September 30, 2012, for the enrollment of the following:

- certain cropped wetlands and associated buffers
- land devoted to constructed wetlands and associated buffers
- land devoted to certain commercial pond-raised aquaculture
- land subject to the natural overflow of a prairie wetland (flooded prairie wetland) and associated buffers.

#### B Authorized Practices

Practices authorized for continuous signup enrollment in CRP under FWP are:

- CP27, FWP Cropped Wetland
- CP28, FWP Buffer
- CP39, FWP Constructed Wetland
- CP40, FWP Aquaculture Wetland Restoration
- CP41, FWP Flooded Prairie Wetland.

See Exhibit 9 for practice writeups for CP27, CP28, CP39, CP40, and CP41.--*

## 144 General FWP Information (Continued)

### *--C Practice Eligibility Criteria Side by Side

The following provides a side-by-side of the eligibility criteria for each of the practices under FWP.

| Practice | Name | Cropland | Cropping History | Wetland Size 1/ | Buffer |
|---|---|---|---|---|---|
| CP27 | FWP Cropped Wetlands | Yes | Yes<br><br>3 of 10 most recent crop years. | Not to exceed 40 acres per tract. | 4:1 ratio |
| CP28 | FWP Buffer | Yes | Yes<br><br>3 of 10 most recent crop years. | | |
| CP39 | FWP Constructed Wetland | No | No | Not to exceed 40 contiguous acres per tract. | 4:1 ratio |
| CP40 | FWP Aquaculture Wetland Restoration | No | Yes<br><br>1 year 2002 through 2007. | No limit. | No buffer required. |
| CP41 | FWP Flooded Prairie Wetland | Yes | Yes<br><br>3 years out of 10 years from January 1, 1990, through December 31, 2002. | Not to exceed 40 acres per tract.<br><br>No wetland greater than 20 acres. | 4:1 ratio |

1/ Buffer acreage plus wetland acreage may exceed 40 acres per tract; however, wetland component may **not** exceed limits of “Wetland Size” column.**--***

## *--144.5 Acreage Limitations

### A Acreage Limitations

The statute limits participation in CRP under FWP to:

- 1,000,000 acres in all States
- not more than 100,000 acres in any 1 State.

States may request on a case by case basis to increase to 200,000 acres.

Offers will be accepted on a continuous signup basis until the earlier of the following:

- FWP national acreage limitation of 1,000,000 is reached
- State acreage allocation is reached
- CRP statutory authority is reached.

### B State Acreage Allocations

The following are State acreage allocations.

| State | Allocation | State | Allocation |
|---|---|---|---|
| Alabama | 25,000 | Nebraska | 25,000 |
| Alaska | 0 | Nevada | 0 |
| Arizona | 0 | New Hampshire | 500 |
| Arkansas | 60,000 | New Jersey | 4,500 |
| California | 3,000 | New Mexico | 0 |
| Colorado | 1,000 | New York | 1,000 |
| Connecticut | 500 | North Carolina | 5,000 |
| Delaware | 500 | North Dakota | 90,000 |
| Florida | 2,000 | Ohio | 4,000 |
| Georgia | 5,00 | Oklahoma | 500 |
| Hawaii | 0 | Oregon | 2,000 |
| Idaho | 500 | Pennsylvania | 500 |
| Illinois | 5,000 | Puerto Rico | 500 |
| Indiana | 5,000 | Rhode Island | 0 |
| Iowa | 100,000 | South Carolina | 1,500 |
| Kansas | 2,000 | South Dakota | 100,000 |
| Kentucky | 500 | Tennessee | 500 |
| Louisiana | 100,000 | Texas | 6,000 |
| Maine | 1,500 | Utah | 500 |
| Maryland | 1,000 | Vermont | 500 |
| Massachusetts | 1,000 | Virginia | 10,000 |
| Michigan | 5,000 | Washington | 10,000 |
| Minnesota | 80,000 | West Virginia | 500 |
| Mississippi | 90,000 | Wisconsin | 1,000 |
| Missouri | 1,000 | Wyoming | 500 |
| Montana | 500 | | |

--*

***--144.5 FWP Acreage Limitations (Continued)**

**C 25 Percent Cropland Limitation**

The 25 percent cropland limitation applies to FWP. When all acreage enrolled in CRP exceeds the 25 percent limitation and a waiver has **not** been approved, County Offices shall:

- announce the FWP signup
- notify all producers that only offers for continuous signup marginal pastureland practices, CP22, CP29, and CP30, and land physically located in a county that has not reached or exceeded the 25 percent limitation will be processed
- ensure that offers for acreage physically located in the county are not processed, except continuous signup practices.

**Note:** COC shall immediately reject all offers for acreage physically located in the county, except continuous signup marginal pastureland practices CP22, CP29, and CP30, and inform the producer using CRP-26.**--***

## *--144.6 Producer Eligibility

### A Ownership Eligibility

An owner is eligible to offer land for enrollment in FWP if the owner meets 1 of the following requirements:

- owned the land for 12 months before CRP-2C is submitted
- acquired the land by will or succession as a result of death
- acquired the land under circumstances other than for placement in CRP under FWP, as determined by the FSA National Office.

**Note:** Ownership eligibility requirements are satisfied if there is any combination of continuously leasing and owning the same person or entity during the 12-month period before CRP-2C is filed.

### B Operator Eligibility

An operator is eligible to offer land for enrollment in FWP when the operator meets both of the following requirements:

- operated the land for 12 months before CRP-2C is filed
- provides satisfactory evidence, as determined by COC, that control of the land will continue uninterrupted for the CRP-1 period.

**Note:** Satisfactory evidence may include any of the following:

- statement signed by the owner
- written lease for the appropriate time period
- owner's signature on CRP-1.

Operator eligibility requirements shall be satisfied if there is any combination of leasing and owning by the same person or entity during the 12-month period before CRP-2C is filed.**--***

## *--145 FWP Eligible Land Criteria for CP27 and CP28

### A Cropland Eligibility Criteria

Eligible cropland for wetlands (CP27) and associated buffer (CP28) includes cropland that is both of the following:

- planted, COC-approved prevented planted, or considered planted to an agricultural commodity during any 3 of the previous 10 crop years

  **Notes:** Acreage for which a producer received a crop insurance indemnity payment for prevented planting shall be considered planted for that year for CRP cropping history purposes.

  Field margins that are incidental to the planting of crops, such as turnrows, field borders, and center pivot corners, are eligible to be offered. Field margins do **not** include other areas within a field.

  Acreage that received P&CP credit for CAB protection is considered planted for purposes of CRP cropland eligibility.

  During 1996 through 2001, any planted alfalfa, planted other multi-year grasses or legumes, and any summer fallow is conserving use and considered planted for CRP purposes.

  The following are conserving use and are considered planted for cropping history purposes for CRP, including CREP:

  - during 1996 through 2001, any planted alfalfa, planted other multi-year grasses and legumes, and any summerfallow

  - during 1996 through 2001, any rotation of planted alfalfa, planted other multi-year grasses and legumes, and any summerfallow in rotation

    **Note:** Rotation **must** be during 1996 through 2001.

  - any land previously enrolled in CRP where grass cover continues to be maintained as though enrolled in CRP.

- physically and legally capable of being planted in a normal manner to an agricultural commodity in a normal manner during a normal cropping season.

  **Note:** COC's determination **must** be based on whether the cropland could be planted to an agricultural commodity in a normal manner during a normal cropping season.

**Acreage permanently under water is ineligible to be offered for enrollment in FWP unless land is eligible for enrollment under CP40 or CP41.--***

## *--145.5 Acreage Limitations and Practice Eligibility for CP27 and CP28

### A Eligibility Criteria for CP27

Cropland designated as cropped wetlands, or prior converted wetlands, as determined by NRCS or TSP, not to exceed 40 acres per tract, may be enrolled in the CRP under FWP as CP27.

**Note:** Cropped wetlands are farmed wetlands and wetlands farmed under natural conditions.

### B CP27 Acreage Limitations

The maximum size of any 1 wetland (CP27) is 40 acres per tract. Wetlands greater than 40 acres in size are **not** eligible for enrollment in CRP under FWP, CP27.

**Examples:** A producer has a 41.5 acre wetland. The producer wants to offer 40 acres of the wetland for enrollment in FWP. Because the total wetland is greater than 40 acres in size, it is **not** eligible for enrollment in FWP as a CP27.

A producer offers a 15-acre wetland, a 12-acre wetland, and a 13.0-acre wetland for enrollment in FWP. Because the total acres do not exceed 40 acres, all wetlands (40 acres) may be enrolled if all other eligibility requirements are met. Associated buffers (CP28) **must** be enrolled for the wetland acreage. The total of the wetland and buffer acreage may exceed 40 acres per tract.

### C CP28 Acreage Limitations

The minimum size of any associated buffer (CP28) enrolled in CRP under FWP is 30 feet surrounding the wetland.

The maximum size of any associated buffer (CP28) enrolled in CRP under FWP is 4 times the size of the wetland. STC's may determine a buffer ratio less than 4:1, consistent with program purposes and with State Technical Committee concurrence.

**Note:** The total acreage of each associated buffer must **not** exceed the size limitation.**--***

## *--145.5 Acreage Limitations and Practice Eligibility for CP27 and CP28 (Continued)

### C CP28 Acreage Limitations (Continued)

CP28 must be enrolled in conjunction with each of the following practices:

- CP27
- CP39
- CP41.

**Note:** A CP28 is **not** required for practice CP40.

**Examples:** A producer offers a 2 acre FWP cropped wetland (CP27) for enrollment in FWP. NRCS or TSP determines that the associated buffer (CP28) necessary to protect the wetland is 8 acres. CP28 does not exceed 4 times the size of the wetland (8 acres); therefore, both CP27 and CP28 are eligible for enrollment in FWP, provided all other eligibility requirements are met.

A producer offers a 2 acre wetland (CP27) for enrollment in CRP under FWP. NRCS or TSP determines that the associated buffer (CP28) necessary to protect the wetland is 12 acres. Because the buffer exceeds 4 times the size of the wetland acreage, CP27 and CP28 are ineligible for CRP under FWP.

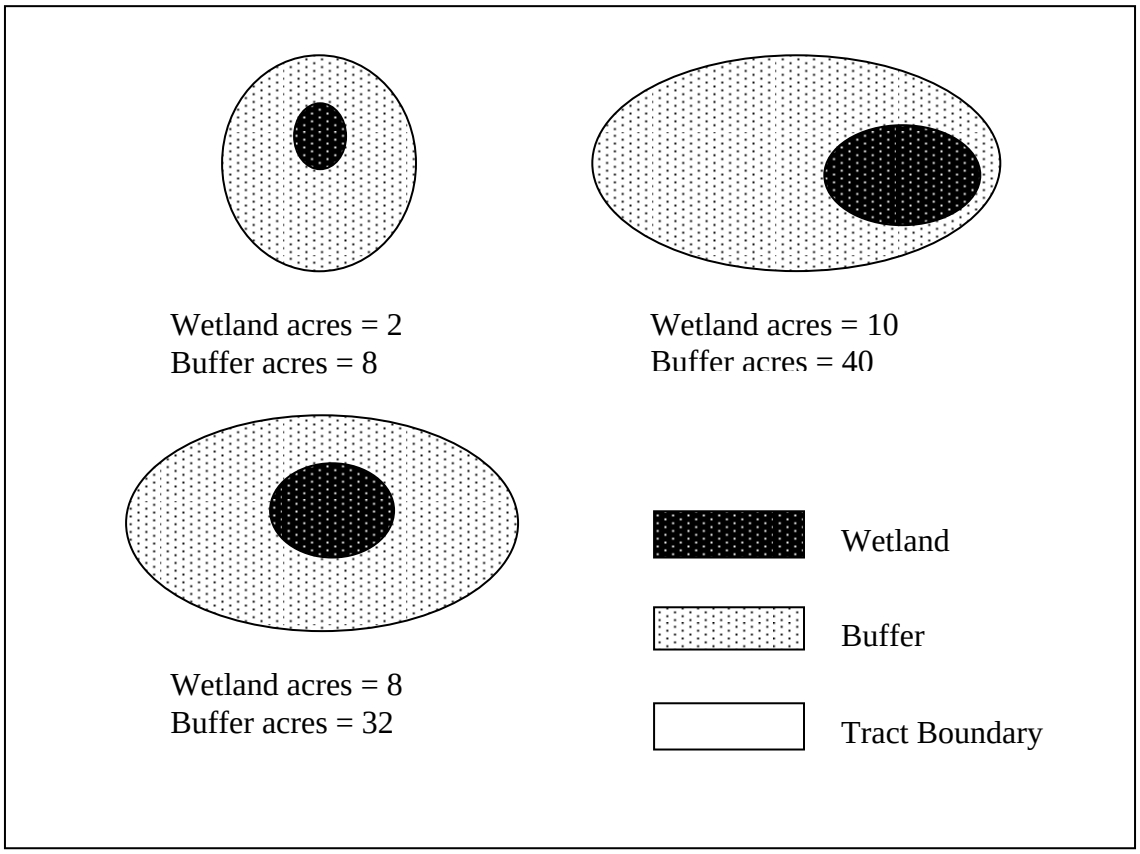
A producer offers a 10 acre wetland, a 12 acre wetland, a 15 acre wetland and an 8 acre wetland. All are offered as CP40. Because there is no limit on the wetland size of CP40, all wetlands are eligible to be offered for enrollment in FWP. A buffer may be installed around the wetlands, but is not required.**--***

***--145.5 Acreage Limitations and Practice Eligibility for CP27 and CP28 (Continued)**

**D Tract Limitation**

Enrollment in CRP under CP27 is limited to no more than 40 acres of wetland per tract. The combined total acreage of wetland (CP27), not to exceed 40 acres, and associated buffer (CP28) may exceed 40 acres per tract.

**Example:** Tract 2101 = 160 acres
Total CP27 = 20 acres
Total CP28 = 80 acres
Total of Enrolled Practices = 100 acres




**145.6 FWP Eligible Land Criteria for CP39**

**A Land Eligibility Criteria**

Land eligible to be enrolled as CP39 is land that receives flow from a row crop agriculture drainage system designed to provide nitrogen removal and other wetland functions.

**Note:** There is no cropping history requirement for land enrolled as a constructed wetland (CP39).**--***

## *--146 Acreage Limitation and Practice Eligibility for CP39

### A Eligibility Criteria for CP39

Land that meets eligibility criteria of subparagraph 145.6 A, not to exceed 40 acres per tract, may be enrolled in FWP as CP39.

### B CP39 Acreage Limitations

The maximum size of any 1 constructed wetland CP39 is 40 acres. Constructed wetlands greater than 40 acres in size are **not** eligible for enrollment in CRP under FWP as CP39.

The total of all constructed wetlands per tract may not exceed 40 acres.

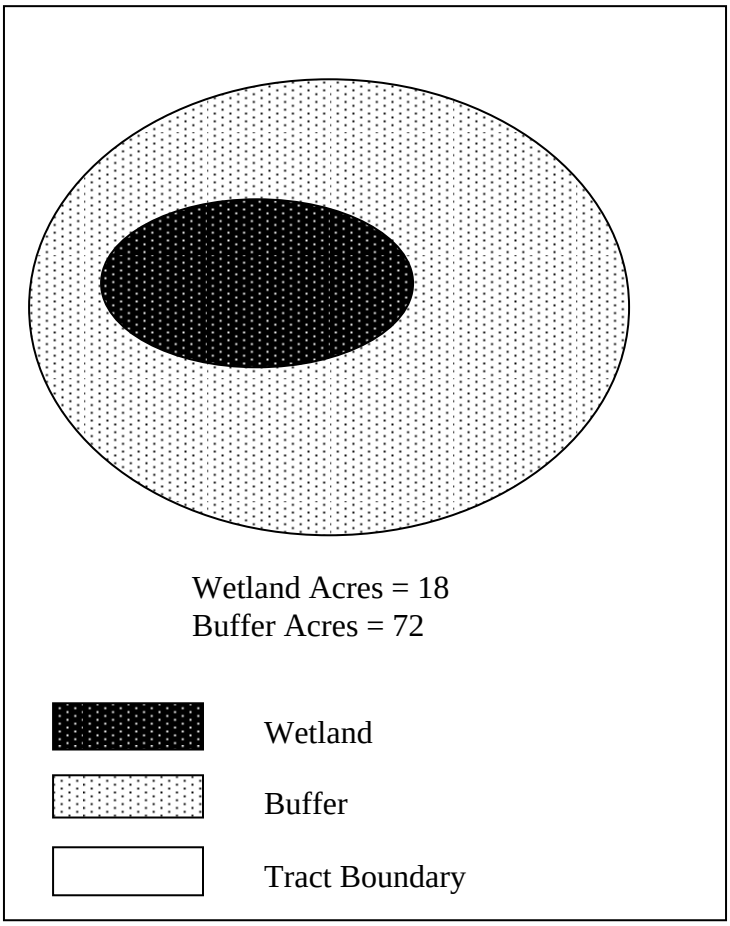
An associated buffer (CP28) is required in conjunction with practice CP39. See subparagraph 146.5 C for CP28 acreage limitation.**--***

## *--146 Acreage Limitation and Practice Eligibility for CP39 (Continued)

### C Tract Limitations

Enrollment in CRP under CP39 is limited to no more than 40 acres of wetland per tract. The combined total acreage of wetland (CP39), not to exceed 40 acres, and associated buffer, may exceed 40 acres per tract.

**Example: Tract 2101 = 160 acres**
**Total CP39 = 18 acres**
**Total CP28 = 72 acres**
**Total of Enrolled Practices = 90 acres**




--*

## *--146.5 FWP Eligible Land Criteria for CP40

### A Land Eligibility Criteria

Eligible land to be enrolled in FWP as CP40 is land that was devoted to commercial pond-raised aquaculture in any 1 year during 2002 through 2007.

### B Commercial Pond-Raised Aquaculture

Commercial pond-raised aquaculture means any earthen facility from which $1000 or more of freshwater food fish were sold or normally would have been sold during a calendar year.

Producers must provide verification of commercial pond raised aquaculture using any of the following:

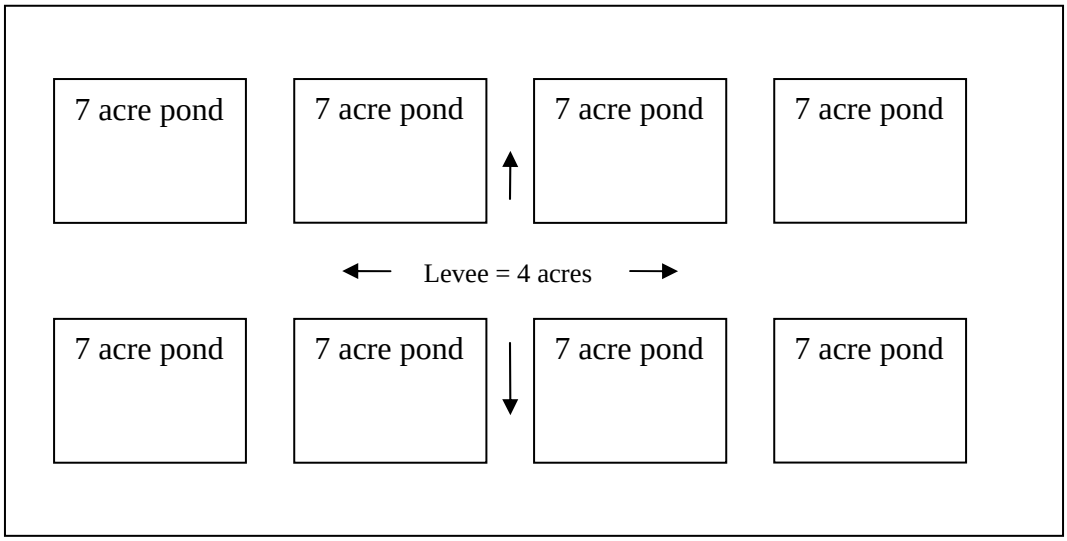
- feed purchase records
- stocker purchase records
- harvest/sales records
- imagery
- slides.--*

## *--146.6 Acreage Limitation for CP40

### A CP40 Acreage Limitations

Land devoted to commercial pond-raised aquaculture to be enrolled in FWP as practice CP40 is **not** limited by size of the wetland or by tract.

**Example:** Tract = 60 acres
CP40 = 60 acres (pond area and levee)




**Note:** The levee area is included as part of the CP40 and will be planted to appropriate vegetation for the site. A buffer (CP28) is not required.--*

## *--147 FWP Eligible Land Criteria for CP41

### A Crop Land Eligibility Criteria

Eligible land for enrollment as practice CP41 is cropland located in the Prairie Pothole CPA, according to Exhibit 13, that was:

- subject to the natural overflow of a prairie wetland
- cropped during at least 3 of the 10 crop years after January 1, 1990, and before December 31, 2002.

**Examples:** A producer planted corn in 1991, soybeans in 1997, and corn in 2002. All other years the land was intermittently flooded. The land does **not** meet the cropping requirements because the planting was not within a 10-year period (1991 through 2002).

A producer planted soybeans in 1993, corn in 1997, and wheat in 2002. This land meets cropping history because the planting is within the 10-year period (1993 through 2002).

### B 10 Year Cropping History Time Periods for CP41

The following are the 10 year cropping history time periods for CP41.

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
| 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
| 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
| 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |

**--***

## *--147.5 Acreage Limitation and Practice Eligibility for CP41

### A Eligibility Criteria for CP41

Cropland that meets the eligibility criteria of subparagraph 153 A, not to exceed 20 contiguous acres per flooded prairie wetland, may be enrolled in the CRP under FWP as CP41.

### B CP41 Acreage Limitation

The maximum size of any 1 flooded prairie wetland (CP41) is 20 contiguous acres. Flooded prairie wetlands greater than 20 acres in size are **not** eligible for enrollment in CRP under FWP as CP41.

The total of all flooded prairie wetlands on an offer may exceed 20 acres. The total of all flooded prairie wetlands per tract may not exceed 40 acres.

**Examples:** A producer has a 22.5 acre flooded prairie wetland. The producer wants to offer 20 acres of the flooded prairie for enrollment in FWP. Because the total wetland is greater than 20 acres in size, it is **not** eligible for enrollment in FWP.

A producer offers a 12.5 acre flooded prairie wetland, a 8 acre flooded prairie wetland, and a 18.5 acre flooded prairie wetland for enrollment in FWP. Because no wetland is greater than 20 acres, all flooded prairie wetlands (39 acres) may be enrolled if all other eligibility requirements are met. Associated buffers must be enrolled for the flooded prairie wetland acreage.

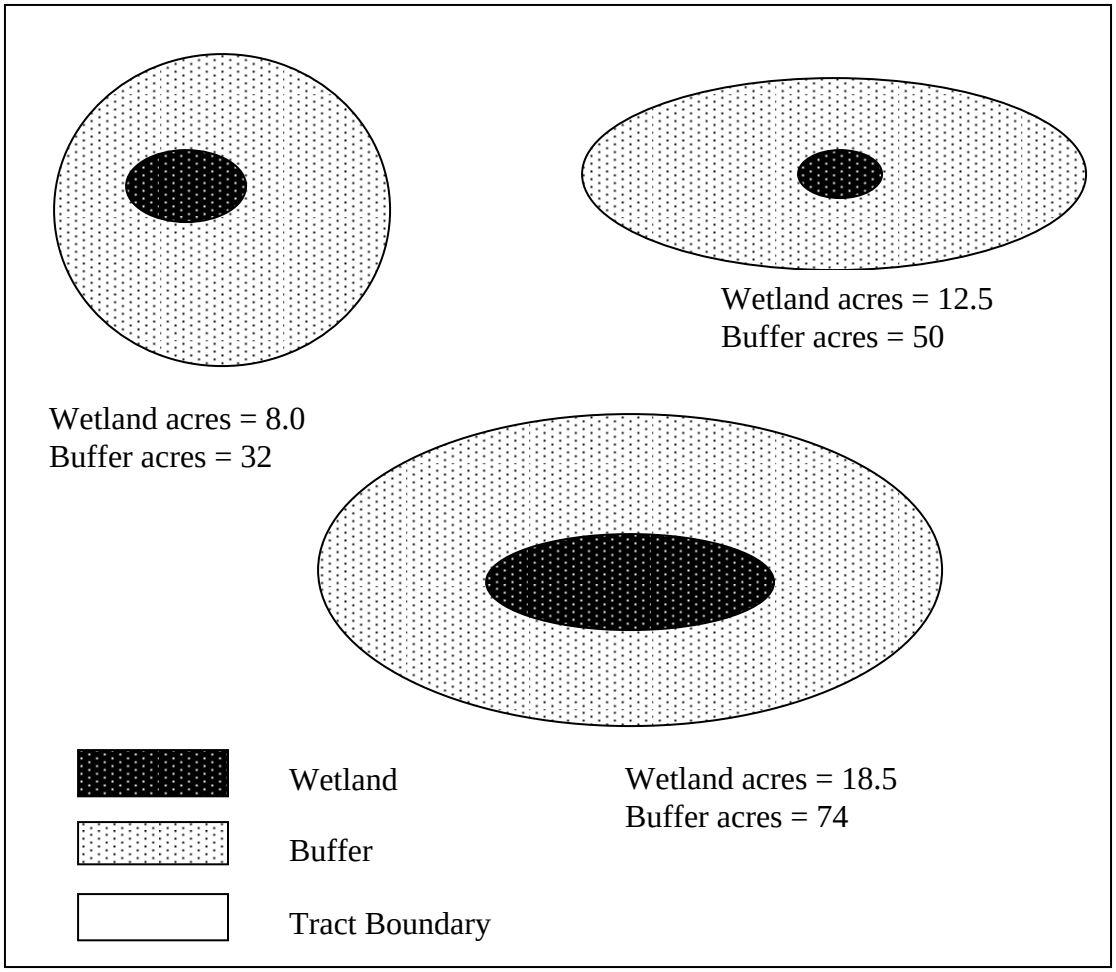
Neither CP41 nor CP28 may be enrolled as a separate practice. See subparagraph 145.5 C for CP28 acreage limitation.**--***

## *--147.5 Acreage Limitation and Practice Eligibility forCP41 (Continued)

### C Tract Limitation for CP41

Enrollment in CRP under CP41 is limited to no more than 40 acres per tract. The maximum size of any one CP41 is 20 acres. The combined total acreage of CP41's is limited to 40 acres per tract. The total of CP41 and associated buffer (CP28) may exceed 40 acres per tract.

**Example: Tract 2101 = 240 Acres**
**Total CP41 = 39 Acres**
**Total CP28 = 156 Acres**
**Total of Enrolled Practices = 195 Acres**




--*

## *--147.6 Processing Offers

### A CRP-1's and CRP-2C's

County Offices shall follow 2-CRP, Part 6, for processing CRP-1's and CRP-2C's for enrollment in CRP under FWP.

For FWP, see subparagraph 138 C for completing CRP-2C.

### B Contract Duration and Effective Date

The CRP-1 period for CRP-1's under FWP is 10 to 15 years.

The effective date of CRP-1 is the first of the month following the month COC approves CRP-1.

### C Program Year

The program year is FY in which the first payment is earned.

### D Continuous Signup Number

For acreage enrolled in CRP under FWP, County Offices shall use the current continuous signup number.

**Note:** Continuous signup numbers change the beginning of every FY.--*

## *--148 Payments

### A Annual Rental Payment

Producers receive annual rental payments on the land that is enrolled under FWP. The annual rental payment is the sum of the following:

- calculated SRR
- 20 percent of the calculated SRR
- applicable maintenance incentive rate, according to subparagraph 124 C.

**Note:** The revised maintenance incentive applies to all new offers except for CREP. CREP related maintenance incentives are governed by approved CREP agreements.

### B Cost-Share Payments

CCC will pay up to 50 percent of the eligible cost of establishing a permanent cover. See Part 20.

### C Incentive Payments

The following incentives are authorized for CP27, CP28, CP39, CP40, and CP41:

- PIP
- SIP
- 20 percent of the weighted average SRR.--*

## 149 (Reserved)

## *--Section 5 EFCRP Provisions

### 150 General EFCRP Information

#### A Background

EFCRP was authorized to enroll land in CRP that is PNIF and that experienced a loss of 35 percent or more of merchantable timber in the States suffering forestry damage directly related to the 2005 hurricanes.

The 2005 hurricanes are Hurricanes Dennis, Katrina, Ophelia, Rita, and Wilma.

Offers for EFCRP will be accepted on a rolling signup basis which will be periodically reviewed for acceptability.

During signup, offers will be evaluated on the basis of:

- soil erosion prevention
- water quality improvement
- wildlife habitat restoration
- mitigation of economic loss.

Offers will be ranked at the National Office using a national ranking process. Offers selected will be those that provide the greatest benefits as related to these 4 factors.

#### B Goals

EFCRP is a conservation program to restore and enhance the forest resources that were severely impacted by the 2005 hurricanes.

#### C Consistency with CRP Procedure

Unless otherwise noted, all other provisions of CRP apply to EFCRP.

References to CRP-1 shall mean CRP-1L for EFCRP purposes.**--***

## 150.1 Land and Producer Eligibility

### A States and Counties Authorized for EFCRP

EFCRP is eligible in primary Presidential- or Secretarial-designated counties associated with the 2005 hurricanes which includes Alabama, Florida, Louisiana, Mississippi, North Carolina, and Texas. See Exhibit 18 for eligible counties.

### B Eligibility for Owners and Operators

Persons determined eligible for CRP according to Part 5 may request to enroll certain acreage in EFCRP according to this section.

### C Eligibility Requirement

***--**Eligible land is land on a tract or a portion of a tract that:**--***

- is located in a primary Presidential- or Secretarial-designated county according to Exhibit 18

  **Note:** For tracts that overlap eligible and ineligible counties, at least 51 percent of the eligible land in a tract must be located in an eligible county.

- is PNIF

- before the hurricane, was merchantable timber with an average tree diameter of at least 6 inches at 4 ½ feet above ground level

- suffered a minimum of 35 percent loss of merchantable timber because of 1 or more 2005 hurricanes

  **Note:** See subparagraph E for determining loss.

- was owned by a State school trust with PNIF.

**Notes:** Corporations whose stocks are publicly traded or owners or lessees principally engaged in the primary processing of raw wood products are excluded.

No minimum acreage size is authorized for EFCRP.

## 150.2 Acreage Limitations and Practice Eligibility

### A 25 Percent Cropland Limitation

The 25 percent cropland limitation does **not** apply to EFCRP. Counties that are over the 25 percent cropland may accept enrollment of eligible land in EFCRP.

### B CRP Acreage Enrollment Limitation

Land enrolled in EFCRP does **not** count against the CRP authorized enrollment level. *** * ***

### C Authorized Practices

Practices authorized for continuous signup enrollment in CRP under EFCRP are the following:

- CP35A, Emergency Forestry – Longleaf Pine – New
- CP35B, Emergency Forestry – Longleaf Pine – Existing
- CP35C, Emergency Forestry – Bottomland Hardwood – New
- CP35D, Emergency Forestry – Bottomland Hardwood – Existing
- CP35E, Emergency Forestry – Softwood – New
- CP35F, Emergency Forestry – Softwood – Existing
- CP35G, Emergency Forestry – Upland Hardwood – New
- CP35H, Emergency Forestry – Upland Hardwood – Existing
- CP35I, Emergency Forestry – Mixed Trees – Existing.

Practices **must** be determined suitable for site conditions by the technical agency to be authorized/enrolled.

See Exhibit 9 for practice write-ups for CP35A, CP35B, CP35C, CP35D, CP35E, CP35F, CP35G, CP35H, and CP35I.

### *--D EFCRP Signup

EFCRP signup ended on January 30, 2008. Offers submitted before January 30, 2008, will be processed according to this Part.**--***

## 150.3 Processing Offers for EFCRP

### A EFCRP Activities

The following table provides a chronological guide for processing EFCRP.

| Step | Action |
|---|---|
| 1 | FSA will announce EFCRP through press release, newsletter, and any other available means. In addition, State and County Offices will conduct additional outreach activities to ensure high participation of low income and minority producers. |
| 2 | A producer is interested in enrolling in EFCRP. County Offices will:<br><br>• review EFCRP with the producer<br><br>• provide the producer with the EFCRP fact sheet and discuss applicable payment options (annual or lump sum payment)<br><br>• explain producer, land, and other eligibility requirements<br><br>• explain to the producers the suitability of the acreage offered and kept associated with various conservation practices (CP35A, CP35B, CP35C, CP35D, CP35E, CP35F, CP35G, CP35H, and CP35I)<br><br>• review BI used to rank offers for enrollment into EFCRP according to Exhibit 18.5. |
| 3 | The producer will initiate EFCRP offer, indicate acreage offered, and identify acreage on aerial photograph. |
| 4 | County Offices will use the EFCRP software to generate CRP-2F. |
| 5 | County Office will provide a copy of CRP-2F and an aerial photograph of the acreage offered to the designated State Forester. The tract boundary will be outlined on the aerial photograph.<br><br>**Note:** The State Office will provide each County Office the list of designated State ***--**Foresters. State Foresters need to evaluate the entire tract to account for acreage increase if the producer so chooses after the initial service Forester visit.**--***. |
| 6 | The State Forester, based on a site visit, will determine:<br><br>• percent of loss<br>• erosion potential<br>• wildlife suitability<br>• water quality impacts<br>• assessment of the pre-disaster condition<br>• suitability of the acreage offered for the various practices (CP35A – CP35I).<br>• whether the land offered is merchantable timber<br>• whether the land offered is PNIF.<br><br>***--Note:** For land already cleared, restored, and/or replanted, the service Forester will give his/her best professional judgment based on aerial photography, site visits, and/or knowledge of damage in the vicinity.**--*** |

## 150.3 Processing Offers for EFCRP (Continued)

### A EFCRP Activities (Continued)

| Step | Action |
|---|---|
| 7 | The State Forester will return CRP-2F to FSA with all applicable items completed. FSA will review and enter data into the EFCRP software. EFCRP software will validate data. |
| 8 | The producer will choose a practice for the acreage offered within the practices deemed suitable by the State Forester. |
| 9 | County Offices will complete CRP-1L with at least 1 signature. |
| 10 | Offers will be ranked and producers will be notified, in writing, of acceptable offers and status of offers that were not acceptable.<br><br>**Note:** FSA will review offer data. *** * *** Offers not determined acceptable will be considered for future selection. Producers will be notified, in writing, of the status of the offer. After the final ranking period, those offers not considered acceptable will be rejected. |
| 11 | County Offices will complete paid for measurement service for the acreage offered if appropriate. |
| 12 | A conservation plan will be developed by the Forest Service or designated State Forester, *** * *** or TSP.<br><br>**Note:** The Forest Service *** * *** or TSP will work with the producer in developing the conservation plan. |
| 13 | Conservation plans will be approved by the conservation district, if applicable.<br>***--**Conservation plans will be reviewed by NRCS.**--*** |
| 14 | COC, or designee, will provide final approval of conservation plan. |
| 15 | The producer will sign CRP-1L. |
| 16 | COC, or designee, will approve CRP-1L and producer will be notified of approval. |
| 17 | The contract approval date will be loaded into the EFCRP software. |
| 18 | Within 30 days after the start of the contract, FSA will issue a lump sum payment to the producer, if applicable. The first annual rental payment, if applicable, will be issued after 1 year after the effective date of the contract. |

## *--150.4 Completing Forms

### A Entering Form Data

All CRP-2F and CRP-1L data shall be entered in the EFCRP software. EFCRP has a limited funding and the EFCRP software ensures fiscal controls, accountability, and program performance data. Data must be loaded in a timely manner.

**Note:** There is no manual forms process for FSA's portions of EFCRP forms.

## 150.5 Completing CRP-2F

### A Guidance for Completing CRP-2F's

CRP-2F:

- must be completed for all acreage on which a producer submits an offer
- is used for the following:
  - making eligibility determinations
  - obtaining ranking data and statistics on acreage offered for EFCRP.

Item numbers 1 through 12 must be completed before the producer's signature and date in item 13A and 13B.

All item numbers must be completed before the producer signs CRP-2F, item 22. All changes to data entered on CRP-2F after the producer signs CRP-2F must be initialed and dated by both the employee making the change and the producer.

CRP-2F is:

- a computer-generated form
- provided for display purposes only.**--***

## *--150.5 Completing CRP-2F's (Continued)

### B Example of CRP-2F

Following is an example of CRP-2F.

This form is available electronically.

*See Page 2 for Privacy Act Statement.*

**CRP-2F** (07-06-06)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

**EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM WORKSHEET**

*NOTE: The authority for collecting the following information is Pub. L. 109-148. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

| | |
|---|---|
| 1. TRACT NUMBER | 2. PROGRAM YEAR |
| 3. SIGN-UP NUMBER | 4. PROPOSED EFFECTIVE DATE (*MM-DD-YYYY*) |
| 5. STATE & COUNTY CODE ADMIN. LOCATION | 6. STATE & COUNTY CODE PHYSICAL LOCATION |

| | | |
|---|---|---|
| 7. FARM NUMBER | 8A. NAME AND ADDRESS OF PRODUCER (*Zip Code*): | 9A. COUNTY FSA OFFICE ADDRESS (*Zip Code*): |
| | 8B. PRODUCER'S TELEPHONE NO. (*Include Area code*): | 9B. COUNTY OFFICE TELEPHONE NO. (*Include Area code*): |

10. LOCATION DESCRIPTION OF SITE (Provide direction to site)

| | |
|---|---|
| 11. PAYMENT METHOD (*Estimated amount*) | 12. TOTAL ESTIMATED ACRES OFFERED |
| A. LUMP SUM ☐ $_____ B. ANNUAL ☐ $_____ | |

**13. PRODUCER'S CERTIFICATION:**

*I certify that the land to be enrolled into the Emergency Forestery Conservation Reserve Program (EFCRP) has been owned or controlled by me for the prior twelve months (unless this eligibility requirement was waived by USDA) and had merchantable timber on private non-industrial forestland (PNIF) that suffered damage due to calendar year 2005 hurricane(s). The signing of this form authorizes USDA representatives to enter the property and inspect land uses as well as other purposes on the above identified land(s). I understand that a technical site visit may occur, subject to the availability of funds.*

| | |
|---|---|
| 13A. PRODUCER'S SIGNATURE | 13B. DATE SIGNED (*MM-DD-YYYY*) |

**14. TO BE COMPLETED BY PROVIDER OF TECHNICAL SERVICE**

| A. AREA | B. PNIF YES | B. PNIF NO | B. MERCHANTABLE YES | B. MERCHANTABLE NO | C. STAND | D. UNDERSTOCK SUITABLE YES | D. UNDERSTOCK SUITABLE NO | E. BASAL AREA | F. BEFORE VALUE PER ACRE | G. AFTER VALUE PER ACRE | H. PRACTICE SUITABILITY |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | | | | | | | | | | | |
| 2 | | | | | | | | | | | |
| 3 | | | | | | | | | | | |
| 4 | | | | | | | | | | | |
| 5 | | | | | | | | | | | |
| 6 | | | | | | | | | | | |

15. Erosion Potential: YES ☐ NO ☐ 16. Water Quality: YES ☐ NO ☐

***17. I certify that the forgoing is true and complete to the best of my knowledge.***

| | | | |
|---|---|---|---|
| A. PRINT NAME | B. TITLE | C. SIGNATURE | D. DATE SIGNED (*MM-DD-YYYY*) |

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information ( Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

--*

## *--150.5 Completing CRP-2F's (Continued)

### B Example of CRP-2F (Continued)

**CRP-2F** (07-06-06) Page 2

**18. ELIGIBILITY:**

| A. Percent Loss for Site | B. Economic Loss Per Acre for Site |
|---|---|
| | |

**19. PRODUCER SELECTION**

| A. AREA | B. PRACTICE | C. DENSITY | D. WILDLIFE | | E. ACRES | F. PRACTICE F3 |
|---|---|---|---|---|---|---|
| | | | Beneficial Species | Enhancement | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

**20. ESTIMATED COST OF ESTABLISHING THE COVER: $**

**21. BENEFITS INDEX SCORE**

| A. F1 - EROSION | B. F2 - WATER QUALITY | C. F3 - WILDLIFE | D. F4 -MITIGATION OF LOSS | |
|---|---|---|---|---|
| | | | (1) | (2) |

**22. PRODUCER'S CERTIFICATION:**

*By signing below I certify to all of the following: (1) the land consists of merchantable timber in which the average tree had a trunk diameter of at least six inches measured at a point four and one-half feet above the ground; (2) I am aware of the estimated cost of establishing the cover; (3) I have been informed that if my offer is accepted, a forester will visit the site to develop a reforestation conservation plan; (4) signing of this form authorizes USDA representatives to enter and inspect the land to develop a conservation plan; (5) the EFCRP provisions have been explained to me; (6) I have been informed that planting an approved mixture of covers that benefit wildlife, enhancing the existing cover to provide a mixture that benefits wildlife, if applicable, and/or thinning existing and creating and maintaining open areas of approved herbaceous cover may enhance the acceptability of the offer; (7) I have been informed that the site preparation and replanting, if required, must be completed within three years of the effective date of the contract regardless of market conditions; (8) I have been informed that I may be required to pay for measurement service on the acreage offered before such acreage may be enrolled in the EFCRP; (9) I have been informed that if my offer is accepted, mid-contract management activities, as applicable, are required to be performed, and (10) acknowledge that all offers will be reviewed for acceptability on a periodic basis including offers that were not previously considered acceptable for enrollment.*

*I understand that an inaccurate certification could result in a payment reduction or loss of program benefits.*

| 22A. PRODUCER'S SIGNATURE | 22B. DATE (*MM-DD-YYYY*) |
|---|---|
| | |
| | |

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended and the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171), the Department of Defense, Emergency Supplemental Appropriations to address hurricanes in the Gulf of Mexico and Pandemic Influenza Act, 2006 (Pub. L. 109-148), and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a an Emergency Forestry Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

--*

## 150.6 Determining Loss

### A Loss of Merchantable Timber

Loss of merchantable timber is defined as the difference between the pre-hurricane *--economic value of the amount of eligible land on the acreage offered for enrollment in EFCRP and the post-hurricane economic value of the acreage offered using the spring--* 2006 Timber Mart-South prices.

### B Loss of Value

The designated technical agency representative (State Forester) will do an onsite visit for the tract offered for enrollment. The State Forester will evaluate and determine the following:

- type of tree
- quantity of timber
- quality of timber.

The results of their site visit will be recorded on CRP-2F.

### C Examples of Determining Total Loss

***--Example 1:** A producer with a 100-acre tract of land that contains longleaf pine would like to enroll 50 acres of PNIF in EFCRP. Eighty acres of longleaf pine and a 20 acre soybean field as of August 1, 2005. The longleaf pines were 10 inches in diameter and the land was PNIF. The producer wishes to enroll only 50 acres of longleaf pine that were the most heavily damaged by Hurricane Katrina. The remaining 30 acres of longleaf pine will be harvested within 5 years. The pre-hurricane value of the 50 acres was $20,000 and the post-hurricane value is $1,000.

The 50 acres of longleaf pine is eligible for enrollment in EFCRP and the percent loss is:

$20,000 (pre-hurricane) - $1,000 (post-hurricane) = $19,000 ÷ $20,000 (pre-hurricane value) = .95 or 95 percent loss.--*

## 150.6 Determining Loss (Continued)

### C Examples of Determining Loss (Continued)

***--Example 2:** A producer with a 100-acre tract of loblolly pine wants to enroll only 20 acres damaged by a tornado associated with a 2005 hurricane. The 20 acre pre-hurricane value was $20,000 and the post-hurricane value is $1,000. The entire tract was determined PNIF.

The 20 acres of loblolly pine impacted by the tornado are eligible for enrollment in the EFCRP. The land is PNIF. The percent loss is:

$20,000 (pre-hurricane value) - $1,000 (after-hurricane value) = $19,000 economic loss

Percent loss = economic loss/pre hurricane = $19,000/20,000 = 95 percent loss.**--***

**Example 3:** A producer, with 100 acres of 30-year-old loblolly pine, clear cut 48 acres 1 month before the hurricane hit. The land is PNIF and suffered a 100 percent loss.

A producer has a 100-acre tract that is all PNIF. Fifty-two acres had 30 year old loblolly standing at the time of the hurricane and experienced a 100 percent loss. The other 48 acres had been clear cut 1 month before the hurricane hit.

The land that was clear cut 1 month before the hurricane is not eligible. The remaining 52 acres would be eligible.

***--Example 4:** A producer with a 200-acre tract of oak trees wants to enroll only 50 acres in EFCRP. The 50 acres the producer wishes to enroll sustained some damage. The remaining 150 acres sustained damage but the damage was not uniform. The producer only wants to offer the 50 acres. The offer is not eligible because the 50 acres offered do not meet the 35 percent loss provisions. The forester informs the producer that some of the other oaks on the remaining 150 acres may not look damaged but will likely die in the coming years. With this information, the producer decides to offer a total of 70 acres of the most damaged trees. The offer meets the 35 percent loss requirement.**--***

## *--150.7 Completing CRP-1L's

### A Guidance for Completing CRP-1L’s

CRP-1L is the EFCRP contract. Separate CRP-1L's must be completed for each CRP-2F.

CRP-1L's with at least 1 signature and CRP-2F must be submitted for an offer to be considered for ranking.

CRP-1L is:

- a computer-generated form
- provided for display purposes only.--*

## *--150.7 Completing CRP-1L's (Continued)

### B Example of CRP-1L

Following is an example of CRP-1L.

This form is available electronically.

**CRP-1L**
(07-06-06)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

**EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM CONTRACT**

**NOTE:** *The authority for collecting the following information is Pub. L. 109-148. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

| | | |
|---|---|---|
| | 1. ST. & CO. CODE & ADMIN. LOCATION | 2. SIGN-UP NUMBER |
| | 3. CONTRACT NUMBER | 4. ACRES FOR ENROLLMENT |
| 7. COUNTY OFFICE ADDRESS (*Include Zip Code*): | 5. FARM NUMBER | 6. TRACT NUMBER(S) |
| TELEPHONE NUMBER (*Include Area Code*): | 8. OFFER **EFCRP** | 9. CONTRACT PERIOD FROM: *(MM-DD-YYYY)* TO: *(MM-DD-YYYY)* |

*THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "the Participant".) The Participant agrees to place the designated acreage into the Emergency Forestry Conservation Reserve Program ("EFCRP") or other use set by CCC for the stipulated contract period from the date the Contract is executed by the CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, further, the Participant agrees that the payment schedule is either one lump sum rental payment or 10 equal annual rental payments. The Participant and CCC agree to comply with the terms and conditions contained in this Contract, including the Appendix to this Contract, entitled Appendix to CRP-1L, Emergency Forestry Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection.* ***The terms and conditions of this contract are contained in this Form CRP-1L and in the CRP-1L Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PARTICIPANTS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1L; CRP-1L Appendix and any addendum thereto; CRP-2F, if applicable.***

10. Lump Sum $

11A. Rental Rate Per Acre $ _____

B. Annual Contract Payment $ _____

12. Identification of CRP Land *(See Page 2 for additional space)*

| A. Tract No. | B. Field No. | C. Practice. | D. Acres | E. Total Estimated Cost-Share |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |

**13. PARTICIPANTS**

| | | | |
|---|---|---|---|
| A(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): | (2) SHARE % | (3) SOCIAL SECURITY NUMBER: | |
| | | (4) SIGNATURE | DATE *(MM-DD-YYYY)* |
| | | *(If more than three individuals are signing, continue on attachment.)* | |
| B(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): | (2) SHARE % | (3) SOCIAL SECURITY NUMBER: | |
| | | (4) SIGNATURE | DATE *(MM-DD-YYYY)* |
| | | *(If more than three individuals are signing, continue on attachment.)* | |
| C(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): | (2) SHARE % | (3) SOCIAL SECURITY NUMBER: | |
| | | (4) SIGNATURE | DATE *(MM-DD-YYYY)* |
| *(If more than three individuals are signing, continue on attachment.)* | | *(If more than three individuals are signing, continue on attachment.)* | |

| | | |
|---|---|---|
| 14. **CCC USE ONLY** - *Payments according to the shares are approved.* | A. SIGNATURE OF CCC REPRESENTATIVE | B. DATE *(MM-DD-YYYY)* |

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended and the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171), the Department of Defense, Emergency Supplemental Appropriations to address hurricanes in the Gulf of Mexico and Pandemic Influenza Act, 2006 (Pub. L. 109-148), and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into an Emergency Forestry Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information ( Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

☐ Original - County Office Copy ☐ Owner's Copy ☐ Operator's Copy

--*

## *--150.7 Completing CRP-1L's (Continued)

### B Example of CRP-1L (Continued)

**CRP-1L** (07-06-06) Page 2

**Continuation of Item 12 - Identification of CRP Land**

| A. TRACT NO. | B. FIELD NO. | C. PRACTICE NO. | D. ACRES | E. TOTAL ESTIMATED C/S | CONTRACT PERIOD *(MM-DD-YYYY)* | |
|---|---|---|---|---|---|---|
| | | | | | F. FROM | G. TO |
| | | | | | | |
| | | | | | | |
| | | | | | |

## 150.8 Reviewing and Ranking Offers

### A Reviewing Offers

COC, or designee, shall ensure that:

- ***--**producers have submitted offers for EFCRP by tract or portion of tract**--***
- CRP-1L was signed
- CRP-1L signatories have an interest in the acreage offered
- CRP-1L contains at least 1 eligible signature.

**Note:** Producers shall be notified that they have 15 calendar days from the date of notification informing them that their offer was acceptable to obtain all signatures, or CRP-1L will **not** be approved.

See paragraph 198 for signature requirements.

### B National Ranking

***--**FSA will evaluate offers on a quarterly basis beginning September 30.**--***

Eligible offers not selected for a particular ranking period will be rolled over to the next period. For the final ranking period, FSA will select the most desirable offers, subject to available funding.

### C Eligibility Review

COC shall review the acceptable offers to ensure that all eligibility criteria have been met for all offers determined acceptable by the FSA National Office.

### D Notifying Producers

COC, or designee, shall notify producers, using CRP-100, CRP-101, CRP-102, CRP-103, and CRP-104 (Exhibit 17) of the status of their offer as soon as the list of acceptable offers is received and COC has conducted an eligibility review.

## 150.9 Contract Duration and Program Year

### A Contract Duration and Effective Date

The CRP-1L period for EFCRP is 10 years.

The effective date of CRP-1L is the first day of the month following the month COC approves CRP-1L. EFCRP contracts will expire at the end of the month throughout the year, depending upon the month of the effective date.

**Example:** A producer signs CRP-1L on August 17, 2007. COC approves CRP-1L on September 27, 2007. The effective date of the EFCRP contract is October 1, 2007. The contract period is October 1, 2007, through
***--**September 30, 2017.**--***

**Note:** The producer may **not** defer the effective date of CRP-1L.

### B Program Year

The program year is FY in which the first payment is earned.

### C Continuous Signup Number

EFCRP shall use signup number 34.

## 150.10 Payments and Payment Limitation

### A EFCRP Payment Options

Participants may elect to receive either an annual rental payment or a lump sum payment.

### B Annual Rental Payment

Participants may receive annual rental payments on the land enrolled in EFCRP. The EFCRP rental payment rate is the average rental rate for CRP contracts in the county. The annual rental payment is the EFCRP rental rate multiplied times the number of acres of the EFCRP contract. *** * ***

**Note:** Where no CRP contracts were enrolled in a county, the EFCRP rental rate is the CRP rental rate applicable to a nearby similarly-situated county.

**Example:** A producer enrolls 10 acres in EFCRP in Lafayette Parish, Louisiana. Lafayette Parish average rental rate for current CRP contracts is $30 per acre.

10 acres X $30 per acre = $3,000. The annual rental payment is $3,000.

The annual rental rate in Exhibit 18 incorporates any annual maintenance payment. There shall be **no** additional maintenance rates added to the annual rental rate.

**Note:** See subparagraph 372 B for issuing annual payments for EFCRP contracts for CRP-1L's.

**Exception:** Annual payments are scheduled to be issued starting 1 year after the anniversary of the effective date of the contract.

### C Lump-Sum Payment

Participants may select to receive a lump-sum payment for the EFCRP contract. The lump-sum payment is a one-time payment for the 10-year EFCRP contract period. The payment will be issued within 30 calendar days from the date COC approves CRP-1L.

A lump sum payment means the present value of the 10 annual payments based on a 5 percent discount rate.

**Note:** The applicable discount rate shall be the discount rate at the time the contract is signed. FSA will provide a new discount rate on or about October 1 each year. The discount rate should remain in effect throughout the FY.

***--150.10 Payments and Payment Limitation (Continued)**

**C Lump Sum Payment (Continued)**

**Example 1:** A producer enrolls 10 acres into EFCRP in Lafayette Parish, Louisiana (average SRR on existing CRP contracts is $30) and chooses the lump sum payment. The producer will receive the present value of 10 annual payments of $300. The producer would receive a one-time lump sum payment of $2,317 for the 10 acres.

Under a lump sum payment, a producer may receive a one-time payment that exceeds the CRP annual payment limitation of $50,000. However, no producer shall receive an amount larger than the PV of $50,000 per year for 10 years.

**Example 2:** A producer, who has no other CRP contracts, enrolls 1,000 acres in Perry County (average CRP rental rate = $30). The producer elects to receive a lump sum payment ($231.65 per acre). The producer will receive a lump sum payment of $231,650. The annual rental payment for payment limitation purposes is $30 per acre X 1,000 acres = $30,000 per year.

**D Payment Limitation for Lump Sum Payment**

For payment limitation purposes, lump sump recipients will be treated as the equivalent of 10 annual payments.

**Example:** A producer receives a lump sum payment of $233,650. The payment is based on the present value of 10 annual payments of $30,000.

**E C/S Payments**

CCC will pay up to 50 percent of the eligible cost of establishing a permanent cover.

**F Other Federal C/S**

EFCRP participants receiving other Federal C/S payments are **not** eligible to receive or retain EFCRP C/S on the same acreage**.**

**Exception:** If the payments received are not considered C/S, or the other program's activity is fully completed before the effective date of the EFCRP contract, then the EFCRP participant may receive EFCRP C/S. Fully completed means that all activity is finished and a payment made with no further obligations.

**Example:** A producer offers to enroll 1,000 acres. The contract is approved and she receives $24,000 in C/S payments. The producer applies for C/S assistance from another Federal program. If the producer receives other Federal C/S assistance, then the producer is no longer eligible to retain or receive CRP C/S payments.**--***

## 150.10 Payments and Payment Limitation (Continued)

### G Incentive Payments

*** * *** SIP, PIP, and SRR incentives are **not** authorized for EFCRP.

**Important:** Incentive payments are **not** authorized for EFCRP.

**Note:** EFCRP rental rates provide funding to carryout maintenance activities.

### H Payment Limitation

Payment limitation provisions apply to participants enrolled in EFCRP. In the case of more than 1 producer, payments limitations for lump sum payments will be based on what the equivalent annual payment would be for the contract time of that producer's share.

## 150.11 Contract Activities

### A Mid-Contract Management

EFCRP contracts are required to have appropriate mid-contract management measures implemented during the contract as designated in the conservation plan as determined by STC in consultation with the State Technical Committee.

See paragraph 239 for mid-contract management activities.

### B Thinning Activities

Thinning activities may be conducted during the contract provided that the activities are incorporated in the approved conservation plan. Thinning activities **must** be carried out in a manner consistent with the terms and conditions of the conservation plan. *** * ***

***--**C/S for tree trimming is authorized.**--***

## 151 (Reserved)

# Part 7 General Signup and Offer Process

## 152 Overview

### A General Information About Signup and Offer Process

Signup periods will be announced by DAFP. The National Office shall provide State and County Offices:

- program information sheets for producers
- updated program provisions and procedures
- other information as requested.

During signup, producers will submit offers for the amounts they are willing to accept to enroll acreage in the program. County Offices will calculate the maximum acceptable rental rate for the acreage being submitted. This amount is referred to as the maximum payment rate and is described in detail in paragraph 153.

Offers will be ranked at the National Office using a national ranking process. Offers selected will be those that provide the greatest environmental benefits considering the cost of enrolling the acreage in the program.

### *--B CRP Activities Flow Chart

The following is a flow chart that describes activities related to CRP signup.

| Step | Activities Occurring During and After Signup and Before Offers Are Ranked by CEPD | Reference |
|---|---|---|
| 1 | County Office conducts eligibility review. | Subparagraph 253 A |
| 2 | Producer enters Rental Rate per Acre offered on CRP-2 and submits completed CRP-1 and CRP-2 to the County Office. | |
| 3 | County Offices complete offer data in GSOP. | |
| | **State Office Action** | |
| 4 | Review offer detail and summary reports posted at CEPD's State Office Information Center Intranet website at **http://dc.ffasintranet.usda.gov/DAFP/CEPDSTO.htm**. | |
| 5 | Review the "State Office CRP Oversight Map" information also posted at CEPD's State Office Information Center Intranet website. | |
| 6 | Contact County Offices, if necessary, to facilitate changes in offer records when errors are detected. | |

--*

**152 Overview (Continued)**

**B CRP Activities Flow Chart (Continued)**

| Step | Activities Occurring After Records Are Reviewed by Kansas City | Reference |
|---|---|---|
| 7 | Return questionable records to County Office for review and possible correction. | Paragraph 201 |
| 8 | Access and review validation reports, if applicable, from CEPD's State Office Information Center Intranet website and correct offers, if necessary. | |
| 9 | Counties will identify erroneous or omitted offers and correct in *--COLS, if necessary.--* | Paragraph 201 |
| | **Action After Selection Process** | |
| 10 | Final results of acceptable and rejected offers will be published and distributed in CRP notice and CEPD's website. | Paragraph 170 |
| 11 | County Office shall conduct final eligibility review. | Paragraph 253 |
| 12 | Producers will be notified of acceptable or rejected offers by County Office | Paragraph 202 |
| 13 | County Office shall complete a paid-for measurement service for acceptable offers. | Paragraph 253 |
| 14 | Conservation plan of operations will be developed by *--NRCS or TSP, if applicable.--* | Paragraph 236 |
| 15 | Conservation plan of operations will be approved by the Conservation District. | Paragraph 236 |
| 16 | Final approval of conservation plan of operation will be issued by COC. | Paragraph 236 |
| 17 | CRP-1 is approved by COC. | Paragraph 253 |

## 153 Maximum Payment Rates

### A About Maximum Payment Rates

Before the producer submits an offer on CRP-1, the County Office shall calculate and inform the producer of the maximum payment rate for the eligible acreage being offered. The maximum payment rate is the maximum per acre rental rate that CCC is willing to pay for the eligible acreage offered. Offers submitted in excess of the maximum payment rate shall be automatically rejected.

A separate maximum payment rate will be calculated for each offer based on:

- posted SRR tables; see subparagraph B for more information about the SRR table
- soils MUSYM and acreage data collected and recorded on CRP-2
- incentive amounts, when applicable for continuous CREP and FWP offers
- maintenance rates set by STC or COC, as applicable.

***--**The maximum payment rate is limited for general signup offers to $202 per acre. Rental**--***
rates per acre offered shall not exceed this amount. There is no maximum amount for continuous signup offers, including CREP and FWP. See Part 6.

**Notes:** The marginal pastureland rental rates do not apply to land enrolled under WBP criteria.

The maximum payment rate for CP32 is the lower of the following:

- rental rate from the expired contract

- SRR for the area to be enrolled in CP32 plus the maintenance rate set by STC or COC, as applicable.

**Important:** See Part 6, Section 2, for continuous signup payment rates.

## 153 Maximum Payment Rates (Continued)

### B SRR Tables

The tables will show the individual maximum SRR for groupings of soils by soil survey. These groupings will be established based on similar productivity levels. Therefore, one SRR may be used for more than 1 survey. However, each soil grouping will have only one SRR.

SRR's are based on the relative productivity of the soil type and the pre-established dryland cash rental rate estimate for the county.

State and County Offices shall thoroughly review the payment rates on the table before signup to ensure that the posted maximum SRR reflects actual local prevailing rental rates for comparable land.

SRR's are maintained by State Offices using the CRP Soils Database Management System.

### C Maintenance Provision

For general signups, per acre maintenance rates shall be established to reimburse participants for the average annual cost of practice maintenance. STC's:

- upon State Technical Committee recommendation and with NRCS consultation, shall ***--**establish a per acre maintenance rate between $0 and $2; maintenance rates:

  **Note:** The revised maintenance incentive rate applies to all new offers for CRP except CRP contracts enrolled under CREP that have different maintenance incentive rates specified in the CREP agreement. If CREP agreements do **not** specify maintenance incentive rates, the revised maintenance incentive rates apply.**--***

  - above $0 shall only be established when the participant will be required to perform substantial maintenance on the acreage enrolled

  - may be established by geographic area, practice type, or other criteria

- shall ensure that the basis for the maintenance rates are clearly documented in the STC minutes.

**Important:** See Part 6, Section 2 for establishing maintenance rates for continuous signup.

## 154 (Reserved)

## 155 Reviewing and Adjusting Soil Map Unit Symbols and SRR's

### A Symbol and SRR Adjustments

FSA posts SRR's for cropland based on soil map units using unique soil map unit symbols. To facilitate using standardized soils data within USDA, the soil map unit symbols used for SRR posting need to be reviewed periodically to ensure that they match symbols patterns currently published in the soils legends of NRCS' FOTG.

Additionally, some new SRR's and symbols may need to be approved for CRP use to reflect recent soil survey changes by NRCS.

Because market cash rental rates for cropland fluctuate over time, periodic reviews and SRR adjustments may also be needed in some counties.

Continued on the next page

**B**
**Rental Rate Establishment for Cropland**

Maximum payment rates for cropland offered for CRP are calculated using SRR's. SRR's shall be set at levels that reflect the average cash rental rates per acre for **nonirrigated** cropland for the production of the predominant annually tilled crops for each soil map unit area within a soil survey area within a county during the most recent 3 years.

These SRR's shall be set:

- for soil types where share rents are most common which is the cash equivalent of share rents

- for soil types with a predominance of summer fallow or double/triple cropping, reflecting the market rental values of these cropping patterns

- using one SRR per soil map unit only

  **Note:** The use of multiple rental rates (also known as dual SRR's) per soil map unit are prohibited as of December 9, 2002. For all dual SRR's previously authorized, STC shall establish only one SRR that shall be the higher of the two SRR's previously used for dual SRR posting. This single rental rate shall also be posted with the correct soil map unit symbol excluding any unofficial characters previously used for dual SRR posting.

- at levels reflecting rate consistency within soil surveys and across all county and State lines and soil survey boundaries.

Continued on the next page

## 155 Reviewing and Adjusting Soil Map Unit Symbols and SRR's (Continued)

### C Rental Rate Establishment for Pastureland (Riparian Buffers)

Maximum payment rates for marginal pastureland offers are calculated using marginal pastureland rental rates. These rates shall be set for CP22, CP29, and CP30 at levels that reflect the average cash rental values of **nonirrigated** riparian area grazing land during the most recent 3 years.

The grazing productivity of riparian corridor acreage in arid regions is typically higher and more variable than that of adjacent whole field grazing acreage. For this reason, Western U.S. counties' marginal pastureland rents are usually higher than average grazing rental rates, and separate rates based on permanent/seasonal riparian sites have been established. These rates were established through a previously released CRP notice.

The basis for these rates shall be set using this table.

| County Location | Rate Basis | Soil Map Unit Symbol |
|---|---|---|
| Eastern and Alaska, Hawaii, and Puerto Rico Counties | One rate per county | MPLALL |
| Western Counties | One rate per county for land adjacent to seasonal water bodies | MPLSEA |
| | One rate per county for land adjacent to perennial water bodies | MPLPER |

There should be general consistency of rates across all county and State geopolitical boundaries.

## 156 Updating Soil Map Unit Symbols and Posting and Using Rental Rates

### A Rental Rate Posting and Use

Approved rental rates shall be:

- used uniformly for all CRP-2's and CRP-2C's regardless of signup type
- loaded and maintained separately for cropland and pastureland in the System 36 table files as outlined in 1-CRP
- effective beginning with STC's determined effective date as outlined in 1-CRP and shall remain in effect until withdrawn or otherwise modified
- posted year-round on a public display area in the County Office only for the land that exists within the county boundary. County Offices shall **not** post and maintain rates for land in surrounding counties.

### B Soil Map Unit Symbol Update Responsibilities

State Offices and NRCS shall ensure that rental rates are established and posted for all cropped soils in each county using NRCS's most current soil survey legend from FOTG, including proper uppercase and lowercase patterns for those symbols using alphabetic letters.

**Notes:** Future updates of symbols are also needed whenever NRCS modifies soil survey legends in FOTG for cropped soils.

For those new soil map units with new symbols that retain the old soil boundaries, ***--**State Offices and NRCS are authorized to update symbols immediately in the FSA**--***
Intranet Soils Data Management System at
**https://indianocean.sc.egov.usda.gov/soilDbMgnt/SoilWelcome.do**.

For those new soil map units with new boundaries, County Offices shall follow this paragraph to obtain new or deleted rental rate approval by STC.

## 157 County Rental Rate Review

### A County Rental Rate Review Teams

County Rental Rate Review Teams shall be comprised of FSA and NRCS CRP staff and office managers and, to the extent available, other local USDA employees and Native American representatives with knowledge of local rental rates.

When a county rental rate review is determined necessary by COC, County Rental Rate Review Teams shall:

- review, analyze, and develop recommendations for decreases, increases, additions, and deletions for existing rental rates, if determined necessary by the County Rental Rate Review Team, for COC's to ensure that requirements in subparagraphs 155 B and C are met

  **Important:** Because County Offices have been directed to review and recommend rental rate changes before each of the last 5 general signups, all future changes necessary should be relatively minor. Changes in rental rates shall only be made for particular soils. Extensive or "across-the-board" increases will **not** be approved. Rental rate increases greater than 1 soil productivity group will generally not be approved.

- consult with neighboring County Offices to ensure consistency across local boundaries. When substantial differences in current rental rates across county or soil survey boundaries are identified that are not warranted by real differences in market rents, 1 or both County Rental Rate Review Teams must develop recommendations for adjustments in rates to resolve the differences. Cross-boundary discrepancies should be resolved by rate compromises.

Continued on the next page

**A County Rental Rate Review Teams (Continued)**

County Rental Rate Review Teams are also encouraged to develop and use the following when analyzing rental rates:

- statistics reflecting the acceptance and decline rates by CRP applicants for each posted SRR and marginal pastureland rental rate

- for those counties for which a digitized soil survey has been completed, review GIS-graduated color maps using current and proposed SRR's that illustrate SRR patterns for cropped soils within the county.

County Rental Rate Review Teams are required to:

- develop recommended adjustments in rental rates based on documented rent, productivity, value, yield, enrollment demand rate, GIS maps, and/or related soils-level statistics that support the changes

- recommend any needed SRR consolidation where fewer productivity groups are needed than currently posted. See subparagraph 159 B.

County Rental Rate Review Teams shall submit recommendations with supporting documentation for adjustments in the current rental rates to COC by making pen-and-ink revisions to a copy of the current Posting Reports and labeling it "Rental Rates Recommended by County Team."

**Note:** Negative reports to COC **are required**.

After notification by the County Rental Rate Review Team that rental rate adjustment recommendations will be developed for COC review, FSA shall:

- notify any producers, who offered land for enrollment and who do not have approved CRP-1's with soils identified by the County Rental Rate Review Team that may be adjusted, that they have the option to withdraw their CRP-2 at that time and later resubmit after adjusted rates are posted

- make no retroactive changes in CRP-1 payment rates for binding contracts after approved changes are posted.

Continued on the next page

## 157 County Rental Rate Review (Continued)

**B**
**Developing COC Proposals**

When provided with recommendations for rental rate adjustments, COC shall:

- review and analyze County Rental Rate Review Team recommendations and documentation to ensure that the requirements in subparagraphs 155 B and C are met

- modify the County Rental Rate Review Team recommended rental rates, if necessary, to develop rental rate proposals for the State Rental Rate Review Team that meet the requirements in subparagraphs 155 B and C

  **Notes:** County Rental Rate Review Teams and COC's are authorized to develop needed rental rate adjustment proposals in 1 unified effort when agreed upon locally.

  COC's shall modify recommendations for submitting to the State Rental Rate Review Team by making pen-and-ink changes to the County Rental Rate Review Team report and relabeling the report "Rental Rates Proposed by COC."

  Document County Rental Rate Review Team and COC recommendations, including negative reports, in the COC minutes.

- submit COC proposals to the State Rental Rate Review Team by forwarding them to "SED, ATTN: CRP Program Specialist."

## 158 State Rental Rate Review Teams

### A State Review Teams

State Rental Rate Review Teams shall be comprised of FSA and NRCS CRP staff and soils scientists and, to the extent available, other State-based Federal employees and Native American representatives with knowledge of rental rates.

Upon receipt of COC recommendations, State Rental Rate Review Teams shall:

- review and analyze COC proposals and supporting documentation and make any necessary modifications to ensure that the requirements in subparagraphs 155 B and C are met

  **Important:** State Rental Rate Review Teams must develop proposals that ensure rental rate consistency between all county and State lines.

- submit State Rental Rate Review Team proposals for adjustments in the current rental rates to STC and label the proposals "Rental Rates Recommended by State Team."

**Note:** Include County Rental Rate Review Team and COC reports and supporting documentation.

## 159 STC Rental Rate Responsibilities

### A STC Review of Rental Rates

When provided with recommendations for rental rate adjustments by State Rental Rate Review Teams, STC shall:

- consult with the State Rental Rate Review Team and review proposals and supporting documentation for rental rate adjustments

- after consulting with the State NRCS Office, and applicable contiguous STC's, determine the appropriate rental rates according to the requirements in subparagraphs 155 B and C

  **Note:** The basis for any new, adjusted, or deleted rate must be documented in the STC minutes. $0 is not an authorized rate.

- **not** approve any increases in rental rates until written authorization is obtained from the National CRP Program Manager

- **not** delegate rental rate approval authority.

### B STC Rental Rate Authority

STC's are authorized, with **consultation from the State NRCS Office and concurrence with each applicable neighboring STC**, to:

- approve **decreases** in rental rates, add **new** rates, and **delete** rates

- approve consolidation of SRR and soil productivity groups for those counties with more than 6 groups for which STC determines fewer groups are suitable.

**Note:** This consolidation must reduce the number of groupings by consolidating the soils into the higher and lower groupings. STC may reduce the number of groupings down to no less than 6 groupings. STC's shall **not** consolidate just the low-end group rates without an equivalent number of high-end group rates.

Continued on the next page

**C**
**STC and State Submission of Proposed Rate Increases**

After STC determines the appropriate rate adjustments, the State Office shall review and isolate all rate **increases** and submit to the National CRP Program Manager. Submit requests for approval by memorandum, including the following with each request:

- supporting documentation that may include soils-based:
  - market rental values, nonirrigated yields, or productivity indexes
  - GIS soils and rental maps, if available
  - offer enrollment demand by potential participants, if available
  - other related statistics by soil type
  - additional COC and STC minutes and/or recommendations
- a statement affirming that concurrence has been obtained from the State NRCS Office and adjoining State FSA STC's for contiguous counties
- name and telephone number of State Office specialists to contact with questions.

Use the following format as an example.

| STC-Proposed Increases in Rental Rates Submitted for DAFP Approval | | | | |
|---|---|---|---|---|
| **State and County Code** | **Soil Survey Area ID Number** | **Soil Map Unit Symbol** | **Rate Currently Posted** | **Proposed New Rate Determined Appropriate by STC** |
| 19001 | 19001 | Az43 | $72 | $80 |
| 19001 | 19001 | A3DW | $66 | $78 |
| 19001 | 19001 | Ft3R | $90 | $104 |
| 19001 | 19001 | MPLALL | $60 | $66 |

Continued on the next page

## 159 STC Rental Rate Responsibilities (Continued)

### D Submission Formats

Submit approval requests with supporting documentation using 1 of the following:

- mail to: National CRP Program Manager
  ATTN: Karen McGinnis
  ***--**USDA/FSA/ITSD/AMC/PMO/PMG**--***
  STOP 8408
  6501 Beacon Dr
  Kansas City MO 64133-4676

- e-mail to **Karen.McGinnis@kcc.usda.gov**

- FAX to Karen McGinnis at 816-823-1877.

**Important:** For tracking purposes, also notify Karen McGinnis by telephone at 816-926-2164 of all submissions or negative reports.

**160-169 (Reserved)**

## 170 National Ranking and Selection Process

### A About the National Ranking Plan

The national ranking process was developed by FSA, in consultation with NRCS, ERS, EPA, FS, FWS, and other agencies. The process is designed to prioritize CRP offers based on environmental criteria and cost. The process uses an EBI that includes 6 national ranking factors: 5 factors that quantify the relative environmental benefits of each offer, and 1 cost factor that quantifies cost on a per acre basis.

The National Office shall determine the rank of each offer within States where the national ranking process will be used by adding the sum of the scores received for all environmental factors and applying a cost factor. Offers will be ranked from highest to lowest total score.

**Note:** The EBI scores assigned to each factor are applied generally to all eligible offers; therefore, the EBI point system is not appealable. The information used to determine the individual EBI score for a specific offer may be appealed.

The National Office shall use scores for the national environmental ranking factors to determine the actual ranking of the offers received.

The 5 National environmental ranking factors will be collected for all offers.

Continued on the next page

**B**
**National Ranking Factors**

The 6 national ranking factors are included in the following table.

| Factor | Description | Point Ranges |
|---|---|---|
| N1 | Wildlife Habitat Cover Benefits | 0 through 100 |
| N2 | Water Quality Benefits From Reduced Erosion, Runoff, and Leaching | 0 through 100 |
| N3 | On-Farm Benefits of Reduced Erosion | 0 through 100 |
| N4 | Enduring Benefits | 0 through 50 |
| N5 | Air Quality Benefits | 0 through 45 |
| N6 | Cost/Acre | to be determined |

Scoring criteria for each national ranking factor are listed in Exhibit 19.

FSA will determine environmental scores for factors N1 through N5 for each offer during and shortly after signup.

**Note:** Offers under continuous signup are not evaluated. See paragraph 112.

The National Office shall determine the cost factor using the CRP per acre offer. If 2 offers have the same environmental ranking score, the one with the lower per acre rental rate shall receive a higher ranking.

Continued on the next page

## 170 National Ranking and Selection Process (Continued)

**C**
**Processing Offers**

Only general signup offers will be accepted. Continuous offers will be accepted under the continuous signup process. See Part 6.

Under the national ranking process, general signup offers shall compete based on the scores for each national factor, including cost.

**Note:** Offers under continuous signup are not evaluated. See paragraph 112.

**D**
**Selecting Offers**

After all offers have been ranked, the National Office shall provide by notice the ranking list to each applicable State and County Office indicating the offers that have been determined acceptable. County Offices shall notify each producer according to paragraph 202 after conducting the final eligibility review.

**171-180 (Reserved)**

## Section 3 Presignup Activities

### 181 State Office Activities

#### A State Office Action

State Offices shall perform the following activities before signup:

- provide information to STC regarding national selection criteria
- ensure that all County Offices have:
  - necessary forms and information needed to conduct a signup
  - evaluated the total cropland figures for the county and have followed procedure in Part 4 accordingly
- ensure that:
  - maintenance rates for calculating the maximum payment rate have been established
  - soil/payment rate tables have been thoroughly reviewed according to subparagraph 153 B
  - County Office personnel are trained on program policy and procedure, when determined needed by STC.
  - ***--**County Offices monitor their total county cropland status and follow Part 4 of this handbook.**--***

## 182 County Office Activities

### A County Office Action

County Offices shall:

- ensure that:
  - all necessary forms for conducting a signup are in the County Office
  - soil/payment rate tables are made available to the public
- conduct public information meetings if the National Office provides sufficient information to hold a meeting before signup
- review total cropland provision in Part 4 to determine whether a signup will be held for *--all practices or only for MPL practices eligible under continuous signup.--*

**Note:** See Part 4.

**183-192 (Reserved)**

## Section 4 Conducting a CRP Signup in the County Office

### 193 Announcing County CRP

#### A County Offices Announcing CRP

County Offices shall use news media to inform all owners and operators, on a county-wide basis, of the following:

- CRP eligibility requirements
- locations and dates of informational meetings
- dates for submitting offers

  **Note:** See Exhibit 15.

- CRP provisions, including general terms and conditions
- information needed to submit offers, such as eligible cropping history, fields to be identified, and number of acres to be offered.

Mail CRP announcement to all owners and operators in the county.

**Note:** County Offices shall include CRP continuous signup information in the county newsletter. Special mailings are optional but not required.

#### B Statement of Participation

All eligible owners and operators, regardless of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status, shall have an opportunity to submit requests to place land in CRP.

## 194 Receiving Offers

### A Final Date for Submitting Offers

The deadline for receiving offers in the County Office is COB on the DAFP-established final date for submitting offers.

### B Register of Offers

County Offices shall complete a register of producers at the County Office as of COB on the final date for submitting offers. If all offers cannot be processed by the final date, the producers listed on the register shall be:

- assisted as soon as possible after the final date for submitting offers
- considered to have submitted their offers on time.

### C Late-Filed Offers

Only offers filed before the deadline for submitting offers are eligible.

Using CRP-36 (Exhibit 12), advise producers who submit offers after the deadline that late-filed offers are not eligible.

**Note:** Producers listed on the register are not considered late-filed offers.

### D Adjustments to Acreage Offered

A paid-for measurement service shall be completed for all acreage determined acceptable before CRP-1 is approved. See 2-CP for redeterminations.

**Exception:** See paragraph 253.

CRP-1 shall be adjusted to reflect the measured acres. See paragraph 253.

Measurement service may be requested, but is not required, before transmission of offered acreage to the National Office.

***--**A paid-for measurement service fee is **not** required on offered acreage using GIS tools developed by trained County Office GIS users during a general signup.

**Note:** See paragraph 253 for measurement service requirements for approving CRP-1's.**--***

## 194 Receiving Offers (Continued)

### *--E Processing Offers--*

Offers **must** be submitted to the County Office having administrative responsibility for the farm.

This table provides instructions on whether to process an offer.

| IF land is... | AND... | THEN process the offer... |
|---|---|---|
| physically located in a county that has reached or exceeded the 25 percent cropland limitation *--or other applicable limit as provided in Part 4, or lower percent limitation set by COC for continuous and WRP signups--* and the county does not have an approved waiver before the signup period begins | is administered in that county or another county | only if it is for practices eligible under continuous signup marginal pastureland criteria (CP22, CP29, or CP30) |
| physically located in a county that has **not** reached the 25 percent cropland limitation *--or other applicable limit as provided in Part 4--* | is administered in a county that has or has not reached or exceeded the 25 percent cropland limitation | in the administering county for any eligible practice. |

## 195 Assisting Producer During Signup Period

### A Cropland Eligibility Determinations

County Offices shall assist producers with cropland eligibility determinations on CRP-2. To determine cropland eligibility for CRP-1, use CRP-2.

**Note:** County Offices shall use FSA-578 on file for applicable years to verify cropping history entered on CRP-2, items 24 through 27. **Aerial photography will not be used to determine cropping history when FSA-578 is on file.**

If there is no FSA-578 on file for any year of the applicable 6 years:

- require the producer to provide 2 or more of the following:
  - a signed statement from the person who harvested or planted the crop
  - a neighboring producer's certification of crops and acreage, on the back of each year's aerial photography
  - a signed statement from a reliable person with knowledge of which crops were planted on the farm

  **Note:** COC may require the producer to provide other documentation to determine cropping history, such as:

    - seed, fertilizer, and chemical receipts
    - load summary documents or elevator receipts.

- COC shall review and verify all of the documentation submitted to determine whether the cropping history is acceptable by:
  - aerial photography
  - farm visit
  - personal knowledge.

A late-filed FSA-578 may be accepted according to 2-CP when there is no FSA-578 on file for the applicable year being used to determine cropping history for eligibility. The late-filed fee shall be calculated according to 2-CP.

### B Maximum Payment Rate Determination

County Offices shall assist producers by calculating the maximum payment rates, including *****--multiple scenarios if requested, according to subparagraph 153 A.--*****

## 195 Assisting Producer During Signup Period (Continued)

### C County Office Responsibilities

County Offices may adjust the order of events in the table to provide for a workable signup period. **Before the producer submits** an offer to participate in CRP, County Offices shall do the following.

| Step | Action |
|---|---|
| 1 | Provide general information about program provisions, such as a Fact Sheet. |
| 2 | Explain program details, such as:<br><br>• the EBI process<br>• required cropping history<br>* * *<br>• maximum payment rate calculations<br>• national ranking and selection process<br>• COC determinations<br>• available practices and C/S rates. |
| 3 | Verify producer and cropping history eligibility for the offered acres according to Part 5.<br><br>**Notes:** Determine whether these requirements are met **before** submission of data.<br><br>FSA shall determine land eligibility. |
| 4 | Delineate acres to be offered. |
| 5 | Offer producer measurement services to determine acres to be offered.<br><br>Paid-for measurement service shall be completed for acreage offered before CRP-1 is approved. See paragraph 253.<br><br>**Note:** See 2-CP for additional guidance. |
| 6 | Determine acres before transmitting data. |
| 7 | *--Process offers through COLS. See paragraph 196 for completing CRP-2,--* including calculating maximum payment rates for each eligible area the producer wants to offer. |

## 195 Assisting Producer During Signup Period (Continued)

### C County Office Responsibilities (Continued)

| Step | Action |
|---|---|
| 8 | Advise producers of the limitation on withdrawing and modifying offers according to paragraph 199. |
| 9 | Provide producers CRP-1 Appendix (Exhibit 21) before submitting offers. |
| 10 | Have producer sign completed CRP-1 and CRP-2.<br><br>**Note:** Only 1 signature is required to transmit an eligible offer. All signatures are required before COC approves CRP-1. |
| 11 | File all applicable documents, including CRP-2, in the producer's folder. |

### D Separate Offers

Each producer, depending upon the eligibility determination and the practices selected, shall submit only 1 offer per tract number per program year per general signup.

**Notes:** The definition of a tract in 2-CM shall be used for offers being submitted by tract for CRP purposes.

Multi-tracts shall not be used for submitting CRP offers. Offers must be submitted on a tract basis.

## 195 Assisting Producer During Signup Period (Continued)

### D Separate Offers (Continued)

If a producer submits multiple offers, some of which are not determined acceptable, the producer may withdraw any or all acceptable offers. Liquidated damages will apply according to paragraph 356.

**Note:** Acceptable offers on different tract numbers shall **not** be combined under 1 tract number.

**Important:** Separate CRP-1's must be completed for:

- each CRP-2 completed
- practices with different lifespans.

**Example:** Producer offers 5 acres of CP10 with a 10-year lifespan and 20 acres of CP3A with a 15-year lifespan on the same tract. Only one CRP-2 is completed for the offer. Separate CRP-1's must be completed for each practice.

### E Material for Producers

Provide copies of FSA informational material issued by DAFP to each producer submitting an offer. Provide copies of procedures in this handbook, including the formula process, to producers, if requested.

## 196 Completing CRP-2

### A About CRP-2

CRP-2 must be completed for all acreage on which producers want to submit offers. The document is used to:

- make eligibility determinations
- calculate maximum payment rates for producers before offers are submitted
- obtain ranking data and statistics on acreage offered for the program.

**All item numbers, except item number 6, must be completed before producer signs CRP-2. All changes to data entered on CRP-2 after the producer signs CRP-2 must be initialed and dated by both the employee making the change and the producer.**

**Notes:** See paragraph 138 for completing CRP-2 for continuous signup.

Separate CRP-1's must be completed for:

- each CRP-2
- practices with different lifespans. See paragraph 195.

CRP-2 is:

- a computer-generated form
- provided for display purposes only.

# 196 Completing CRP-2 (Continued)

## B Example of CRP-2

The following is an example of CRP-2.

*--

This form is available electronically.

*See Page 2 for Privacy Act Statement.*

**CRP-2** (03-26-04)

**U.S. DEPARTMENT OF AGRICULTURE**
Farm Service Agency

**CONSERVATION RESERVE PROGRAM WORKSHEET**
(For General Signup)

*NOTE: The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

| | |
|---|---|
| 1. TRACT NUMBER | 2100 |
| 2. PROGRAM YEAR | 2007 |
| 3A. SIGN UP NUMBER | 33 |
| 3B. EFFECTIVE DATE (MM-DD-YYYY) | 10-01-2007 |
| 4A. FARM NUMBER | 574 |
| 4B. NAME AND ADDRESS OF PRODUCER (*Zip Code*): | |
| TELEPHONE NUMBER (*Include Area code*): | |
| 5A. STATE & COUNTY CODE ADMIN. LOCATION | 17163 |
| 5B. STATE & COUNTY CODE PHYSICAL LOCATION | 17157 |
| 6. CONTRACT NUMBER | |
| 7. ACRES FOR ENROLLMENT | 55.5 |
| 4C. COUNTY FSA OFFICE ADDRESS (*Zip Code*): | ST CLAIR CO FSA OFFICE<br>2031 MASCOUTAH AVENUE<br>BELLEVILLE, IL 62220-3498 |
| 4D. COUNTY FSA OFFICE TELEPHONE NO. (*Include Area Code*): | (618) 235-2500 |
| 8. IS COST-SHARE REQUESTED? | YES ☐ NO ☒ |
| 9. RENTAL RATE PER ACRE OFFERED | $ 52.32 |
| 10. SIGNUP TYPE | GENERAL |

11. PRACTICES

| A. PRACTICES | B. ACRES | C. ESTIMATED TOTAL C/S | D. LENGTH | E. N1A POINT VALUE |
|---|---|---|---|---|
| CP3A | 45.0 | $0.00 | 10 | 10 |
| CP4B | 10.5 | $231.00 | 10 | 40 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

12. LAND ELIGIBILITY CATEGORY BY ACRES: (Enter the amount eligible for each criteria)

| | |
|---|---|
| EI 8 or Greater | 55.5 |
| National CPA | 0.0 |
| State CPA | 55.5 |
| Expiring CRP | |
| Water Bank Program | |
| Marginal Pasture Land Expired Trees | 0.0 |

13. National Ranking Factors

| N1 | N2 | N3 | N4 | N5 |
|---|---|---|---|---|
| 46 | 62 | 100 | 32 | 25 |

14. N1 Subfactors

| N1a | N1b | N1c |
|---|---|---|
| 16 | 0 | 30 |

15. N2 Subfactors

| N2a | N2b | N2c |
|---|---|---|
| 30 | 10 | 22 |

16. N5 Subfactors

| N5a | N5b | N5c | N5d |
|---|---|---|---|
| 14 | 0 | 0 | 9 |

17. N6 Subfactors

| N6b | N6c |
|---|---|
| 10 | 0 |

18. HUC Number: 07140101090700

19. Soil Map Data and Maximum Payment Rate Calculations:

| | A. Physical Location | B. Soil Survey ID No. | C. Map Unit Symbol | D. Acres | | E. Soil Rental Rate | | F. Total Rent |
|---|---|---|---|---|---|---|---|---|
| (1) Primary | 17157 | IL157 | 122B | 35.0 | x | $ 55.00 | = | $ 1,925.00 |
| (2) Secondary | 17157 | IL157 | 216G | 10.5 | x | $ 36.00 | = | $ 378.00 |
| (3) Tertiary | 17157 | IL157 | 122C3 | 10.5 | x | $ 49.00 | = | $ 400.00 |
| | | | TOTALS | 55.5 | | | | $ 2,793.00 |

| 20. Weighted Average Soil Rental Rate (*Col. 19F total divided by Col. 19D total*) | | 21. Maintenance Rate | | 22. Maximum Payment Rate (*Per Acre*) |
|---|---|---|---|---|
| $ 50.32 | + | $ 2.00 | = | $ 52.32 |

☐ ORIGINAL - COUNTY FSA OFFICE COPY ☐ FSA PENDING COPY

--*

# 196 Completing CRP-2 (Continued)

## B Example of CRP-2 (Continued)

*--

CRP-2 (03-26-04) (Page 2)

| 23. Current Field No. | 24. Current Crop or Land Use | 25. Crop Land Use Summary | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | A. Offered Acres | B. Crop History Eligible Acres | C. 1996 | D. 1997 | E. 1998 | F. 1999 | G. 2000 | H. 2001 |
| 2 | CORN | 88.0 | 88.0 | CORN | CORN | WHT | CORN | WHT | CORN |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 26. TOTALS ➡ | | 88.0 | 88.0 | | | | | | |

**27. PRODUCER'S CERTIFICATION:**

*By signing below I certify to all of the following: (1) All of the Environmental Benefits Index (EBI) factors and subfactors N1 through N5 have been explained to me; (2) I have been informed that planting an approved mixture of covers that benefit wildlife, enhancing the existing cover to provide a mixture that benefits wildlife, if applicable, and/or thinning existing trees and creating and maintaining open areas of approved herbaceous cover may enhance the acceptability of the offer; (3) I have been informed that if my offer to thin existing trees is accepted, the thinning must be completed within three years of the effective date of the contract regardless of market conditions or size of the tree; (4) I have been informed of the estimated cost of establishing the cover offered; (5) I have been informed that declining cost share assistance to establish the cover offered and/or offering a per acre rental payment less than the calculated annual maximum payment rate may enhance the acceptability of the offer; (6) I have been informed that if I decline cost share assistance I will be ineligible for cost share assistance; (7) I have been informed that I may be required to pay for a measurement service on the acreage offered before such acreage may be enrolled in the CRP; (8) I have been informed that if my offer is accepted, then contract management activities, as applicable, are required to be performed on all practices; (9) I have been informed that certain land enrolled in the EQIP pursuant to regulations at 7 CFR Part 1466 is ineligible for enrollment in the CRP; (10) To the best of my knowledge and belief the acreage of crops and land listed herein, if applicable, are true and correct; and (11) The signing of this form gives USDA representatives authorization to enter and inspect crops and land uses and for other purposes on the above identified land.*

*I understand that an inaccurate certification could result in a payment reduction or loss of program benefits.*

| 27A. PRODUCER'S SIGNATURE | 27B. DATE (*MM-DD-YYYY*) |
|---|---|
| John Producer | |
| | |

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended and the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D. C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.*

--*

## 197 Providing CRP-1 and CRP-1 Appendix

### A Instructions to Producers

Producers shall be advised that:

- CRP-1 (Exhibit 16) is a binding contract; offers are irrevocable after the end of signup

  **Note:** Producers withdrawing CRP-1 during the irrevocable period shall be subject to liquidated damages according to paragraph 356.

- changes are not allowed on the preprinted portion of CRP-1 and CRP-1 Appendix

- any changes to the data entered on CRP-1 must be initialed and dated by both the employee making the change and the producer

- CRP-1 must be signed and dated by all required signatories. See paragraphs 198 and 201.

### B What to Give Producers Submitting Offers

When the producer is ready to submit an offer, County Offices shall provide the following to the producer:

- CRP-1 (Exhibit 16)
- a copy of CRP-1 Appendix (Exhibit 21).

## 198 Signature Requirements

### A Required Signatures

All owners, operators, and tenants who have an interest in the acreage being offered must sign CRP-1, including owners with zero share in CRP annual rental payments. Each person who signs CRP-1 for a share greater than zero:

- has entered into a 10- through 15-year binding agreement with CCC

  **Exception:** See landlord and tenant provisions in paragraph 70.

- is jointly and severally liable for complying with terms and conditions of CRP-1.

**Note:** For signup 14 and subsequent signups, zero-share participants are not jointly and severally responsible for contract performance.

This table shows forms and signature requirements.

| Form | Signature Required |
|---|---|
| CRP-1 (Exhibit 16)<br>CRP-15, if applicable for signups 1 through 14 CRP-1 revisions<br>Certification Statement (subparagraph 86 E)<br>Conservation Plan | All operators, owners, and tenants who have an interest in the acreage being offered |

**Notes:** See subparagraph B for exceptions on obtaining owners' signatures.

See 1-CM for accepting FAXed signatures.

### B Owners' Signatures

An owner is required to sign CRP-1 unless a farm is under multiple ownership and the owner's name is not on the deed to the portion of land being offered on CRP-1.

## 198 Signature Requirements (Continued)

### C Requirement Exceptions

The requirements for signatures apply unless:

- a trustee of BIA representing the native Americans owning the land signs on their behalf

  **Note:** All CRP-1's signed by BIA representative on behalf of native Americans owning the land shall be reviewed by RA. COC shall not approve CRP-1 until RA determines that the required signatures have been obtained.

- a native American has a restrictive 5-year BIA farm lease that has been extended according to BIA provisions.

## 199 Withdrawing and Modifying Offers

### A Withdrawing Offers

Producers can withdraw offers anytime before the close of signup. Withdrawals of a part of the acreage offered are not authorized after the end of the signup period. Offers withdrawn after the close of signup shall be assessed liquidated damages according to paragraph 356.

A request to withdraw a CRP offer shall be:

- in writing
- filed in producer's folder
- accepted.

## 199 Withdrawing and Modifying Offers (Continued)

### B Identifying Withdrawn Offers

Identify each offer withdrawn by entering the following on CRP-2:

- the word “Withdrawn” in bold, red letters
- the signature of the person authorizing withdrawal
- the date withdrawal is made.

When an offer is withdrawn before the close of signup, if requested, provide a new CRP-1 to producers for resubmitting an offer by the final signup date. See paragraph 194.

### C Modifying Offers

***--**For general signups, for 10 calendar days after the end of the applicable signup period,**--*** producers who submitted timely filed offers may modify the offer to change:

- from 1 eligible practice to another eligible practice

  **Exception:** CP3 and CP3A may not be changed to another practice.

- the rental rate per acre offered, not to exceed the calculated maximum payment rate.

No other changes to an offer are authorized after the end of the applicable general signup period. No changes are authorized after the final validation cycle.

***--Example:** Signup ended September 24. Mary Smith submitted a timely filed eligible offer on September 15. On September 28, Mary Smith requests to lower her rental rate per acre offered amount. The modification may be allowed because it is within 10 calendar days of the end of the signup period.**--***

For continuous signups, before CRP-1 is approved by COC, producers may modify the offer in any way except changing the:

- practice offered to another practice that is not eligible for continuous signup
- rental rate per acre offered to exceed the calculated maximum payment rate.

**Note:** See paragraphs 111 and 112.

## 200 Succession to Offers

### A General Policy

Succession-in-interest rights do not apply to CRP offers to participate, except for:

- immediate family members of the producer that submitted the offer, according to subparagraph B
- a person, or entity, taking title to the land offered when the producer that submitted the offer dies.

  **Note:** See subparagraph C.

All other applicable eligibility requirements shall apply to the successor.

**Note:** See paragraph 335 for succession-in-interest to approved CRP-1.

### B Succession by an Immediate Family Member

An immediate family member of the producer who submitted the offer may succeed to an acceptable offer, if all of the following are met:

- producer that submitted the offer met all eligibility requirements
- successor signs CRP-2, item 42, acknowledging acceptance of offer as originally submitted

  **Note:** No modifications to the original offer are authorized. Successor cannot modify or revise the original offer.

- immediate family member succeeding to the offer meets all other eligibility requirements before CRP-1 is approved.

Successor shall be liable for any liquidated damages.

Immediate family members include parents, children, siblings, grandparents, adopted children, and spouse.

## 200 Succession to Offers (Continued)

### C Succession When Producer Who Submitted Offer Dies

Succession-in-interest rights apply to any acceptable CRP offer when the:

- producer who submitted the offer dies before CRP-1 approval
- person or entity taking title to the land elects to succeed to the offer.

The person or entity taking title to the land may succeed to an acceptable offer, if all of the following are met:

- producer that submitted the offer met all eligibility requirements

- successor signs CRP-2, item 27, acknowledging acceptance of offer as originally submitted

  **Note:** No modifications to the original offer are authorized. Successor can not modify or revise the original offer.

- successor meets all other eligibility requirements before CRP-1 is approved.

Successor shall be liable for any liquidated damages.

### D Notify Eligible Successors

COC shall notify eligible successors to offers that:

- they have 60 calendar days from the date of notification to succeed to the acceptable offer

- the offer will be null and void if it is not succeeded to by an eligible successor within 60 calendar days of notification

- no revisions or modifications, other than succession to the original offer, are authorized.

## 201 Processing Offers

### A Reviewing Offers

COC shall ensure that:

- producers have submitted offers for CRP-1 by tract and year
- CRP-1 was signed
- CRP-1 signers have an interest in designated acres
- CRP-1's contain at least 1 eligible signature

  **Note:** Notify producers that they have 30 calendar days from the date of notification informing them that their offer was acceptable to obtain **all** signatures, or CRP-1 will not be approved.

- offers that are not acceptable are kept on file for 1 year after the acceptable offer list is received.

### B Forwarding Offers for the National Office

COC shall submit **all** offers by a deadline established by DAFP, through the State Office, to the national level for review and evaluation, including offers that have additional terms and conditions added to CRP-1.

See 1-CRP for transmitting offers to the National Office.

### C Request for Information

After data is reported to the State Office, inform anyone who requests data that the request must be submitted in writing according to 2-INFO.

**Note:** Release requested information only according to 2-INFO.

## 202 Notifying Producers

### A Eligibility Review

COC shall:

- review the list of acceptable offers to ensure that all eligibility criteria have been met for all offers listed as **acceptable** by the National or State Office

- **not** approve CRP-1 if producer or the offered acreage does not meet eligibility criteria even though the offer is listed as acceptable by the National or State Office.

### B Offer Not Acceptable

If the offer is not acceptable, advise the producer that:

- offer was not acceptable
- eligible land may be reoffered in a later signup.

### C Procedure for Notifying Producers

COC shall notify producers, using CRP-23, CRP-24, and CRP-26 (Exhibit 12), of the status of their offer as soon as the list of acceptable offers is received and COC has conducted an eligibility review.

Provide NRCS or TSP a list of acceptable offers.

### D Offer Acceptable and Clearly Eligible

If the offer is determined acceptable, advise the producer:

- to notify the County Office if the producer wants the offer approved

  **Note:** The producer's notification to the County Office is not required to be in writing. The County Office shall notate the producer's notification and include the notation in the producer's CRP folder.

- that a conservation plan must be developed by NRCS or TSP and approved by the Conservation District before CRP-1 can be approved by COC

- of provisions for starting practices. See Part 10.

**203-212 (Reserved)**

# Part 8 Easement Requirements

## 213 Basic Requirements for Maintaining Easements

**A**
**Basic Requirements**

CRP useful life easements must be maintained until easement expiration, which may be after CRP-1 expiration. If the participant fails to comply with easement provisions, including providing access to the easement area and establishing and maintaining the easement practice, COC may:

- enter the property to perform necessary work
- seek specific performance
- seek any other legal action as provided by law.

**Note:** COC shall seek prior approval of STC. STC shall seek RA concurrence before approving COC request.

**B**
**Limited Grazing**

Limited grazing of the easement area may be allowed between CRP-1 expiration and easement expiration if grazing occurs after the producer harvests crops of the surrounding field, if this grazing is incidental.

## 214 Removing Easement

### A Easement Expiration

County Offices shall compute date of easement expiration by adding the applicable number of additional easement years to the date the easement documents are filed.

**Example:** CRP-1 number 10 is a program year 1992 13-year contract for practice CP13B, which requires a 30-year easement. The easement documents were filed at the land records office on August 30, 1991. Although CRP-1 expires September 30, 2004, the easement will expire at 12 noon on August 30, 2021.

The landowner is responsible for removing the easement from the deed after the easement expires and written approval has been obtained from COC. COC shall **not** incur any expenses for removing the easement.

**Note:** Cropland shall be reclassified after CRP-1 expiration, which may be before easement expiration, according to 3-CM.

Landowners shall be notified that CRP-1 expiration does not terminate the easement on the land under CRP-1.

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### B Effect of CRP-1 Termination

Landowners shall be notified that CRP-1 termination does not terminate the easement on the land under CRP-1.

Reductions in payment assessed producers on CRP-1's containing easements shall be handled in the same manner as CRP-1's without easements, according to paragraph 355.

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### C Sale of Land Under Easement

The easement deed is not required to be refiled if the land under easement is sold, regardless of whether the new owner succeeds to CRP-1.

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**215-224 (Reserved)**

## Part 9 Policies for Signup 26 and Subsequent Signups

### 225 * * * Acreage Limitation for Signup 26 and Subsequent Signups

#### A * * * Acreage Limitation

*--Before completing CRP-2 or CRP-2C, the County Office shall ensure that the base limitation is not exceeded. See 1-DCP, paragraph 57.

#### B Reduction of Contract Acreage

If the total acres, excluding any marginal pastureland, such as WBP noncropland acres based on the effective date of CRP-1's, exceeds DCP cropland for the farm, the producer shall designate which of the following to reduce:

- CRP acres being offered
- DCP acreage
- GRP acreage being offered.--*

**Notes:** Reduction of CRP acres offered shall be completed before the end of the applicable signup period.

The reduction of applicable acres shall be to the extent the total CRP and DCP *--cropland acreage does not exceed the cropland for the farm.--*

Acreage enrolled in an approved CRP-1 cannot be reduced.

*--County Offices shall calculate the number of acres on a farm that may be enrolled in CRP or GRP without requiring a reduction to DCP base acres at the time the producer submits CRP-2, CRP-2C, or CCC-920.

When the producer determines to reduce DCP base acres on a farm because of enrollment into CRP or GRP, the producer must complete CCC-505 at the time the acres are being offered for CRP or GRP.

**Note:** Some producers may elect to modify the number of acres to be offered for CRP or GRP instead of reducing DCP base acres on the farm.--*

Reduce DCP acreage and complete CCC-505 according to 1-DCP.

## 226 Allotment and Quota Reduction Policies for Signup 14 Through Signup 23

### A Reinstatement of Allotments and Quotas

For contracts approved on or after October 1, 2001, allotments and quotas shall **not** be reduced as a condition of enrollment.

Acreage enrolled in CRP before October 1, 2001, that had a reduction shall have the reduction restored only upon CRP-1 expiration or termination. Allotment and quota history preservation provisions apply according to paragraph 428.

**227-235 (Reserved)**

# Part 10 Establishing and Maintaining Practices

## 236 Developing Approved Conservation Plan

### A Conservation Plan

A conservation plan is a record of the producer's decisions and supporting information for the treatment of a unit of land or water as a result of the planning process that meets NRCS FOTG quality criteria for each natural resource and addresses economic and social considerations. The plan describes the schedule of operations and activities required to solve identified natural resource concerns.

A conservation plan may contain only information related specifically to CRP, or it may be a part of an overall total resource management system in which numerous conservation programs may be used to meet the natural resource needs.

### B Original Plan Development

An approved conservation plan is required before CRP-1 can be approved. NRCS or TSP ***--must** complete a field visit, if necessary, before approving a conservation plan.**--***

The approved conservation plan shall be developed by:

- the participant
- NRCS or TSP.

NRCS or TSP is responsible for the following conservation planning, practice implementation, and certification activities:

- environmental evaluation during the conservation planning process
- technical leadership for planning and implementation
- technical concurrence on the conservation plans and revisions
- adherence to subparagraph 242 F about compliance with NEPA, NHPA, ESA, and related laws, regulations, and executive orders.

## 236 Developing Approved Conservation Plan (Continued)

### B Original Plan Development (Continued)

NRCS or TSP shall ensure that the approved conservation plan:

- contains all the practices necessary for the successful establishment and maintenance of the vegetative cover on all of the acres offered for CRP

- is technically adequate for achieving CRP objectives

- incorporates all requirements for Federal, State, or local permits when construction activities are planned

- is reviewed and approved by the Conservation District

  **Exception:** COC may approve the plan without the Conservation District signature only if the Conservation District refuses to review the plan. In those rare instances, COC shall document in the COC minutes Conservation District refusal to review the plan, including reasons why the Conservation District refused to review the plan.

  **Note:** The Conservation District may assist the producer in planning and implementing conservation management practices and management systems.

- ensures that the CRP cover will not be disturbed during the primary nesting or brood rearing season, as determined by STC in consultation with the State Technical ***--**Committee; for States affected by the National Wildlife Federation Settlement Agreement, see subparagraph 293.5 B**--***

  **Note:** See paragraph 238.

- for CP22 when the producer elects natural regeneration, provides **all** of the following:

  - **no** C/S shall be paid for the practice

    **Exceptions:** See Exhibit 9.

## 236 Developing Approved Conservation Plan (Continued)

### B Original Plan Development (Continued)

- the producer will plant the approved cover at no cost to FSA or CCC according to a revised conservation plan if the riparian buffer is not established through natural regeneration within 2 years of CRP-1 effective date

- conservation practice code 647, Early Successional Habitat Development/Management, is used to identify natural regeneration

- NRCS or TSP shall spot check the site at the end of the second year to determine whether the riparian buffer is established **and** meets the standards and specifications for NRCS conservation practice code 391A, Riparian Forest Buffer.

  **Note:** NRCS or TSP **must** immediately notify COC:

  - of the result of the spot check

  - that the participant **must** plant the approved cover with no C/S according to a revised conservation plan, if applicable.

  **Note:** COC **must** notify participant of the results of the spot check.

Before approving CRP-1's, COC, or designee, shall review and approve the plan to ensure that it:

- has been signed and agreed to by:

  - all signatories to CRP-1
  - NRCS or TSP
  - Conservation District
  - COC or designee

***--Note:** COC may approve the plan without the Conservation District signature if the Conservation District refuses to review the plan.**--***

- for natural regeneration of CP22, requires:

  - the producer to plant the approved cover with no C/S if the approved cover is not established within 2 years of CRP-1 effective date

## 236 Developing Approved Conservation Plan (Continued)

### B Original Plan Development (Continued)

- NRCS or TSP to spot-check the site at the end of the second year to determine whether the riparian buffer is established and meets the standards and specifications of NRCS conservation practice code 391A, Riparian Forest Buffer

- includes all of the eligible acres offered for CRP

- includes required maintenance for weed, insect, and pest control for life of CRP-1

- ***--**including contract management activities to be taken to implement the conservation plan, as applicable**--***

- includes only practices requested on CRP-1

- includes C/S for eligible practices only

  **Important:** See Exhibit 9 for eligible C/S for natural regeneration of CP22.

- includes application rates, such as the amount of seed, lime, and fertilizer, that are consistent with practice specifications

  **Note:** The conservation plan may reference the NRCS Job Sheet for the application rates. The producer **must** be provided a copy of the Job Sheet with the conservation plan.

- meets the objectives of CPA, when applicable

- includes the following:

  - FSA field number and acreage

  - timeframe and deadline to implement the approved practice or practices and management activities

  - a map of the acres to be enrolled.

**COC, or designee, shall reject the plan if these requirements have not been satisfied.**

## 236 Developing Approved Conservation Plan (Continued)

### C Application of Practices

The approved conservation plan shall include measures necessary for the successful establishment and maintenance of the approved practices and required management activities. This applies regardless of eligibility for C/S funds.

National practice CP12 may be included in the approved conservation plan only to enhance certain other practices included in the approved conservation plan if the:

- producer wants to establish a wildlife habitat
- area is suited for the successful establishment of the practice.

**Note:** See Exhibit 9 for practices eligible to be used in conjunction with CP12.

### D Practice Performance Requiring Permits

Persons who want to perform practices on land they do not own or to install practices that require State or Federal permits are responsible for obtaining:

- the easements, permits, or rights-of-way
- other permission necessary to perform and maintain practices.

COC or agency technician need not verify the producer's statement about the existence of permits, easements, right-of-way, etc., with the issuing authority.

- NRCS policy may be more restrictive in some States.

- If a practice meets specifications, approved C/S shall be paid even if it is later found that the producer did not have the necessary authorities.

The person receiving C/S assistance is responsible to CCC for any losses sustained by the Federal Government if the person:

- infringes on the rights of others
- does not comply with applicable laws and regulations.

## 237 Establishing Approved Cover

### A Establishing Required Cover on CRP-1

CRP participants shall agree to establish and maintain approved practices according to the conservation plan of operations.

**Use of hand-collected seed is not authorized for CRP. COC shall not approve CRP-1 when hand-collected seed was or will be used to established the cover.**

**Exception:** If verification of PLS factor, germination, and seed quality is provided, hand-collected seed may be used to establish the CRP cover.

**Note:** See subparagraph 441 D.

Practices included in the CRP conservation plan must cost-effectively achieve a reduction in soil erosion to maintain:

- the productive capacity of the soil
- water quality improvements
- wetland or wildlife protection
- reduced airborne wind particulate matter
- public wellhead protection
- environmental benefit achievements.

NRCS or TSP shall encourage the participant to:

- where appropriate, plant perennial seeding and planting mixes that achieve the highest environmental benefits for each CRP practice

- where practical, as determined by NRCS or TSP, use State-certified seed for CRP

  **Note:** However, common seeds, especially for natives, may be used when certified seed is **not** available.

- where appropriate, avoid the use of single, introduced species

- use native legumes, forbs, shrubs, and plant mixes

- ensure that the approved seeding mix does not include weed species, including noxious weed species.

## 237 Establishing Approved Cover (Continued)

### A Establishing Required Cover on CRP-1 (Continued)

**COC, or designee, shall only** agree to conservation plans or approve CRP-1's that do **not** include C/S for:

- hand-collected seed, except when verification of PLS factor, germination, and seed quality is provided

- practices tailored to specifically enhance or change the commercial production

  **Exception:** Haying or grazing of grasses or harvesting forest products from CP3 and CP3A when CRP-1 expires.

- purchasing and establishing species of grasses, legumes, trees, and other vegetative cover that are not adaptable to the area without excessive cost to establish the cover

- providing any plastic mulch or supplemental irrigation water, except where CP5, CP5A, CP16, CP16A, CP17, CP17A, CP22, and CP25 will be established in areas where the average annual precipitation is 25 inches or less.

Until a final status review has been completed by NRCS or TSP, COC in consultation with NRCS or TSP, may allow participants to spray and mow the acreage under contract at any time, if this activity is required in the conservation plan to establish the approved cover.

**Note:** This includes mowing and clipping of a nurse crop that was used to establish the approved cover.

### B When to Start CRP Practice

Producers shall be advised that:

- approved CRP practices may be started:

  - after submitting the offer to the County Office
  - when notified that CRP-1 has been approved

- starting a practice before final approval of CRP-1 is at the producer's own risk

- where practicable, as determined by NRCS or TSP, State-certified seed shall be used for CRP

  **Note:** However, common seeds, especially for natives, may be used when certified seed is not available.

## 237 Establishing Approved Cover (Continued)

### B When to Start CRP Practice (Continued)

- C/S payments are ineligible if:

  - offer is not accepted
  - designated acres are ineligible
  - practice does not meet specifications
  - practice is not included in the approved conservation plan.

  **Note:** See paragraph 240 for C/S when modifying approved conservation plan.

### C Permanent Covers

The approved conservation plan must include the establishment of a permanent vegetative cover:

- according to the planting timespan requirement in Exhibit 9
- before the presence of an erosion problem.

The participant is eligible to receive C/S assistance after CRP-1 is approved and the approved cover is seeded, or for approved water cover, required establishment activities, such as earth moving and blocking drains, have been completed.

Approved permanent cover is required to be seeded within 12 months after the CRP-1 effective date, according to Exhibit 9. However, NRCS or TSP, in consultation with COC, may, in developing the conservation plan, permit up to an additional 12 months, not to exceed 24 continuous months, to seed the approved permanent cover if any of the following apply:

- the specific site conditions require additional time to seed the approved cover to not adversely impact the natural resources of the site or surrounding areas

- the approved grass seed, grass mixture, trees, or shrubs are not available

- seed costs will create an adverse economic hardship on the participant.

## 237 Establishing Approved Cover (Continued)

### C Permanent Covers (Continued)

***--Example:** Jane Smith's signup 29 CRP-1 for 100 acres was approved with an effective date of October 1, 2005. The approved permanent cover is required to be seeded by October 1, 2006, according to Exhibit 9. The next normal planting date for the approved permanent cover begins in May 2006 and ends in June 2006. Because of the specific site conditions, planting the entire 100 acres to the approved permanent cover at 1 time would cause severe erosion on the acreage enrolled and cause similar adverse impacts on the surrounding fields. NRCS, in consultation with COC, may, in developing the conservation plan, provide Ms. Smith an additional 12 months (to October 1, 2007) to seed the approved permanent**--*** cover on a portion of the field to reduce the adverse environmental impacts to the site. An approved temporary cover, if needed, must be seeded on the acreage not planted to the approved permanent cover according to the conservation plan.

**Notes:** Determinations to permit an additional 12 months to seed the approved permanent cover shall be:

- made on a case-by-case basis
- recorded in the conservation plan.

Up to 3 years may be permitted for certain hardwood tree plantings. See Exhibit 9.

### D Additional 12 Months to Establish Permanent Covers Authorized

After the conservation plan is approved, COC may approve a revised plan, signed pen and ink changes, to allow up to an additional 12 months to seed the approved permanent cover if COC determines that any of the following applies:

- the approved grass seed, grass mixture, trees, or shrubs are not available
- seed costs will create an adverse economic hardship on the participant
- the producer has been prevented from timely seeding the approved permanent cover because of adverse weather conditions.

**Note:** See paragraph 240 for modifying approved conservation plans.

## 237 Establishing Approved Cover (Continued)

### D Additional 12 Months to Establish Permanent Covers Authorized (Continued)

***--Examples:** John Brown's signup 29 CRP-1 was approved with an effective date of October 1, 2005. The approved permanent cover is required to be seeded by October 1, 2006, according to Exhibit 9. The next normal planting date for the approved permanent cover begins in May 2006 and ends in June 2006. The approved grass seed mixture is not available in May or June 2006. COC, in consultation with NRCS or TSP, may provide Mr. Brown an additional 12 months (to October 1, 2007) to seed the approved permanent cover. An approved temporary cover, if needed, must be seeded according to the conservation plan.

Joe Brown's signup 29 CRP-1 was approved with an effective date of October 1, 2005. The approved permanent cover is required to be seeded by October 1, 2006, according to Exhibit 9. The next normal planting date for the approved permanent cover begins in May 2006 and ends in June 2006. Because specific site conditions require additional time to seed the approved permanent cover, according to subparagraph C, NRCS or TSP, in consultation with COC, may, in developing the conservation plan, provide Mr. Brown an additional 12 months (to October 1, 2007) to seed the approved permanent cover. Extreme adverse weather conditions exist from May 2007 through September 2007. Because of the adverse weather conditions, Mr. Brown is not able to seed the approved permanent cover by October 1, 2007. COC may allow Mr. Brown up to an additional 12 months (to October 1, 2008) to seed the approved permanent cover. An approved temporary cover, if needed, must be seeded on the acreage not planted to the approved permanent cover according to the conservation plan.

Bob Jones' continuous signup CRP-1 was approved with an effective date of May 1, 2005. The approved cover is required to be seeded by May 1, 2006, according to Exhibit 9. The next normal planting date for the approved cover begins in May 2006 and ends in June 2006. The approved grass seed mixture is not available in May or June 2006. COC, in consultation with NRCS or TSP, may provide Mr. Jones an additional 12 months (to May 1, 2007) to**--***
seed the approved cover. An approved temporary cover must be seeded, if needed, according to the conservation plan.

**Note:** Neither COC or STC may approve extensions to seed the approved cover beyond the 12-month extension provided in this subparagraph.

## 237 Establishing Approved Cover (Continued)

### D Additional 12 Months to Establish Permanent Covers Authorized (Continued)

**Important:** In no case shall a revised conservation plan be approved for more than a total of 36 months to seed the approved permanent cover. Meritorious requests for authority to continue CRP-1, on which the approved permanent cover has not been seeded within 36 months of the effective date of CRP-1, may only be approved by DAFP. COC and STC shall submit requests to DAFP, only if both COC and STC determine the request is justified based on documented and verifiable facts of the individual case. All cases submitted to DAFP must include:

- a complete explanation of how such a contract will be able to achieve the environmental benefits for which it was scored on EBI and accepted for enrollment in CRP
- a copy of the participant's request for additional time to seed the approved permanent cover
- a copy of COC and STC minutes thoroughly documenting and justification supporting the request
- a copy of all applicable forms and documents, such as CRP-1's, CRP-2's, aerial photocopies, conservation plan, and job sheets
- all documentation used by COC and STC during review of the subject case
- a narrative of the case in chronological order.

### E Temporary Covers

If the approved cover cannot be seeded within 12 months of the effective date of CRP-1, a suitable temporary cover shall be seeded according to the conservation plan. C/S for temporary cover, if needed, is authorized when COC determines, based on recommendation of NRCS or TSP, that the seeding of the approved permanent cover should be delayed.

**Note:** Temporary cover shall be established at the participant's own expense if C/S was declined by the participant when the offer was submitted.

Viable native or tame grass species that are currently adequately controlling erosion may be adequate temporary cover.

**Note:** Weeds, crop residue (unless adequate for erosion control), etc. are not acceptable as a temporary cover under any circumstance.

C/S earned shall be computed based on the average cost of carrying out the practice, as determined by COC according to Part 20.

## 238 Maintaining Approved Cover

### A Practice Maintenance

CRP cover maintenance is the participant's responsibility. Participants shall maintain practices, according to the conservation plan and this paragraph, without additional C/S assistance. The maximum payment rate calculation considers the cost of maintenance for the participant throughout the CRP-1 period.

NRCS or TSP shall work with participants to plan appropriate maintenance practices, such as mowing, spraying, or prescribed burning in a logical and practical manner. All practices necessary for the successful establishment and maintenance of the approved cover shall be included in the conservation plan and agreed to by the participant. Maintenance practices shall meet CRP and participant objectives. NRCS or TSP, in consultation with COC, shall determine when maintenance practices can be rescheduled. For CRP-1's where maintenance was not scheduled, the conservation plan shall be modified to include appropriate maintenance.

***--**Except as provided in paragraph 442, participants shall ensure:**--***

- that adequate approved vegetative cover is maintained to control erosion for the CRP-1 period

- compliance with State noxious weed laws as determined by the State or local noxious weed commission

  **Note:** Neither STC nor COC has the authority to determine whether a CRP participant has failed to comply with State noxious weed laws. Upon a finding of failure to comply with State noxious weed laws, by the appropriate authority, STC and COC shall assess appropriate payment reductions or terminate CRP-1, as ***--**applicable, according to paragraph 355 and 4-CP.**--***

- control of other weeds that are not considered noxious, as determined by COC, for CRP-1's entered into after November 28, 1990

- that undesirable vegetation, weeds (including noxious weeds), insects, rodents, etc., that pose a threat to existing cover or adversely impact other landowners in the area are controlled

## 238 Maintaining Approved Cover (Continued)

### A Practice Maintenance (Continued)

- after an NRCS or TSP final status review, all CRP maintenance activity, such as mowing, burning, and spraying, is conducted outside the primary nesting or brood rearing season for wildlife and according to the conservation plan, except that spot treatment of the acreage may be allowed during the primary nesting or brood rearing season if **all** of the following are met:

  - if untreated, the weeds, insects, or undesirable species would adversely impact the approved cover

  - COC, in consultation with NRCS or TSP, determines such activity is needed to maintain the approved cover

    **Note:** CRP participants shall receive COC approval before beginning spot treatment of acreage.

  - ***--**the spot treatment is limited to the affected areas of the field; for States affected by the National Wildlife Federation Settlement Agreement, see subparagraph 293.5 B.**--***

When spot treatment is determined necessary, COC shall approve a method that results in the least damage to the nesting wildlife and habitat.

**Note:** Spot treatment includes spot spraying and spot mowing, and is limited to the immediate area of infestation.

Periodic mowing and mowing for cosmetic purposes is prohibited at all times, even if this activity is included in the conservation plan.

Annual mowing of CRP for generic weed control is prohibited.

Participants are responsible for fire management on CRP acreage. Where appropriate, firebreaks shall be:

- included in the contract support document
- installed according to NRCS Firebreak Standard 394.

Barren firebreaks shall only be allowed in high risk areas, such as transportation corridors, rural communities, and adjacent farmsteads. The designated conservationist shall document in the contract support document that there will not be an erosion hazard from the barren firebreak. If erosion becomes a problem, remedial action shall be taken.

## 238 Maintaining Approved Cover (Continued)

### B Conservation Practices

Except for Christmas trees and ornamentals, CRP participants may establish other conservation practices, including alternative perennials, without C/S. The establishment of these practices shall be:

- within existing policy to comply with conservation compliance provisions
- at the participant's own expense
- included in the approved conservation plan
- approved by the Conservation District
- subject to COC approval.

## 239 Managing Approved Cover

### A Required Management

All CRP participants with contracts effective beginning with signup 26 are required to perform management activities as part of their approved conservation plan. These management activities shall be designed to ensure plant diversity and wildlife benefits, while ensuring protection of the soil and water resources. Management activities are site specific and are used to enhance the wildlife benefits for the site. Management activities **must** be completed before the end of year 6 for contracts with a 10 year contract length, or before the end of year 9 for contracts with a 15 year contract length. In no case should management activities occur during the last 3 years of the CRP contract.

**Note:** Additional management activities may occur up to:

- year 8 for 10-year contracts
- year 13 for 15-year contracts.

Failure to perform planned management activities can result in contract violation. See paragraph 405 for noncompliance.

***--**NRCS or TSP shall work with participants to plan appropriate management activities, such as, light disking, inter-seeding, tree thinning, and other components applicable to the**--*** practice that will create plant diversity for the benefit of wildlife and enhancement of the permanent cover. The participant may receive up to 50 percent C/S for the management practices. See paragraph 484 and Exhibit 9 for C/S provisions.

## 239 Managing Approved Cover (Continued)

### B Voluntary Management

***--**For all CRP-1's before signup 26 and CRP-1's modified to include thinning and associated forest management activities, management activities can be voluntarily performed, with C/S, if participants voluntarily request to revise the conservation plan to include management activities with the same terms and conditions as established for the required management activities.

**Note:** Thinning is considered a voluntary management activity on all CRP-1's for all signups.**--***

### C Development of Management Activities

FSA shall establish a management activity development team to develop State specific management requirements that will ensure plant diversity and wildlife benefits, while ensuring protection of the soil and water resources. The team membership shall include, but not limited to, the following:

- NRCS
- FWS
- State fish and game agencies
- State foresters
- other appropriate agencies.

The team **must** develop a list of management activities conforming to provisions of **all** practices as shown in Exhibit 9, that a CRP participant, in consultation with NRCS or TSP, may select for the enhancement of the resource. The specifications **must** include the following for each management activity:

- frequency of management implementation
- time period for management action
- specifications for the management actions.

***--Note:** Management activities, with the exception of customary forest management activities, must **not** be performed during the primary nesting or brood rearing**--*** season; for States affected by the National Wildlife Federation Settlement Agreement, see subparagraph 293.5 B.

Recommendations shall be presented to the State Technical Committee for review. The State Technical Committee recommendations **must** be provided to FSA STC for consideration and final determination.

## 239 Managing Approved Cover (Continued)

### D STC Approval

STC, upon recommendation of the State Technical Committee, **must** approve or disapprove management activities for all CRP practices, including CREP, continuous, and FWP, as appropriate. STC does not have authority to exempt practices from required management. STC's **must** submit a request, with justification, to CEPD to exempt any practice from the management activity requirement.

## 240 Modifying Approved Conservation Plan

### A Allowed Modifications

A modification to an approved conservation plan **must** be in the best interest of CRP. Acceptable modifications are:

- adding or modifying a CRP practice

- changing CRP practices

  **Notes:** CRP practices with lifespan requirements between 15 and 30 years may not be changed to a practice with lifespan requirements of less than 15 years.

  CRP practices may be changed only when the EBI score for the new practice is equal to or greater than the EBI score of the existing practice. See paragraph 253.

  **Important:** When determining whether the EBI score of the new practice or practices is equal to or greater than the EBI score of the original practice or practices, COC **must** use the same EBI that was used for the original offer.

  CP3 and CP3A cannot be changed to CP1, CP2, or CP10.

- deleting land from CRP-1, according to paragraph 355

- scheduling reapplication of practice

## 240 Modifying Approved Conservation Plan (Continued)

### A Allowed Modifications (Continued)

- reflecting change in ownership

- implementing other noncost-shared conservation measures, if producer agrees to install according to the approved conservation plan on CRP land already seeded to an acceptable cover

  **Note:** Participants may establish, at their own expense, additional practices that enhance:

  - erosion control
  - water quality
  - wildlife
  - other types of cover.

  **Exception:** Participants may be eligible for C/S to establish a permanent water source for wildlife on CP1, CP2, and CP4D.

- extending the life of CRP-1 under conversions.

## 240 Modifying Approved Conservation Plan (Continued)

### B Approving Conservation Plan Modifications

**The designated conservationist shall consult with the participant and COC before preparing any modification to the conservation plan. COC has final approval of all conservation plan modifications.**

COC shall review and approve conservation plan modifications to ensure that the revised plan:

- has been signed and agreed to by:
  - all signatories to CRP-1
  - NRCS or TSP, certifying technical adequacy
  - Conservation District, if modification involves the technical aspect of the conservation plan
- includes:
  - all of the eligible acres offered for CRP
  - required maintenance for weed, insect, and pest control for the life of CRP-1
  - required management activities for each practice, as applicable
  - only practices requested on CRP-1, or otherwise required in subparagraph A
  - C/S for eligible practices only

    **Note:** See subparagraph C.
  - application rates, such as the amount of seed, lime, and fertilizer, that are consistent with practice specifications.

    **Note:** Any other changes may void CRP-1.

**COC shall reject the revised plan if these requirements have not been satisfied.**

## 240 Modifying Approved Conservation Plan (Continued)

### B Approving Conservation Plan Modifications (Continued)

NRCS or TSP shall revise conservation plans using any of the NRCS-approved planning forms to:

- add, modify, or delete items
- substitute 1 practice for another to solve conservation problems
- delete land
- schedule reallocation of a practice
- extend CRP-1 period
- change ownership of the land
- change in the extent of performance.

Revisions to the contract support document are not needed when:

- changes take place in estimated costs
- practice installation is accomplished ahead of schedule or is delayed

**Note:** Dates should be included in the conservation plan and approved NRCS forms. NRCS or TSP shall notify FSA of these changes.

### C C/S for Changing Practices

COC shall **not** approve C/S to change or add practices unless **all** of the following are met:

- C/S was not previously paid for the establishment of a permanent cover

- C/S paid to establish the new practice does not exceed the C/S amount that would have been paid for the original practice

- the participants have **not** started the revised practice **before** approval of the change

- the new practice is otherwise eligible for C/S according to Exhibit 9

- the change is an acceptable modification according to subparagraph A

- the conservation plan is modified to indicate the new practice or practices.

## 240 Modifying Approved Conservation Plan (Continued)

### C C/S for Changing Practices (Continued)

**Exception:** COC may approve C/S up to 50 percent of the eligible cost to change CP1, CP2, or CP10 to *** * *** CP25 only if **all** of the following requirements are met:

- the change of practices is requested, in writing, within 3 years of CRP-1 effective date
- the participants have **not** started the practice **before** approval of the change
- the practice and approved cover type, such as grasses, legumes, forbs, trees, other vegetative cover, and water:
  - are adaptable and suitable for the site and purpose of the practice
  - will **not** result in an excessive cost to establish, such as using nursery stock or exotic species
- the conservation plan is modified to indicate the new practice
- the total C/S paid, including C/S paid to establish the original practice, does not exceed the amount that would have been paid if the new practice had been the original practice.

**Example:** Producer received $5,000 for the establishment of CP1.
***--**Producer requests to change to practice CP25. The eligible cost (50 percent) of establishing CP25 is $11,000. COC may approve C/S up to $6,000 ($11,000 - $5,000) for the establishment of the new practice (CP25) if all other**--***
eligibility requirements are met.

**Important:** The change in practices shall not change the CRP-1 length.

## 240 Modifying Approved Conservation Plan (Continued)

### D C/S Not Allowed

COC shall **not** approve C/S for:

- plastic mulch or supplemental irrigation water, except where CP5, CP5A, CP16, CP16A, CP17, CP17A, CP22, and CP25 (only if devoted to trees) will be established in areas where the average annual precipitation is 25 inches or less
- practices tailored to specifically enhance or change the commercial production of the land
- purchasing or establishing species of grasses, legumes, forbs, trees, or other vegetative cover that are not adaptable to the area.

## 241 Liability to Federal Government

### A Personal Liability

As determined by CCC, the person with whom costs are shared is responsible to the Federal Government for any losses the Federal Government sustains because of either of the following:

- the person infringes on the rights of others
- the person does not comply with applicable laws or regulations.

## 242 Conservation Planning

### A Conservation Plan Development

Upon notification that the offer is acceptable, the designated NRCS conservationist will work with the producer to develop a conservation plan or incorporate CRP needs and practices into an existing conservation plan. The designated conservationist will also coordinate with the appropriate agencies relating to the planning and installation of wildlife habitat and forestry practices.

### B Plan Requirements

An approved conservation plan:

- includes all of the eligible acres offered for CRP
- prohibits harvesting or grazing of CRP acreage for the life of CRP-1

  **Exception:** Managed or emergency haying or grazing.

- has suitable planned cover for the soil types enrolled
- includes practices required for the establishment of permanent cover
- contains the practices necessary for the successful establishment and maintenance of the approved cover on all acres enrolled
- contains practices necessary to control weeds, insects, and pests
- encourages the best method for maintenance of the approved cover, such as prescribed burning or other options
- contains required management activities
- meets the specific environmental objectives of CPA if applicable
- is technically adequate for achieving CRP objectives
- ensures that the CRP cover will not be disturbed during the primary nesting or brood rearing season, as determined by FSA STC in consultation with the State Technical
  ***--**Committee (see paragraph 238); for States affected by the National Wildlife Federation Settlement Agreement, see subparagraph 293.5 B.--*****

## 242 Conservation Planning (Continued)

### C Conservation Plan Map

The conservation plan map shall show the number, field boundaries, easements, and acres, as identified by FSA. The land use shall be identified as "Cropland-CRP-Cover type."

### D Additional Material to Include in the Conservation Plan

In addition to the material outlined in the National Planning Procedures Handbook, the conservation plan shall include information or job sheets on the following:

- vegetative or cover establishment
- herbicides, insecticide, or mechanical weed control.

### E Planning Policy

Technical references and conservation planning policy include:

- National Planning Procedures Handbook
- FOTG, Sections III and V
- GM 180 Part 409.

## 242 Conservation Planning (Continued)

### F National Environmental Policy Act and Other Requirements

NEPA, NHPA, ESA, and other related laws, regulations, and executive orders require Federal agencies to consider the potential impacts of their proposed actions upon the human environment. Therefore, **before** approving CRP-1's, land applications of animal waste, or construction of wind-powered generation devices, FSA **must** ensure that **all** potential impacts *--to the human environment have been considered according to 1-EQ, 7 CFR Part 799, and GM 190 Part 410, and adhere to the following.

| Item for Approval | Criteria |
|---|---|
| CRP-1 | FSA:<br><br>• shall use NRCS-CPA-52 completed by NRCS or TSP during the conservation planning process to determine potential impacts of the proposed CRP-1 and associated CP's on the human environment<br><br>• approval official will ensure that **all** appropriate environmental requirements have been met, which should include the following:<br><br>  • a completed NRCS-CPA-52, after the field visit portion of the conservation planning process is completed<br><br>  • any related documentation to support conclusions made about potential impacts on environmental resources and special issues identified in the completed NRCS-CPA-52<br><br>  • FSA completed NRCS-CPA-52, Sections P, Q, and R **only after** completing all necessary consultations with SHPO, THPO, American Indian Tribes, other consulting parties concerned with cultural resources, FWS, and NOAA Fisheries.<br><br>**Note:** For proposed actions that occur within wetlands or floodplains, see 1-EQ for guidance. |
| Land Application of Animal Waste, Sludge, or Agricultural By-Product | Before COC approves the application of animal waste, sludge, or agricultural by-product, FSA shall:<br><br>• complete FSA-850, in addition to complying with the requirements of paragraph 278<br><br>• include FSA-850, with appropriate supporting documentation and consultation records as part of the producer's CRP file. |
| Construction of Wind Turbines | FSA shall complete an environmental review, using FSA-850, which will be forwarded to SEC for approval before COC approves the wind turbines. |

--*

## 242 Conservation Planning (Continued)

### G Other Technical Assistance Sources

Participants may use conservation planning, practice implementation, and certification services of certified persons other than NRCS, such as:

- private businesses or consultants
- other organizations
- TSP's
- Federal, State, and local government agencies, such as:
    - State wildlife agencies
    - State forestry agencies
    - State water quality agencies.

**Note:** See Conservation Programs Manual, Part 504 for information regarding third party vendors.

The NRCS designated conservationist may accept conservation plans previously developed by conservation partners or consultants provided the plan meets CRP requirements and NRCS technical requirements.

## 242 Conservation Planning (Continued)

### H Technical Error

If a technical error is discovered resulting in an incorrect conservation plan, NRCS or TSP will:

- immediately contact the appropriate participant
- revise the system to meet CRP standards.

## 243-252 (Reserved)

# Part 11 Approving CRP-1's

## 253 Approving and Numbering CRP-1's

### A Requirements Before Approval

**Before** approving CRP-1's, County Offices shall:

- ensure that a separate CRP-1 is completed for:
  - each CRP-2 or CRP-2C
  - practices with different lifespans

    **Note:** See paragraphs 137 and 195.

- determine acres to be enrolled by completing a paid-for measurement service

  **Exceptions:** Measurement service is not required for:

  - official fields
  - any acreage currently enrolled that has been reoffered and accepted, if the specific area accepted was measured before enrollment.

    **Note:** In early signup periods, offers were accepted by farm. Offers are now required to be by tract. If acreage currently enrolled were required to be reoffered separately because the acreage is located on more than 1 tract, the acreage is required to be measured.

- adjust the acreage on CRP-1 as appropriate according to the completed measurement service
- ensure that DCP acres and CRP acres do not exceed cropland on the farm, according to paragraph 225
- complete a second party review of all eligibility requirements and maximum payment rate calculations
- review the multiple county producer list with other County Offices

•*****--ensure county cropland limit eligibility according to Part 4.--*****

**Note:** The first 5 CREP offers per county **must** be reviewed by STC before COC approval.

## 253 Approving and Numbering CRP-1's (Continued)

### A Requirements Before Approval (Continued)

- determine the total annual rental rate for the acreage being offered and all previously approved CRP-1's

- ensure that NRCS has terminated all applicable WBP agreements

  **Note:** File a copy of the terminated WBP agreement in the producer's CRP folder.

- adjust the value of CRP-1 for the acreage being offered to reflect the total rental payment, **if any**, the producer will be eligible to earn under the current CRP-1 considering annual rental payment limitation of $50,000 per person per FY

  **Note:** See paragraph 371 and Exhibit 27.

•*****--complete CCC-770-CRP1 (Exhibit 26), items 1 through 13B.--*****

For signups 15, 16, 18, 20, 26, 29, and 33, a producer may change CRP practices only if all of the following conditions are met:

- original offer was accepted

- CRP-1 has not been approved

- the EBI score of the new practice is equal to or greater than the EBI score of the existing practice.

**Important:** When determining whether the EBI score of the new practice or practices is equal to or greater than the EBI score of the original practice or practices, COC **must** use the same EBI that was used for the original offer.

### B Approving Contracts

Approve CRP-1's if:

- offer is included on the list of acceptable offers

  **Note:** This is not applicable to continuous signup contracts.

- for continuous signup CRP-1's, all applicable requirements according to paragraph 112 have been met

- all required signatures have been obtained on all related CRP forms and plans

## 253 Approving and Numbering CRP-1's (Continued)

### B Approving Contracts (Continued)

- a conservation plan is approved for the acreage
- the conservation plan is consistent with policies in paragraph 236
- DCP contract acres and CRP acres do not exceed the cropland on the farm, according to paragraph 225
- acreage determinations have been made and verified by a paid-for measurement service

  **Exceptions:** Measurement service is not required for:

  - official fields
  - any acreage currently enrolled that has been reoffered and accepted, if the area accepted was measured before enrollment.

    **Note:** In early signup periods, offers were accepted by farm. Offers are now required to be by tract. If acreage currently enrolled were required to be reoffered separately because the acreage is located on more than 1 tract, the acreage is required to be measured.

  *** * ***

- all acreage eligibility determinations have been made

•***--**CCC-770-CRP1 (Exhibit 26), items 1 through 13B have been completed.**--***

## 253 Approving and Numbering CRP-1's (Continued)

### C COC Responsibilities

COC, or designee, shall:

- sign and date each eligible CRP-1 if:
  - listed as an acceptable offer

    **Note:** This is not applicable to continuous signup contracts.

  - requirements in this paragraph have been met
- not approve CRP-1's for persons listed in subparagraph D
- follow conflict of interest provisions in 22-PM.

### D Approval Responsibilities

An STC or DAFP representative shall review certain CRP-1's before approval. The following shows required reviews, persons responsible for review, and persons responsible for approval or disapproval.

| CRP-1's for... | MUST be reviewed by... | BEFORE approval or disapproval by... |
|---|---|---|
| • COC members<br>• County ES employees<br>• FSA County Office employees<br>• other County USDA employees<br>• Conservation District board members | DD | DD. |
| State Office employees | STC | STC. |
| STC members | DAFP | SED. |
| SED's | DAFP | STC. |
| Other FSA employees | DAFP | STC. |

**Note:** Reviews **must** be completed for any entity for which the employees, who are subject ***--**to a required review, have a substantial beneficial interest, according to 1-PL or 4-PL, as applicable.**--***

Persons making the required reviews shall ensure that all:

- eligibility requirements are met
- required entries on CRP-1, CRP-2, and CRP-2C are completed.

SED or STC, as applicable, shall not approve CRP-1's unless authorized by DAFP in writing.

**E**
**Numbering CRP-1's**

Number CRP-1's according to this table.

| WHEN... | THEN... |
|---|---|
| assigning original CRP-1 number | • number CRP-1's in the sequence COC approves CRP-1's<br>• use only 1 series regardless of FY CRP-1 is approved<br>**Example:** 1, 2, 3, etc., up to 8999.<br>**Note:** Use 9000 to 9999 as temporary numbers only.<br>• use the original assigned number for the life of CRP-1. |
| revising CRP-1 | • use the original assigned CRP-1 number<br>• add an alpha suffix beginning with "A".<br>**Example:** 1A, 1B, 1C, etc., up to suffix "Z". See paragraph 335. |

If transferring CRP-1 to another County Office or State:

- the transferring County Office sends original CRP-1 and keeps a copy
- the receiving County Office assigns its next sequential number.

**Note:** Do not assign a suffix to CRP-1 if all land under CRP is transferred.

---

**F**
**County Office Action**

After requirements in subparagraphs A through C have been met, notify producer of approval using CRP-24 (Exhibit 12).

All CRP-1's approved by COC must be loaded into the System 36 according to 1-CRP, paragraphs 300.4 and 300.5.

---

## 254 CRP-1 Period

### A
### Length of Time

The CRP-1 period shall be 10 through 15 FY's. See Exhibit 28 for CRP-1 effective dates and corresponding expiration dates.

### B
### Example of 10-Year CRP-1

CRP-1 period for FY 1991 CRP-1's will end on September 30, 2000.

See Exhibit 15 for signup periods and program years.

### C
### Effective Date

Effective date of CRP-1 shall be for signup 26, October 1, 2003, or October 1, 2004, as follows:

- October 1, 2003, for acreage that is currently enrolled in CRP at the time of signup that expires on September 30, 2003, and is re-enrolled during signup 26
- October 1, 2004, for acreage that is currently enrolled in CRP at the time of signup that expires on September 30, 2004, and is re-enrolled during signup 26
- October 1, 2003 or 2004, as determined by the producer, for all other acreage offered for signup 26 if COC approves CRP-1 on or before September 30 of the applicable year.

**Notes:** Harvest of the prior year's agricultural commodity crop is permitted after October 1 without a payment reduction.

For acreage not enrolled in CRP at the time of signup, grazing is prohibited beginning, for acreage with a CRP-1 effective date of October 1:

- 10 calendar days after COC approves CRP-1
- October 1 of the first year of CRP-1.

COC shall notify producers of this policy.

See paragraph 139 for effective dates and grazing restrictions of CRP-1's approved under continuous signup provisions.

## 255 NRCS Conservation C/S Agreement

### A Conservation Plan and C/S Agreement

For CRP, the conservation plan shall be developed to meet identified resource conservation needs. The conservation plan may or may not extend across program boundaries.

The C/S agreement is developed to meet specific program needs. For CRP, the C/S agreement is the conservation plan.

### B Plan/Schedule of Operations

The designated conservationist shall assist producers in preparing the conservation plan using NRCS-approved electronic forms. Other approved forms, including electronic forms, may be used for contract support documents.

### C Use of Existing Plans

Existing conservation plans, if applicable, may be used in preparing the conservation plan for CRP. NRCS, FSA, and the producer shall each receive a copy of the conservation plan. All entries shall be legible, and use NRCS-approved electronic forms. Plans shall also include:

- conservation planning map
- planning legend
- applicable job sheets referred to on an NRCS-approved electronic form.

## 255 NRCS Conservation C/S Agreement (Continued)

### D Required Signatures for Conservation Plan

For CRP, NRCS-approved electronic forms **must** be signed by all of the following:

- CRP producers listed on CRP-1
- designated conservationist
- conservation district representative.

***--Note:** See paragraph 236 for requirements before COC approves the conservation plan.**--***

FSA COC shall have concurrence with the Contract Support Document for CRP acreage. If CRP acreage is not in a conservation district or the conservation district refuses to sign the conservation plan, the State Conservationist shall delegate authority to approve the conservation plan.

### E Conservation Plan/Contract Support Document Requirements

An approved conservation plan includes:

- all of the eligible acres offered for CRP
- required maintenance for weeds, insects, pests, or other undesirable species for the life of CRP-1
- only those practices requested in CRP-1
- application rates that are consistent with practice specifications.

**Note:** Any other changes in regard to the above items may void CRP-1.

## 256 NRCS Assembling and Filing CRP Documents

### A Overview

Many of the documents needed for CRP case files are available electronically. However, a few of the required documents, such as CRP-1 and CRP-2, are not available electronically and must be filed manually. CRP documents shall be filed according to State policy.

**Note:** County FSA Offices shall:

- maintain the original CRP-1, CRP-1 Appendix, and CRP-2
- provide NRCS with a copy of any documents needed for NRCS CRP case files.

Historically, CRP documents have been contained in a 6-part folder. The following subparagraphs provide suggestions for assembling and filing CRP documents.

### B Standard File Folder

If a standard file folder is used, the arrangement of the contents of the first cover should be:

- conservation plan map and legend
- tree planting plan provided by the State Forestry Agency
- job sheets referenced from the conservation plan
- soil map
- interpretative information containing HEL designations
- CRP-2
- erosion and predominant soil worksheets.

The contents of the second cover should be:

- NRCS-approved forms
- CRP-1
- AD-862
- other support data.

**Note:** Each document should be filed with the latest version in front.

Continued on the next page

**C**
**First Cover of Six-Part Folder**

If a six-part folder is used, the following arrangement is specified for continuity and uniformity. The arrangement of the documents for each cover from front to back should be:

- CRP-1
- letters to and from the producer
- location map, if used.

**D**
**Second Cover of Six-Part Folder**

The following is the order for the second cover:

- NRCS-LTP-013, latest on top
- NRCS-CPA-06.

**E**
**Third Cover of Six-Part Folder**

The following is the order for the third cover:

- conservation plan map and legend
- soil map
- soil interpretive information containing HEL designations.

**F**
**Fourth Cover of Six-Part Folder**

The following is the order for the fourth cover:

- NRCS-LTP-012, latest on top
- NRCS-LTP-11A
- NRCS-LTP-11B.

Continued on the next page

**G**
**Fifth Cover of Six-Part Folder**

The following is the order for the fifth cover:

- job sheets referenced from the Conservation Support Document
- CRP-2
- National/State ranking forms.

**H**
**Sixth Cover of Six-Part Folder**

The following is the order of the sixth cover:

- AD-862, latest on top
- other support data.

**I**
**Assistance Notes**

Appropriate documentation shall be included in the conservation assistance notes in the FOCS data base. Do not duplicate this information on NRCS-LTP-013.

**J**
**Disposition of Completed or Terminated CRP-1's**

Record the termination or expiration date on each CRP-1. NRCS shall follow the Records Management Guide (120 GM, Part 408) for records maintenance and disposal.

**257-266 (Reserved)**

# Part 12 Permissive and Restrictive Uses of CRP Acres

## 267 Harvesting Restrictions

### *--A CRP-1 Harvesting Restrictions--*

No crops of any kind may be harvested from the designated CRP acreage during the CRP-1 period.

**Exceptions:** Incidental harvest of natural products, such as wild game, fish, native berries, etc., from CRP acreage may be permitted if all of the following are met:

- they do not increase supplies of feed for domestic animals
- the participant receives no economic benefit
- there is no commercial use of the products.

**Note:** This exception does not include pine straw. See Part 13 for managed haying provisions.

CPO shall **not** be modified for this purpose.

## 268 Customary Forestry Activities

### A CRP-1 Customary Forestry Activities on CRP Acreage

Activities consistent with customary forestry *** * *** practice, such as pruning, thinning, or ***--**timber stand improvement, are allowed. C/S is authorized.**--***

Subject to COC approval, CRP participants may make commercial use of forest refuse resulting from customary forestry activities, such as pruning, thinning, or timber ***--**improvement, the participant **must** agree to:**--***

*** * ***

- protect the area from erosion by establishing an adequate cover best suited for wildlife in the area

- ***--**perform prescribed burn or otherwise treat the forest refuse from thinning or other customary forestry activities on CRP acreage to improve resource condition of the**--*** land and enhance wildlife habitat and reduce the spread of insects and disease.

  **Example:** CRP acreage, including open areas established for wildlife, shall not be used to dump, pile, or leave forest refuse resulting from forestry activity or creation of open areas.

*** * ***

Customary forestry activities, such as pruning, thinning, or timber improvement may be conducted anytime, including during the primary nesting or brood rearing season. The removal or harvest of pine straw is prohibited at all times.

## 269 (Withdrawn--Amend. 2)

## 270 (Withdrawn--Amend. 12)

## 271 Using CRP Acres as Turn Rows

### A Using CRP Acres as Turn Rows or Crossing Areas

Limited use of field margins and areas within a field enrolled in CRP is authorized during the primary nesting or brood rearing season only if this activity is conducted as part of the planting, cultivating, or harvesting of a crop in an adjoining field. Use of this acreage shall be:

- limited to turning or crossing areas
- minimal, as determined by STC.

**Note:** Areas within a field include, but are not limited to:

- waterways
- contour grass strips
- terraces.

CRP acreage shall not be used as a lane or road under any circumstances.

## 272 Water as Cover

### *--A Water as Eligible Cover--*

CRP-1 may be continued on land that is under water because of natural causes or as a result of a flood control structure if the participant agrees to all of the following:

- replace the permanent vegetative cover on CRP acres if the water recedes

- not use the impounded water for irrigation water for producing agricultural commodities

- obtain a modified conservation plan from NRCS or TSP that includes the eligible uses that can be made of the acres under water.

Ponds are eligible cover on CRP if they are installed according to subparagraph 240 A.

## 273 Policy When Easement Placed on CRP Land

### *--A When Easements are Placed on CRP Land--*

Land enrolled in CRP that is not encumbered by a CRP useful life easement and is subsequently encumbered by other conservation easements, except for WRP, EWRP, or category 1 or 2 EWP Floodplain Easements, may continue to earn CRP payments under CRP-1 if:

- the participant continues to comply with CRP provisions
- FSA certifies, in writing, that:
  - FSA was aware of the existence of CRP-1 at the time it agreed to encumber the land
  - the participant will be able to comply with CRP provisions.

**Notes:** Land encumbered by certain conservation easements, such as those placed by FWS *--and FLP Debt for Nature, is ineligible for subsequent enrollment and contract--* extension in CRP.

Land identified by NRCS as category 1 or 2 EWP Floodplain Easements is not eligible to remain enrolled in CRP once enrolled in a category 1 or 2 EWP Floodplain Easement. Land identified by NRCS as category 3 EWP Floodplain Easements may remain enrolled in CRP.

See paragraph 392 for transferring land from CRP to WRP, EWRP, and EWP Floodplain Easements.

## 274 Guidelines for Public Use of CRP Land

### *--A Public Use of CRP Land Guidelines

Following is the procedure for continuing CRP-1 on land being used by public utilities for installing gas lines, pipes, cable, telephone poles, etc., materials used by an entity of the State for road building or Federally funded pipeline projects.**--***

CRP-1's may be continued without reduction in payment if:

- the participant gives COC details of proposed use, including length of use
- COC authorizes the use
- NRCS or TSP certifies usage will have minimal effect, such as:
  - erosion is kept to a minimum
  - minimum effect on wildlife and wildlife habitat
  - minimum effect on water and air quality
- the participant restores cover, at the participant's expense, to disturbed land in timeframe set by COC.

  **Note:** No payment reduction will be made for compensation received by the participant from the public agency.

NRCS or TSP will determine whether the disturbance will have an adverse effect on the land. If NRCS or TSP determines that public use will have an adverse effect on CRP acreage, affected acreage shall be terminated and refunds assessed.

## 275 Carbon Sequestration Credits

### *--A Selling Carbon Sequestration Credits--*

CRP participants may sell carbon sequestration credits associated with land enrolled in CRP. Selling carbon sequestration credits is not considered commercial use and is not, therefore, a violation of CRP-1.

## 276 Commercial Shooting Preserves on CRP Acreage

### A Recreational Hunting

CRP participants may lease hunting rights, charge fees for access to hunters, or conduct other similar hunting operations on CRP acreage if this activity occurs during the normal hunting season for the pursuit of game that is normal to the area. Hunting **must** be conducted consistent with State laws and bag limits for the appropriate game species.

**Note:** CRP acreage shall not be disturbed during the primary nesting or brood rearing ***--**season regardless of hunting seasons; for States affected by the National Wildlife Federation Settlement Agreement, see subparagraph 293.5 B.**--***

### B Commercial Shooting Preserves

Commercial shooting preserves may be operated on CRP acreage if all of the following apply:

- the commercial shooting preserve is licensed by a State agency, such as the State Fish and Wildlife Agency or State Department of Natural Resources
- the commercial shooting preserve is operated in a manner consistent with the applicable State agency rules governing commercial shooting preserves
- CRP cover is maintained according to the conservation plan
- no barrier fencing or boundary limitations exist that prohibit wildlife access to or from the CRP acreage
- related CRP cover maintenance, as determined by STC according to FOTG and in consultation with the State Technical Committee, **must**:
    - be performed according to the conservation plan
    - provide benefit and enhancement to all wildlife normal to the area

## 276 Commercial Shooting Preserves on CRP Acreage (Continued)

### B Commercial Shooting Preserves (Continued)

- be conducted outside the primary nesting or brood rearing season
- not adversely impact the CRP cover
- not degrade wildlife habitat benefits, water quality benefits, or erosion control measures.

**Important:** STC, in consultation with the State Technical Committee, **must** determine the extent and method of cover maintenance acceptable for all CRP acreage within the State that provides enhancement for all wildlife habitats.

### C Mowing of CRP Cover

As provided in paragraph 238, periodic mowing and mowing for cosmetic purposes is prohibited at all times. Annual mowing of CRP for weed control is prohibited. Mowing of CRP cover, not to exceed 20 percent of the total CRP acres in a field, is permitted. This activity **must** be:

- included in the conservation plan
- part of a State-approved management plan for habitat maintenance and wildlife and land management
- conducted outside the primary nesting or brood rearing season.

**Note:** The location of this mowing should be changed from year to year.

Until a final status review has been completed by NRCS or TSP, COC, in consultation with NRCS, may allow participants to spray and mow the acreage under contract at any time, if this activity is required in the conservation plan to establish the approved cover.

## 277 Authorized Use

### A Authorized Uses of CRP Acreage

COC may determine authorized uses of CRP acreage on a case-by-case basis during the life of CRP-1, except during the primary nesting or brood rearing season, if the use is not otherwise prohibited in procedure.

**Example:** COC may authorize using CRP acreage for a parking lot for a special event or as a camp site on a limited basis. COC has no authority to authorize the harvesting of forage or trees.

Each request shall be documented in COC minutes with justification for actions taken. Inspection fees or payment reductions may be assessed as determined by COC.

### B Light Disking

Light disking of CRP acreage shall:

- ***--**be allowed on acreage established to CP1, CP2, CP10, and CP38E no earlier than the**--*** fourth year of CRP-1

- be included as a component of CP12 in the modified conservation plan

- disturb no more than one-third of the cover in 1 year

  **Note:** Any permanent cover that is destroyed shall be reseeded at the producer's expense.

- be done according to a conservation plan.

### C Beehives on CRP

Consistent with the soil, water, and wildlife goals of CRP, beehives may be stored on CRP acreage.

## 278 Applying Waste Products on CRP Land

### A Application Requirements for Sludge and Agriculture By-Products

COC's may permit the application of sludge or an agricultural by-product on land under CRP-1 if:

•*--FSA-850 does not reveal any adverse impacts to the human environment that cannot be successfully mitigated

- the participant has sought approval to apply the waste and the waste has been--* approved, or is not prohibited, by any State or local water quality agency with jurisdiction over the area of application

**Note:** COC shall consult with State or local water quality agencies on an as needed basis to ensure proper application of the materials.

* * *

- all requirements and specifications are met as required by EPA and State and local *--regulatory authorities that provide oversight for air quality and water quality

- a current soil and waste test analysis that is conducted by a State-approved laboratory determines the nutrient level for the nitrogen, phosphorus, and potassium of the waste and the amount of material to be applied per acre

- the waste will be applied by injection

- the amount of nutrients applied are limited to the level that can be used by the vegetative cover

- the waste is free of toxic elements, or does not contain amounts of toxic elements that could build up over a period of time to a level injurious to animals and humans

- all required State or local permits for applying the waste to agricultural land are obtained by parties responsible for applying the material

- the approved conservation plan is modified to include the entire area or field that will be treated

- the waste will not be applied within 100 feet of property boundaries or water sources, such as wells, streams, rivers, wetlands, or swamps

- the waste will be applied when the wind direction allows minimal odor detection by neighbors and the humidity level is low.--*

## 278 Applying Waste Products on CRP Land (Continued)

### B Application Requirements for Animal Waste

COC's may permit the application of animal waste, sludge, or agricultural by-product on CRP acreage if NRCS or TSP provides, in writing, that the conservation plan developed meets or exceeds the minimum standards of FOTG. The approved conservation plan shall be modified to include the application of animal waste, sludge, or agricultural by-product.

**Note:** Soil contaminated with petroleum products or hazardous waste will not be allowed for application on CRP acres.

### C Application Restrictions

The amount applied shall not exceed the:

- permitted application rate as determined by the soil and waste test analyses for animal waste, sludge, or agricultural by-products

- quantity specified in the modified conservation plan as determined by NRCS for animal waste, sludge, or agricultural by-products.

The participant **must** agree to re-establish, at the CRP participant's expense, the vegetative cover in the event of failure after application.

The timing of each application should minimize adverse impacts to:

- air quality, including odor
- water quality
- wildlife
- environment
- endangered species.

**Note:** CRP cover shall not be disturbed during the primary nesting or brood rearing season, ***--**as determined by STC in consultation with the State Technical Committee; for States affected by the National Wildlife Federation Settlement Agreement, see subparagraph 293.5 B.**--***

### D Participant Responsibility

During and after application of the waste at their own expense, CRP participants shall:

- ensure that erosion is controlled
- re-establish and maintain the disturbed cover for the life of CRP-1.

### E Payment Reduction

If producer receives compensation for the use of CRP acres, the annual rental payment shall be reduced by the amount of compensation the producer receives.

## 279 State Research Projects on CRP Land

### A Research Project Applications

State FSA Offices shall notify, in writing:

- each land grant institution within the State that STC shall:
  - review and evaluate applications based on the criteria in paragraph 239
  - ensure that each proposal submitted has been reviewed for relevance and scientific soundness by an independent review committee, such as the State Technical Committee
- Director, CEPD of approved projects within 30 calendar days of project approval. Documentation shall include:
  - description of project
  - number of acres being used
  - expected completion date.

STC may approve up to 5 recommended projects, including projects DAFP previously approved. When considering projects for approval, STC shall avoid approving duplicative projects.

### B Recordkeeping

Ensure that a file containing the following is maintained according to 25-AS:

- all land grant institutions notified according to subparagraph A
- all research projects submitted for consideration **regardless** of whether the project was recommended for DAFP approval.

### C Annual Reporting Requirement

State FSA Offices with approved CRP research projects shall annually submit, as a memorandum, Status of CRP Research Project Report (CEP-58R) to Director, CEPD. At a minimum, CEP-58R shall include:

- information regarding the progress of project
- anticipated completion date.

## 279 State Research Projects on CRP Land (Continued)

### D Project Proposal Requirements

CRP research project proposals submitted to STC for rating and evaluation shall include a:

- brief summary of the proposed research project
- formal research proposal.

### E Project Title

Include "(State) CRP Research Project Proposal" in the title of the research project.

### F Background Statement

The background statement in the proposal shall describe the following:

- the conservation or land use problem being addressed
- demographic information, such as number of CRP acres, size of farm units, and number of producers
- conservation and agronomic conditions
- water quality program efforts that exist in the research area, if applicable
- what the problem is, in a concise manner.

## 279 State Research Projects on CRP Land (Continued)

### G Project Objectives

The proposal shall include the research project, and:

- clearly describe what will be accomplished during the research period
- relate to the problem identified in the background statement
- describe what is planned during the research.

The proposed research project shall:

- include objectives that are consistent with CRP purposes
- provide beneficial information on the economically and environmentally sound agriculture practices
- not adversely affect local agricultural markets
- include adequate funding for completing the project from sources other than FSA or CCC
- be conducted and monitored by a bona fide research entity, such as a land grant institution
- be conducted on **no more** than 640 CRP acres per project.

### H Project Research Activities

The procedure section shall describe research activities that will:

- be implemented to accomplish the objectives in subparagraph G
- be organized to reflect a logical sequence of events and activities
- identify dates, time schedules, and deadlines
- define roles of respective agencies
- include a plan for marketing and promoting the project, including public participation.

## 280 Destroying CRP Cover Before CRP-1 Expiration

### A General Policy for Fall-Seeded Crops

Beginning July 1 of the final year of CRP-1, CRP cover may be destroyed on certain acreage before CRP-1 expiration to prepare a seedbed for fall-seeded crops.

This provision requires that participants:

- obtain an approved conservation plan for the destruction of the cover from TSP when the method of destruction could cause adverse environmental affects, as determined by TSP
- obtain an approved conservation plan for conservation compliance, if applicable
- not be assessed a payment reduction
- submit requests to start this activity according to this paragraph.

**Note:** See subparagraph:

- D for acreage ineligible for early land preparation
- E for participants' responsibilities.

### B General Policy for Spring- Seeded Crops

In the final year of CRP-1, participants are permitted to apply chemicals to prepare certain ***--**CRP acreage for spring-seeded crops after the primary nesting season. Destruction of the**--*** CRP cover by any other means is not permitted. Seedbed preparation is not permitted before CRP-1 expires.

**Notes:** Participants may mow CRP acreage before applying chemicals to prepare CRP acreage for spring-seeded crops, if the mowing is conducted outside the primary nesting or brood rearing season.

Participants shall not hay, graze, or otherwise make commercial use of CRP acreage in preparing the acreage for spraying.

## 280 Destroying CRP Cover Before CRP-1 Expiration (Continued)

### B General Policy for Spring- Seeded Crops (Continued)

This provision requires that participants:

- obtain an approved conservation plan for the application of the chemicals from TSP when the method of destruction could cause adverse environmental affects, as determined by TSP
- obtain an approved conservation plan for conservation compliance, if applicable
- not be assessed a payment reduction
- submit requests to start this activity according to this paragraph.

**Note:** See subparagraph:

- D for acreage ineligible for early land preparation
- E for participants' responsibilities.

### C Early Land Preparation May 1 Through June 30, Eligible Land

In the final year of CRP-1, participants in arid areas may destroy CRP cover on certain acreage beginning May 1 if maintaining CRP cover through June 30 could inhibit normal planting of a fall-seeded crop. This special provision for participants in eligible arid areas requires that participants:

- obtain an approved conservation plan for the destruction of the cover from TSP when the method of destruction could cause adverse environmental affects, as determined by TSP
- obtain an approved conservation plan for conservation compliance, if applicable
- submit requests to destroy CRP cover before July 1 according to this paragraph

## 280 Destroying CRP Cover Before CRP-1 Expiration (Continued)

### C Early Land Preparation May 1 Through June 30, Eligible Land (Continued)

- be assessed a payment reduction to exclude payment for the period indicated on CRP-1G Addendum, item 3.

**Notes:** Arid areas are defined as acreage located west of the 100th meridian that receives less than 25 inches of annual precipitation.

See subparagraph:

- D for acreage ineligible for early land preparation
- E for participants' responsibilities.

### D Acreage Ineligible for Early Land Preparation

All CRP cover may be destroyed in the final year of CRP-1 for early land preparation, according to subparagraph A, B, or C, as applicable, except for acreage that is:

- devoted to the following practices:
  - CP5, CP5A, CP8, CP8A, CP9, CP13, CP13A, CP13B, CP13C, CP13D, CP14, CP16, CP21, CP22, CP23, CP27, CP28, CP29, and CP30
  - practices on which a useful life easement is filed
- located within an average width according to the practice standard in FOTG of a stream or other permanent waterbody to ensure continued habitat for wildlife
- considered a wetland by NRCS
- required to serve as a wetland buffer according to the practice standard in FOTG to protect the functions and values of a wetland
- located within an EPA-designated wellhead protection area
- subject to frequent flooding, as determined by NRCS or TSP.

## 280 Destroying CRP Cover Before CRP-1 Expiration (Continued)

### E Participants' Responsibilities

Determine participants' responsibilities according to this table.

**Note:** Measurement service is available at the participant's expense for requests to prepare only a portion of the acres under contract.

| WHEN participants, in the final year of CRP-1, intend to destroy CRP cover to... | THEN participants... |
|---|---|
| prepare for spring-seeded crops | • shall submit requests on CRP-1G Addendum at any time during the final year of CRP-1<br><br>• are required to meet with NRCS or TSP to obtain an approved conservation plan for:<br><br>  • the chemical destruction of the CRP cover when the method of destruction could cause adverse environmental effects, as determined by NRCS or TSP<br><br>  • conservation compliance, if applicable<br><br>• shall not prepare a seedbed for planting before CRP-1 expires<br><br>• shall not hay, graze, or otherwise make commercial use of CRP acreage during the CRP-1 period.<br><br>**Notes:** All signatories to CRP-1 shall be required to sign CRP-1G Addendum before COC approval.<br><br>No payment reduction shall be assessed.<br><br>Participants may hay CRP acreage when needed to adequately apply chemicals; however, no commercial use can be made of the forage and the participant must pay for a field visit by COC to verify destruction of the hay. |

## 280 Destroying CRP Cover Before CRP-1 Expiration (Continued)

### E Participants' Responsibilities (Continued)

| WHEN participants, in the final year of CRP-1, intend to destroy CRP cover to... | THEN participants... |
|---|---|
| prepare a seedbed for all-seeded crops from either of the following dates:<br><br>• May 1 through June 30 in arid areas only<br><br>• July 1 through September 30 | • shall submit requests on CRP-1G Addendum at any time during the final year of CRP-1<br><br>• are required to meet with NRCS or TSP to obtain an approved conservation plan for:<br><br>  • the destruction of the CRP cover when the method of destruction could cause adverse environmental effects, as determined by TSP<br><br>  • conservation compliance, if applicable<br><br>• may plant fall-seeded agricultural commodities in areas where planting these crops normally occurs before October 1, as determined by STC<br><br>• shall not hay, graze, or otherwise make commercial use of CRP acreage during the CRP-1 period<br><br>• shall not receive an annual rental payment for the period indicated on CRP-1G Addendum, item 3<br><br>  **Note:** See subparagraph F.<br><br>• shall be in violation of CRP-1 if the participants fail to plant a fall-seeded crop in a normal manner.<br><br>**Notes:** All signatories to CRP-1 shall be required to sign CRP-1G Addendum before COC approval.<br><br>CRP participants requesting to destroy CRP cover to prepare land for planting fall-seeded crops shall be informed that failure to plant a fall-seeded crop in a normal manner is a violation of CRP-1 and may result in a refund of all CRP annual rental payments, plus interest, and liquidated damages.<br><br>Participants may hay CRP acreage when needed to adequately prepare a seedbed for fall-seeded crops; however, no commercial use can be made of the forage and the participant must pay for a field visit by COC to verify destruction of the hay. |

## 280 Destroying CRP Cover Before CRP-1 Expiration (Continued)

### F Processing Participants' Requests

County Offices shall process participants' requests for early land preparation according to this table.

| Step | Action |
|---|---|
| 1 | Accept requests on CRP-1G Addendum. See subparagraph G. Ensure that all required signatures are obtained. |
| 2 | Ensure that participants meet with TSP to develop a conservation plan for:<br><br>• the destruction of the CRP cover when the method of destruction could cause adverse environmental effects, as determined by TSP<br><br>• conservation compliance, if applicable. |
| 3 | Remind participants that approval is for land preparation activities only. However, planting fall-seeded agricultural commodities is permitted when fall planting of these crops normally occurs before October 1, as determined by STC.<br><br>**Note:** Unauthorized haying and grazing during the contract period are violations of CRP-1. |
| 4 | Ensure that participants are aware that no annual rental payment shall be earned for the period indicated on CRP-1G Addendum, item 3. Nonpayment period shall:<br><br>• begin no earlier than May 1<br>• end no later than June 30.<br><br>Enter "N/A" on CRP-1G Addendum, item 3 for requests that do not require a payment reduction.<br><br>**Note:** The nonpayment period may be for a portion of a month. The payment reduction shall be based on the number of nonpayment days entered on CRP-1G Addendum, item 3. |

## 280 Destroying CRP Cover Before CRP-1 Expiration (Continued)

### F Processing Participants' Requests (Continued)

| Step | Action |
|---|---|
| 5 | Ensure that participants are aware that failure to plant a fall-seeded crop after acreage has been destroyed for such use:<br><br>• is a violation of CRP-1<br><br>• may result in a refund of all CRP annual rental payments, plus interest, and liquidated damages. |
| 6 | Attach a copy of an aerial photograph to CRP-1G Addendum. Highlight the acreage on which the cover will be destroyed. |
| 7 | Provide each participant and TSP with a:<br><br>• copy of approved CRP-1G Addendum<br>• a photocopy highlighting the acreage on which the cover will be destroyed. |
| 8 | File CRP-1G Addendum and attached photocopy in the CRP-1 folder. |
| 9 | Immediately approve requests received on eligible acreage. |
| 10 | During the normal payment cycle, after October 1, prorate the final payment to exclude payment for the nonpayment period identified on CRP-1G Addendum, item 3. |

**Note:** Participants who want to apply chemicals to prepare eligible CRP acreage for spring-seeded crops or destroy eligible CRP cover for planting fall-seeded crops after June 30 will not be assessed a payment reduction.

# 280 Destroying CRP Cover Before CRP-1 Expiration (Continued)

## G Example of CRP-1G Addendum

This is an example of CRP-1G Addendum.

This form is available electronically.

| CRP-1G Addendum (04-30-03) U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation | 1. ST.& CO. Code 55-095 | 2. Contract No. 11B |
|---|---|---|
| CRP-1 MODIFICATION TO ALLOW EARLY LAND PREPARATION | 3. Period of Nonpayment May 20 - June 30 | 4. Acres 26 |
| | 5. Farm No. 1964 | |

**6. TERMS TO ALLOW EARLY LAND PREPARATION**

This contract modification is entered into by the Commodity Credit Corporation (CCC) and the undersigned participant(s) on the Conservation Reserve Contract number in Item 2 above. By signing this contract modification, the CCC agrees to allow the participants identified below to *(check one)*:

[x] A. Prepare CRP acreage for planting fall seeded crops.

[ ] B. Apply chemicals to prepare CRP acreage for spring seeded crops.

The participant(s), in return, agrees to:

- Accept a reduced annual rental payment, if applicable, in the final year of the contract.
- Meet with Natural Resource Conservation Service (NRCS) or Technical Service Provider (TSP) to develop a conservation plan for land preparation when the method of destruction could cause adverse environmental effect.
- Not hay, graze, or otherwise make commercial use of CRP acreage during the CRP-1 period.
- Refund all CRP payments plus interest and liquidated damages if a fall seeded crop, if applicable, is not planted in a normal manner on the acreage identified on the attached aerial photograph.

**It is so agreed and understood.**

| 7. Participant Name (Printed) | Participant Signature | Date *(MM-DD-YYYY)* |
|---|---|---|
| L.H. Richardson | /s/ L.H. Richardson | 5-1-XX |
| 8. Participant Name (Printed) | Participant Signature | Date *(MM-DD-YYYY)* |
| | | |
| 9. Participant Name (Printed) | Participant Signature | Date *(MM-DD-YYYY)* |
| | | |
| 10. Participant Name (Printed) | Participant Signature | Date *(MM-DD-YYYY)* |
| | | |

| 11. Signature of CCC Representative | Date *(MM-DD-YYYY)* | 12. County FSA Office Name and Address *(Including Zip Code)* |
|---|---|---|
| /s/ | 5-8-XX | 13. Telephone No. *(Including Area Code)*:<br>14. Fax No. *(Including Area Code)*: |

**NOTE:** *The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

*The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the following information is 7 CFR Part 1410. The information will be used to modify the CRP-1 contract by allowing early land preparation. Furnishing the requested information is voluntary. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286; 287; 371; 651; 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D. C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.*

## 281 Erroneous Eligibility Determinations

### A Erroneous Land Eligibility

Land enrolled that is ineligible and continues to be ineligible shall be terminated according to paragraph 355 from CRP-1. Refunds are not required.

### B Erroneous Ownership Determination

If it is determined that CRP-1 was approved based on an erroneous ownership or operatorship determination, COC shall:

- not assess liquidated damages
- not require refund of C/S if participant agrees to maintain the practice for the practice's lifespan

  **Note:** The practice lifespan equals the length of the approved CRP-1.

- not require refund of annual rental payments earned
- allow producers adversely affected to earn the current year's annual rental payment
- terminate affected acres of CRP-1.

**Note:** If the eligible ownership or operatorship requirement was not met at the time CRP-1 was approved, but is currently met, COC shall not terminate CRP-1.

## 282 Wind Turbines

### A Policy

COC may authorize the installation of windmills, wind turbines, wind-monitoring towers, or other wind-powered generation equipment on CRP acreage on a case-by-case basis. COC may approve up to 5.0 acres per contract of wind turbines on CRP acreage provided the environmental impacts have been considered according to subparagraph 242 F. For authority over 5 acres, COC shall submit a request in writing to CEPD through the State Office according to subparagraph 31 A. The 5.0-acre per contract threshold is a cumulative figure that is calculated by totaling the square footage of land area devoted to the footprint of the wind generating device and any firebreak installed around the footprint. Access roads, transformers, and other ancillary equipment will not be considered in calculating the 5.0-acre per contract threshold.

Each request shall be documented in the COC minutes and forwarded to CEPD through the *--State Office. A copy of the completed FSA-850 signed by SEC shall be included with the request before final approval.--*

## 283-291 (Reserved)

# Part 13 Haying and Grazing of CRP

## Section 1 Managed Haying and Grazing, Including Biomass

### 292 Acreage Eligibility

#### A Eligible Acreage

Acreage eligible for managed haying or grazing includes acreage devoted to practices CP1, CP2, CP4B, CP4D, CP10, CP18B, and CP18C. Acreage shall become eligible 12 months after the cover is fully established.

#### B Ineligible Acreage

Acreage ineligible for managed haying or grazing includes acreage devoted to:

- useful life easements
- land within 120 feet of a stream or other permanent waterbody
- ***--**any practices not listed in subparagraph A.**--***

### 293 Managed Haying and Grazing Provisions

#### A General Provisions

***--**2003 was the first year for managed haying and grazing of CRP. Therefore, any haying or grazing conducted before 2003 does **not** affect managed haying and grazing provisions.

Except for States listed in the National Wildlife Federation Settlement Agreement (see Exhibits 31 and 31.5), managed haying or grazing is authorized no more frequently than 1 out of every 3 years after the cover is fully established.

For States **not** listed in the National Wildlife Federation Settlement Agreement, STC **must--*** consult with the State Technical Committee:

- to determine appropriate beginning and ending dates for the primary nesting and brood rearing season

- for establishing the duration and frequency of managed haying and grazing periods.

## 293 Managed Haying and Grazing Provisions (Continued)

### A General Provisions (Continued)

If STC's do not establish nesting and brood rearing season and haying and grazing dates and frequency as recommended by the State Technical Committee, STC **must**:

- submit the dates to CEPD for approval
- include justification to support the dates not recommended by the State Technical Committee
- notify Director, CEPD, each time the primary nesting or brood rearing season is changed in consultation with the State Technical Committee.

If any State Office not affected by the settlement agreement wishes to change the primary nesting season beginning or ending date for managed haying and grazing, an Environmental Assessment (EA) must be completed at their own cost. After completion of the EA and issuance of a "Finding of No Significant Impact", the request may be forwarded to CEPD for approval.

***--**Managed haying is authorized for a single period up to 90 calendar days not to exceed September 30. Managed grazing is authorized for a single period up to 120 calendar days not to exceed September 30; or for two 60-calendar-day periods not to exceed September 30.**--*** The length of time established shall be included in the locally approved Prescribed Grazing Plan, which is a part of the conservation plan. The primary purpose of this plan **must** be to maintain vegetative cover, minimize soil erosion, protect water quality, and protect wildlife habitat quality.

COC's shall not authorize participants to select their own managed haying or grazing periods or establish haying or grazing "windows" greater than the number of calendar days authorized.

**Example:** COC shall not establish a managed grazing window that allows participant A to ***--**conduct managed grazing July 1 through August 31 and allow participant B to conduct managed grazing July 15 through September 13. In this example, the July 1 grazing start date selected by participant A and the September 13 ending date selected by participant B exceeds the 60 calendar day grazing period.**--***

Managed haying or grazing is not authorized during the primary nesting and brood rearing season. Requests for waiver will **not** be granted.

## 293 Managed Haying and Grazing Provisions (Continued)

### A General Provisions (Continued)

Before haying or grazing, CRP participants:

- shall request approval to hay or graze eligible acreage
- obtain a modified conservation plan to include haying or grazing requirements, as determined by NRCS or TSP

**Notes:** The haying or grazing plan **must** be site specific and reflect the local wildlife needs and concerns.

Managed haying and grazing may be incorporated into the conservation plan for new contracts.

- shall not hay or graze the same acreage
- shall not hay or graze any acreage hayed or grazed under managed or emergency ***--**provisions during the period established by STC in consultation with the State Technical Committee or established by the National Wildlife Settlement Agreement**--***

  **Exception:** For emergency haying and grazing, see paragraph 309.

- shall not hay or graze during the primary nesting or brood rearing season
- shall be assessed a payment reduction based on the number of acres actually hayed or grazed times the CRP annual rental payment times 25 percent, as applicable
- shall remove all hay or livestock from all CRP fields by a date determined by STC
- who do not own or lease livestock, may rent or lease the haying or grazing privilege to an eligible livestock producer

  **Note:** CRP participants who rent or lease the haying or grazing privilege to an eligible livestock producer shall:

  - inform the County Office of the producer's name
  - identify the acreage to be hayed or grazed on an aerial photocopy.

- hay harvested under managed provisions may be sold.

Eligible livestock producers who are renting or leasing eligible acreage from a CRP participant, before any haying or grazing occurs, shall:

- sign a statement that he or she will not sublease CRP acreage
- receive notification of approval, in writing, from COC; a copy of the notification shall be given to the CRP participant.

Participants who hay or graze CRP acreage without approval or fail to follow these provisions will be subject to the noncompliance provisions in paragraph 295.

## 293 Managed Haying and Grazing Provisions (Continued)

### B Participant Provisions

CRP participants shall:

- file a request to hay or graze CRP acreage before haying or grazing begins
- take the following actions.

| Step | Action |
|---|---|
| 1 | Identify the acreage to be hayed or grazed on an aerial photocopy. |
| 2 | Obtain a modified conservation plan to include haying or grazing requirements, as determined by NRCS or TSP. The haying or grazing plan **must** be site specific and reflect the local wildlife needs and concerns. |
| 3 | Record intended use on DF-21. See Exhibit 32. |
| 4 | Sign agreement in Exhibit 33.<br><br>**Note:** All participants are required to sign the agreement before haying or grazing begins. |
| 5 | Receive notification of approval in writing from COC.<br><br>Livestock producers who rent or lease acreage from the CRP participant shall:<br><br>• sign a statement agreeing not to sublease the CRP acreage<br>• receive notification of approval from COC.<br><br>**Note:** A copy of the notification **must** be given to the CRP participant. |
| 6 | Require CRP participants, who hayed or grazed CRP acres or rented or leased haying or grazing privileges, to report the number of acres actually hayed or grazed, and sign and date DF-25 (Exhibit 34). |
| 7 | Re-establish the CRP cover, at their own expense, if the cover fails as a result of managed haying or grazing. |
| 8 | Be assessed a payment reduction according to paragraph 294. |
| 9 | Haying shall be limited to 1 cutting. |
| 10 | CRP participants **must** remove all hay or livestock from all fields by a date to be determined by STC. |
| 11 | Haying or grazing shall not be conducted after a date determined by STC. |

## 293.5 Policy for States Affected by the National Wildlife Federation Settlement Agreement

### A General Provisions

The provisions in subparagraphs 293 A and B apply to all States, including those affected by the National Wildlife Federation Settlement Agreement. The following provisions apply **only** to those States affected by the National Wildlife Federation settlement agreement.

New CRP-1's, extensions, and re-enrollments that were not signed by producers, did **not** have CPO, and were **not** approved by COC before September 26, 2006, shall follow the **new** provisions according to the settlement agreement.

New CRP-1's, extensions, and re-enrollments that were signed by producers, had CPO, and were **not** approved by COC before September 26, 2006, shall follow the **new** provisions according to the settlement agreement.

New CRP-1's, extensions, and re-enrollments that were signed by producers, had CPO, and were approved by COC before September 26, 2006, shall follow the **original** provisions.

### B Primary Nesting Season Dates

New primary nesting season dates established in the National Wildlife Federation Settlement Agreement shall apply according to the following table.

| State | Beginning Date | Ending Date |
|---|---|---|
| Arizona | April 1 | July 1 |
| California | April 1 | July 1 |
| Colorado | March 15 | July 15 |
| Idaho | April 1 | August 1 |
| Indiana | April 1 | August 1 |
| Kansas | April 15 | July 15 |
| Montana | May 15 | August 1 |
| Nebraska | May 1 | July 15 |
| Nevada | May 1 | July 15 |
| New Mexico | March 1 | July 1 |
| New York | April 1 | August 1 |
| North Dakota | April 15 | August 1 |
| Oklahoma | May 1 | July 1 |
| Oregon | March 1 | July 15 |
| South Dakota | May 1 | August 1 |
| Texas | March 1 | July 1 |
| Utah | April 1 | July 15 |
| Washington | April 1 | August 1 |
| Wisconsin | May 15 | August 1 |
| Wyoming | May 15 | July 15 |

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***--293.5 Policy for States Affected by the National Wildlife Federation Settlement Agreement (Continued)**

**C Frequency of Managed Haying and Grazing**

States limited by the National Wildlife Federation Settlement Agreement to conduct managed haying no more frequently than once every 10 years and limited to 50 percent of the field or contiguous fields, once in 5 years **must** wait 5 years between halves. Managed haying may **not** begin until 12 months after the cover is fully established.

States limited by the National Wildlife Federation Settlement Agreement to conduct managed grazing no more frequently than once every 5 years or no more frequently than once every 10 years may graze up to 100 percent of the acreage at no more than 75 percent of TSP's determined stocking rate. Managed grazing may not begin until 12 months after the cover is fully established.

For the affected States, new frequencies apply according to the following table.

| State | Managed Haying | Managed Grazing |
|---|---|---|
| Arizona | No more once in 10 years. | No more once in 10 years. |
| California | No more once in 10 years. | 1/ |
| Colorado | No more once in 10 years. | No more once in 5 years. |
| Idaho | No more once in 10 years. | No more once in 10 years. |
| Indiana | 1/ | 1/ |
| Kansas | No more once in 10 years. | No more once in 5 years. |
| Montana | No more once in 10 years. | No more once in 5 years. |
| Nebraska | No more once in 10 years. | No more once in 5 years. |
| Nevada | No more once in 10 years. | No more once in 10 years. |
| New Mexico | No more once in 10 years. | No more once in 10 years. |
| New York | 1/ | 1/ |
| North Dakota | No more once in 10 years. | No more once in 5 years. |
| Oklahoma | No more once in 10 years. | No more once in 5 years. |
| Oregon (east of Cascade Mountains) | No more once in 10 years. | No more once in 10 years. |
| Oregon (west of Cascade Mountains) | 1/ | 1/ |
| South Dakota | No more once in 10 years. | No more once in 5 years. |
| Texas | No more once in 10 years. | No more once in 5 years. |
| Utah | No more once in 10 years. | No more once in 10 years. |
| Washington (east of Cascade Mountains) | No more once in 10 years. | No more once in 10 years. |
| Washington (west of Cascade Mountains) | 1/ | 1/ |
| Wisconsin | 1/ | 1/ |
| Wyoming | No more once in 10 years. | No more once in 5 years. |

1/ No change to previous STC-approved frequency.--*****

***--293.5 Policy for States Affected by the National Wildlife Federation Settlement Agreement (Continued)**

**D Examples of Managed Haying and Grazing Schedules**

In examples 1 through 4, the State is limited to managed haying or grazing once in 10 years.

States limited by the National Wildlife Federation Settlement Agreement to conduct managed haying no more frequently than once every 10 years and limited to 50 percent of the field or contiguous fields, once in 5 years **must** wait 5 years between halves. Managed haying or grazing may **not** begin until 12 months after the cover is fully established.

**Example 1:** Participant A has a new 10-year contract containing a 100 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant A is approved to conduct managed haying on the 50 acres in Field 1A in year 3. Participant may conduct managed haying on the 50 acres in Field 1B any year beginning year 8.

| Field 1A | Field 1B |
|---|---|
| Managed Haying<br>50 Acres<br>Year 3 | Managed Haying<br>50 Acres<br>Year 8 |

**Example 2:** Participant B has an existing 10-year contract containing a 100 acre field of practice CP1. TSP certified the cover is fully established in year 2. Participant B is in year 7 of the contract and wants to begin managed haying. Participant B is approved to conduct managed haying on the 50 acres in Field 1A in year 7. Participant may **not** conduct managed haying on the 50 acres in Field 1B because the contract expires before the 5-year waiting period ends.

| Field 1A | Field 1B |
|---|---|
| Managed Haying<br>50 Acres<br>Year 7 | Managed Haying<br>Not Authorized |

**--***

***--293.5 Policy for States Affected by the National Wildlife Federation Settlement Agreement (Continued)**

**D Examples of Managed Haying and Grazing Schedules (Continued)**

**Example 3:** Participant C has a new 10-year contract containing a 100 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant C wants to conduct managed haying on a 1/3, 1/3, 1/3 rotation. Participant C may **not** conduct managed haying on a 1/3, 1/3, 1/3 basis since the participant **must** wait 5 years between haying the first 50 percent and the second 50 percent. If Participant C is approved to conduct managed haying on the 30 acres in Field 1A in year 3, then Participant C may conduct managed haying on no more than 20 acres in Field 1B beginning in year 4. Participant C **must** wait until year 8 to conduct managed haying again, and may hay no more than the 30 acres in Field 1C. Participant C may hay the remaining 20 acres in Field 1D in year 9 or 10.

| Field 1A | Field 1B | Field 1C | Field 1D |
|---|---|---|---|
| Managed Haying<br>30 Acres<br>Year 3 | Managed Haying<br>20 Acres<br>Year 4 | Managed Haying<br>30 Acres<br>Year 8 | Managed Haying<br>20 Acres<br>Year 9 |

**Example 4:** Participant D has a new 15-year contract containing a 100 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant D is approved to conduct managed haying on the 50 acres in Field 1A in year 3. Participant D may conduct managed haying:

- on the 50 acres in Field 1B any year beginning year 8
- again on the 50 acres in Field 1A any year beginning year 13
- may **not** conduct managed haying again on the 50 acres in Field 1B because the contract expires before the 5-year waiting period ends.

| Field 1A | Field 1B |
|---|---|
| Managed Haying<br>50 Acres<br>Year 3<br>and<br>Year 13 | Managed Haying<br>50 Acres<br>Year 8 |

**--***

***--293.5 Policy for States Affected by the National Wildlife Federation Settlement Agreement (Continued)**

**D Examples of Managed Haying and Grazing Schedules (Continued)**

In examples 5 through 9, the State is limited to managed grazing once in 5 years.

States limited by National Wildlife Federation Settlement Agreement to conduct managed grazing no more frequently than once every 5 years may graze up to 100 percent of the acreage at no more than 75 percent of TSP's determined stocking rate. Managed grazing may not begin until 12 months after the cover is fully established.

**Example 5:** Participant A has a new 10-year contract containing a 100 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant A is approved to conduct managed grazing on the 50 acres in Field 1A in year 3. Participant may conduct managed grazing on the 50 acres in Field:

- 1B any year beginning year 4
- 1A again in year 8
- 1B in year 9.

| Field 1A | Field 1B |
|---|---|
| Managed Grazing<br>50 Acres<br>Year 3<br>and<br>Year 8 | Managed Grazing<br>50 Acres<br>Year 4<br>and<br>Year 9 |

**Example 6:** Participant B has an existing 10-year contract containing a 100 acre field of practice CP1. TSP certified the cover is fully established in year 2. Participant B is in year 7 of the contract and wishes to begin managed grazing. Participant B is approved to conduct managed grazing on the 50 acres in Field 1A in year 7. Participant may:

- conduct managed grazing on the 50 acres in Field 1B in any year beginning year 8

- **not** conduct managed grazing on the 50 acres in Field 1A again because the contract expires before the 5-year waiting period ends.

| Field 1A | Field 1B |
|---|---|
| Managed Grazing<br>50 Acres<br>Year 7 | Managed Grazing<br>50 Acres<br>Year 8 |

**--***

***--293.5 Policy for States Affected by the National Wildlife Federation Settlement Agreement (Continued)**

**D Examples of Managed Haying and Grazing Schedules (Continued)**

**Example 7:** Participant C has a new 10-year contract containing a 90 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant C wants to conduct managed grazing on a 1/3, 1/3, and 1/3 rotation. If Participant C is approved to conduct managed grazing on the 30 acres in Field 1A in year 3. Participant C may conduct managed grazing:

- on the 30 acres in Field 1B in year 4
- on the remaining 30 acres in Field 1C beginning year 5
- in Field:
  - 1A again in year 8
  - 1B in year 9
  - 1C in year 10.

| Field 1A | Field 1B | Field 1C |
|---|---|---|
| Managed Grazing<br>30 Acres<br>Year 3<br>and<br>Year 8 | Managed Grazing<br>30 Acres<br>Year 4<br>and<br>Year 9 | Managed Grazing<br>30 Acres<br>Year 5<br>and<br>Year 10 |

**Example 8:** Participant D has a new 15-year contract containing a 100 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant D is approved to conduct managed grazing on the 50 acres in Field 1A in year 3. Participant D may conduct managed grazing:

- on the 50 acres in Field 1B any year beginning year 4 and chooses year 4
- again on the 50 acres in Field:
  - 1A again in year 8
  - 1B in year 9
  - 1A in year 13
  - 1B in year 14.

| Field 1A | Field 1B |
|---|---|
| Managed Grazing<br>50 Acres<br>Year 3,<br>Year 8, and<br>Year 13 | Managed Grazing<br>50 Acres<br>Year 4,<br>Year 9, and<br>Year 14 |

**--***

***--293.5 Policy for States Affected by the National Wildlife Federation Settlement Agreement (Continued)**

**D Examples of Managed Haying and Grazing Schedules (Continued)**

**Example 9:** Participant C has a new 15-year contract containing a 90 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant C wants to conduct managed grazing on a 1/3, 1/3, and 1/3 rotation. If Participant C is approved to conduct managed grazing on the:

- 30 acres in Field 1A in year 3
- 30 acres in Field 1B in year 4
- remaining 30 acres in Field 1C beginning year 5
- 30 acres in Field 1A again in years 8 and 13
- 30 acres in Field 1B again in years 9 and 14
- remaining 30 acres in Field 1C again beginning years 10 and 15.

| Field 1A | Field 1B | Field 1C |
|---|---|---|
| Managed Grazing<br>30 Acres<br>Year 3,<br>Year 8, and<br>Year 13 | Managed Grazing<br>30 Acres<br>Year 4,<br>Year 9, and<br>Year 14 | Managed Grazing<br>30 Acres<br>Year 5,<br>Year 10, and<br>Year 15 |

**--***

## 294 Payment Reductions

### A Reduction Rates

For each applicable year the CRP participant hayed or grazed eligible CRP acreage, the CRP 1 annual rental payment shall be reduced by the number of acres actually hayed or grazed, times the CRP per acre annual rental payment, times 25 percent.

**Notes:** The required reduction may be prepaid by participants approved for haying or grazing and recorded according to 3-FI.

After the annual rental payment scheduled to be made after October 1 of the applicable year is made, producers **must** pay any required reduction according to 3-FI.

## 295 Compliance

### A Required Spot Checks

To ensure that CRP cover is not damaged, wildlife and associated habitat is protected, and participants are complying with haying and grazing plans, COC's shall spot-check at least *--25 percent of the contracts approved for managed haying and grazing. Spot checks shall be completed within 10 calendar days of the ending date determined by STC.--*

### B Maintenance Defaults

When unauthorized haying or grazing is discovered, follow paragraph 405, and use the provisions in this table.

| IF the maintenance default is on... | THEN... |
|---|---|
| less than the reported acreage | *--compute managed haying or grazing payment reduction on the determined acreage. |
| greater than the reported acreage and COC determines the participant made a good faith effort to comply | compute managed haying and grazing payment--* reduction on the reported acreage and assess a payment reduction on the acreage in excess of the reported acreage according to paragraph 405. |
| greater than the reported acreage and COC determines the participant did not make a good faith effort to comply | terminate CRP-1 according to paragraph 355. |

## 295 Compliance (Continued)

### C Example of Eligible Years for Managed Haying and Grazing

The following table provides a guide of acreage eligible for managed haying or grazing for each year.

| Year | Eligible Acreage |
|---|---|
| 1 | Any eligible CRP acreage. |
| 2 | Any eligible CRP acreage not hayed or grazed under managed or emergency provisions in year 1. |
| 3 | Any eligible CRP acreage not hayed or grazed under managed or emergency provisions in year 1 or 2. |
| 4 | Any eligible CRP acreage not hayed or grazed under managed or emergency provisions in year 2 or 3. |
| 5 | Any eligible CRP acreage not hayed or grazed under managed or emergency provisions in year 3 or 4. |
| 6 | Any eligible CRP acreage not hayed or grazed under managed or emergency provisions in year 4 or 5. |
| 7 | Any eligible CRP acreage not hayed or grazed under managed or emergency provisions in year 5 or 6. |
| 8 | Any eligible CRP acreage not hayed or grazed under managed or emergency provisions in year 6 or 7. |
| 9 | Any eligible CRP acreage not hayed or grazed under managed or emergency provisions in year 7 or 8. |
| 10 | Any eligible CRP acreage not hayed or grazed under managed or emergency provisions in year 8 or 9. |

**Note:** Subparagraphs D through G provide examples of haying and grazing scenarios.

## 295 Compliance (Continued)

### D Example 1

Participant A has 4 fields enrolled in CRP. The County is not approved for emergency haying or grazing during the life of CRP-1.

| Year | Fields Eligible for Managed Haying or Grazing and Explanation | Fields Hayed or Grazed |
|---|---|---|
| 1 | Fields 1, 2, 3, and 4 are eligible. | Fields 1 and 2 |
| 2 | Fields 3 and 4 are eligible.<br><br>Fields 1 and 2 are not eligible since they were hayed or grazed in year 1. | Field 3 |
| 3 | Field 4 is eligible.<br><br>Fields 1, 2, and 3 are not eligible since they were hayed or grazed in the 2 previous years. | Field 4 |
| 4 | Fields 1 and 2 are eligible.<br><br>Fields 3 and 4 are not eligible since they were hayed or grazed in the 2 previous years. | Field 1 |
| 5 | Fields 2 and 3 are eligible.<br><br>Fields 1 and 4 are not eligible since they were hayed or grazed in the 2 previous years. | Field 3 |
| 6 | Fields 2 and 4 are eligible.<br><br>Fields 1 and 3 are not eligible since they were hayed or grazed in the 2 previous years. | Fields 2 and 4 |
| 7 | Field 1 is eligible.<br><br>Fields 2, 3, and 4 are not eligible since they were hayed or grazed in the 2 previous years. | None |
| 8 | Fields 1 and 3 are eligible.<br><br>Fields 2 and 4 are not eligible since they were hayed or grazed in the 2 previous years. | Field 3 |
| 9 | Fields 1, 2, and 4 are eligible.<br><br>***--**Field 3 is not eligible since it was hayed or grazed in the 2 previous years.**--*** | Fields 1 and 2 |
| 10 | Field 4 is eligible.<br><br>Fields 1, 2, and 3 are not eligible since they were hayed or grazed in the 2 previous years. | Field 4 |

## 295 Compliance (Continued)

### E Example 2

Participant A has 4 equally sized fields enrolled in CRP. The County is approved for emergency haying or grazing in years 2, 3, 6, and 8. The participant only makes hay.

| Year | Fields Eligible for Managed Haying or Grazing and Explanation | Fields Hayed or Grazed |
|---|---|---|
| 1 | Fields 1, 2, 3, and 4 are eligible under managed provisions. | Fields 1 and 2 |
| 2 | Fields 3 and 4 are eligible under managed provisions.<br><br>Fields 1 and 2 are not eligible under managed provisions since they were hayed or grazed the previous year. | Fields 3 and 4 are hayed under emergency provisions. |
| 3 | No fields are eligible under managed provisions.<br><br>Fields 1, 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Fields 2 and 3 are hayed under emergency provisions. |
| 4 | Field 1 is eligible under managed provisions.<br><br>Fields 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Field 1 |
| 5 | Field 4 is eligible under managed provisions.<br><br>Fields 1, 2, and 3 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Field 4 |
| 6 | Fields 2 and 3 are eligible under managed provisions.<br><br>Fields 1 and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Fields 1 and 4 are hayed under emergency provisions. |
| 7 | Fields 2 and 3 are eligible under managed provisions.<br><br>Fields 1 and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Fields 2 and 3 |
| 8 | No fields are eligible under managed provisions.<br><br>Fields 1, 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Fields 1 and 2 are hayed under emergency provisions. |
| 9 | Field 4 is eligible under managed provisions.<br><br>Fields 1, 2, and 3 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Field 4 |
| 10 | Field 3 is eligible under managed provisions.<br><br>Fields 1, 2, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Field 3 |

## 295 Compliance (Continued)

### F Example 3

Participant A has 4 equally sized fields enrolled in CRP. The County is approved for emergency haying or grazing in years 2, 3, 6, and 8. The participant only grazes.

| Year | Fields Eligible for Managed Haying or Grazing and Explanation | Fields Hayed or Grazed |
|---|---|---|
| 1 | Fields 1, 2, 3, and 4 are eligible under managed provisions. | Fields 1 and 2 |
| 2 | Fields 3 and 4 are eligible under managed provisions.<br><br>Fields 1 and 2 are not eligible under managed provisions since they were hayed or grazed the previous year. | Fields 1, 2, and 3 are grazed at the full stocking rate under emergency provisions. |
| 3 | Field 4 is eligible under managed provisions.<br><br>Fields 1, 2, and 3 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Fields 1, 2, and 3 are grazed at the full stocking rate under emergency provisions. |
| 4 | Field 4 is eligible under managed provisions.<br><br>Fields 1, 2, and 3 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Field 4 |
| 5 | No fields are eligible under managed provisions.<br><br>Fields 1, 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | None |
| 6 | Fields 1, 2, and 3 are eligible under managed provisions.<br><br>Field 4 is not eligible under managed provisions since it was hayed or grazed in the 2 previous years. | Fields 1, 2, 3, and 4 are grazed at 75 percent of the stocking rate under emergency provisions. |
| 7 | No fields are eligible under managed provisions.<br><br>Fields 1, 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | None |
| 8 | No fields are eligible under managed provisions.<br><br>Fields 1, 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Fields 1, 2, 3, and 4 are grazed at 75 percent of the stocking rate under emergency provisions. |
| 9 | No fields are eligible under managed provisions.<br><br>Fields 1, 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | None |
| 10 | No fields are eligible under managed provisions.<br><br>Fields 1, 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | None |

## 295 Compliance (Continued)

### G Example 4

Participant A has 4 equally sized fields enrolled in CRP. The County is approved for emergency haying or grazing in years 2, 3, 4, and 8. The participant hays and grazes.

| Year | Fields Eligible for Managed Haying or Grazing and Explanation | Fields Hayed or Grazed |
|---|---|---|
| 1 | Fields 1, 2, 3, and 4 are eligible under managed provisions. | Fields 1, 2, and 3 are hayed. |
| 2 | Field 4 is eligible under managed provisions.<br><br>Fields 1, 2, and 3 are not eligible under managed provisions since they were hayed or grazed the previous year. | Fields 1, 2, and 3 are grazed at the full stocking rate under emergency provisions. |
| 3 | Field 4 is eligible under managed provisions.<br><br>Fields 1, 2, and 3 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Fields 1, 2, 3, and 4 are grazed at 75 percent of the stocking rate under emergency provisions. |
| 4 | No fields are eligible under managed provisions.<br><br>Fields 1, 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Fields 1 and 2 are hayed under emergency provisions. |
| 5 | No fields are eligible under managed provisions.<br><br>Fields 1, 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | None. |
| 6 | Fields 3 and 4 are eligible under managed provisions.<br><br>Fields 1 and 2 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Field 3 is hayed and field 4 is grazed. |
| 7 | Fields 1 and 2 are eligible under managed provisions.<br><br>Fields 3 and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Fields 1 and 2 are hayed. |
| 8 | No fields are eligible under managed provisions.<br><br>Fields 1, 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Fields 3 and 4 are hayed under emergency provisions. |
| 9 | No fields are eligible under managed provisions.<br><br>Fields 1, 2, 3, and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | None. |
| 10 | Fields 1 and 2 are eligible under managed provisions.<br><br>Fields 3 and 4 are not eligible under managed provisions since they were hayed or grazed in the 2 previous years. | Fields 1 and 2 are hayed. |

## 296 Reporting Requirements

### A Producer Reports

Participants **must** report the number of acres hayed or grazed by a date determined by DAFP.

### B County Office Report

County Offices shall report to the State Office by a date determined by STC, the number of CRP:

- contracts in the county
- contracts where haying or grazing under managed provisions actually occurred
- acres actually hayed or grazed under managed provisions.

### C STC Report

***--**STC's or designees shall report to CEPD by e-mail to **ra.dcwashing2.crpreports** by a**--***
date determined by DAFP, the number of:

- CRP-1's in the State
- CRP-1's hayed or grazed under managed provisions
- CRP acres hayed or grazed under managed provisions.

**Note:** Negative reports are required.

## 297-306 (Reserved)

## Section 2 Emergency Haying and Grazing

### 307 County Eligibility

#### A Authorization

***--**Emergency haying and grazing of CRP acreage is not:

- intended to be a convenience; rather emergency haying and grazing is generally intended for periods of drought or excessive moisture of such magnitude that livestock producers nationally or across wide-ranging areas are faced with culling of herds or livestock losses

- generally authorized for situations where livestock producers suffer inconveniences in forage availability or prices, because of less than ideal production or over-utilization of acreage not under CRP contract.

Emergency authorization shall be from DAFP or STC determination according to this Section.**--***

#### B DAFP Authorizations

COC's may request emergency haying or grazing for all or part of a county with STC concurrence through CEPD.

CEPD shall make determinations on a county-by-county basis.

#### C Applying for National Authorization

County eligibility is based on COC submitting evidence that the county is suffering from a 40 percent or greater loss in normal hay and pasture production, and either of the following conditions exists for:

- drought conditions, precipitation levels indicate an average of 40 percent or greater loss of normal precipitation for the 4 most recent months, plus the days in the current month before the date of request

- excessive moisture conditions, precipitation levels indicate an average of 140 percent or greater increase in normal precipitation during the 4 most recent consecutive months, plus the days in the current month before the date of request.

Emergency haying or grazing shall be confined to the acreage physically located within the boundary of the eligible county, regardless of where the headquarters for the farm is located.

**Note:** An entire field, which is partially located in an ineligible county, may be hayed as part of an eligible county.

COC shall submit requests for authorization for emergency haying or grazing of CRP acreage to CEPD, through the State Office. Requests shall include at a minimum the following:

- CRP-42 that was completed according to Exhibit 34.5
- detailed narrative written description of disaster conditions in the county
- copy of COC minutes and narrative recommendation
- explanation of livestock emergency and justification of need for emergency measures.

## 307 County Eligibility (Continued)

### C Applying for National Authorization (Continued)

When COC is requesting authorization for emergency haying or grazing in only a part of the county, the County Office shall submit the following:

- CRP-42, completed according to Exhibit 34.5, for the:
  - entire county
  - affected area
- county map clearly showing the part of the county affected by the disaster

  **Note:** The affected area should be outlined by township boundaries, roads, highways, streams, or other identifiable landmarks.

- detailed written description of disaster conditions in the county.

**Note:** If the request for part of a county is approved, the part of the county not covered by the request shall not be eligible for haying or grazing of CRP.

COC shall ensure that an eligible livestock producer, to whom the acreage is rented or leased, is located in an approved county or part of a county, as applicable.

All requests and CEPD determinations, and STC determinations, as applicable, shall be recorded in the COC minutes.

COC shall clearly document in the COC minutes the following:

- justification for the request to release CRP for emergency haying or grazing
- monthly review of conditions in the county and the basis used to determine whether continued haying or grazing is warranted.

STC, or designee, shall thoroughly review COC requests for completeness and make a recommendation before submitting requests to CEPD. Failure to submit complete requests with STC, or designee, recommendation will delay the CEPD response.

After CEPD approves COC's request, COC shall notify all participants in the county or part of the county, as applicable, of the authorization to hay or graze CRP acreage by the fastest means possible.

***--Note:** Unless otherwise indicated, all emergency haying and grazing authorizations shall end September 30.**--***

## 307 County Eligibility (Continued)

### D STC Determinations

COC's may request emergency haying or grazing for all or part of a county to STC using the U.S. Drought Monitor.

STC shall:

- make determinations on a county-by-county basis
- *--report approvals to CEPD by COB each day.--*

**Note:** STC approval notification shall be in the following format.

| County Name | Date Grazing Approved | Date Haying Approved |
|---|---|---|
| | | |

*--STC approvals shall end no later than September 30. STC shall **not** approve counties for emergency haying and grazing during the primary nesting and brood rearing season.--*

### E County Eligibility Criteria for STC Determination

County eligibility is based on COC submitting evidence that the county is designated as level "D3 Drought-Extreme" according to the U.S. Drought Monitor.

The U.S. Drought Monitor is available on the internet at **http://www.drought.unl.edu/dm/monitor.html**.

## 307 County Eligibility (Continued)

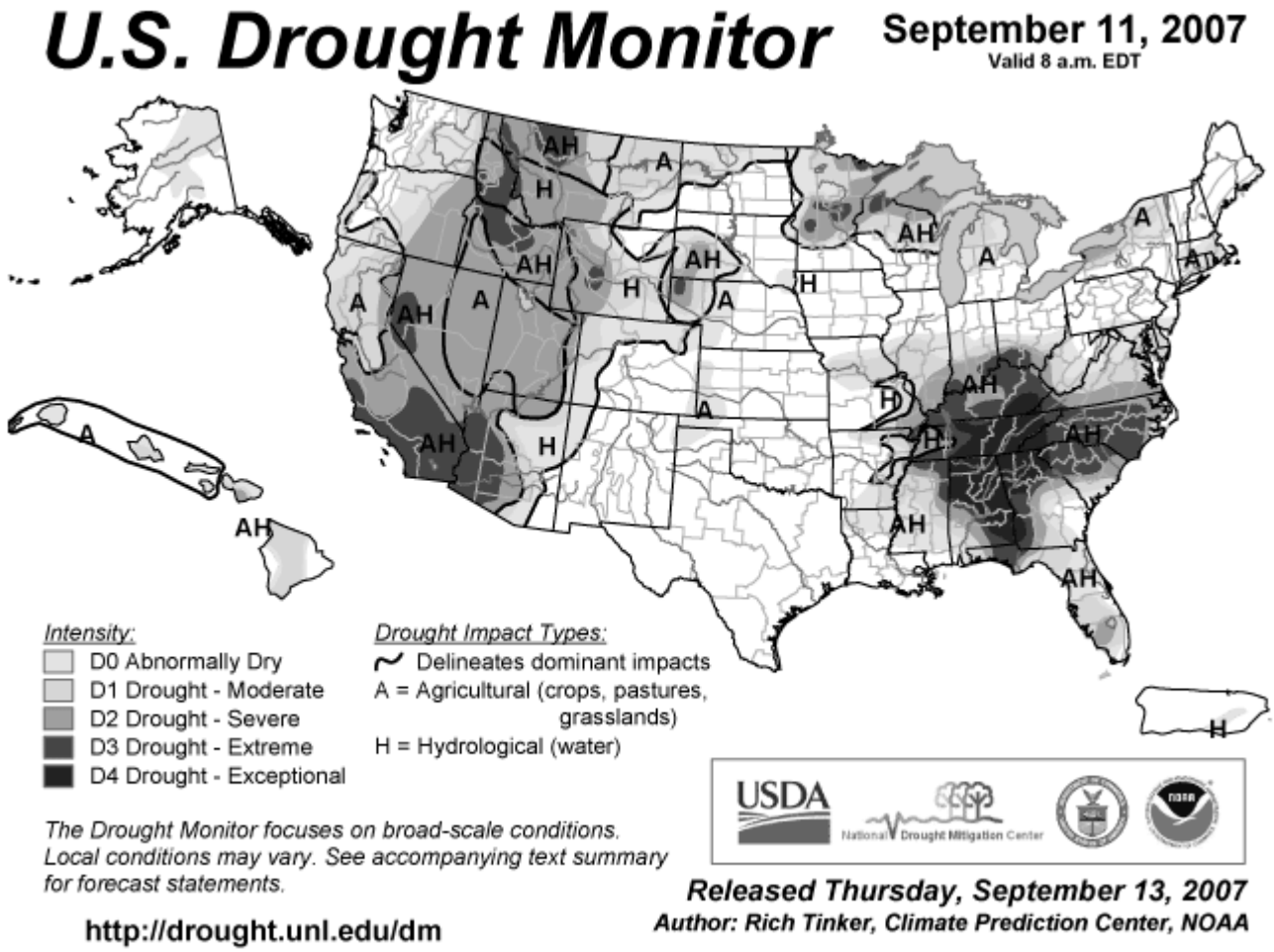
### F Example of U.S. Drought Monitor

The following is an example of U.S. Drought Monitor.

*--

Drought Monitor | Forecasts | What's New | Current Conditions | About Us | Archive | Contact Us | Links | Home

The data cutoff for Drought Monitor maps is Tuesday at 7 a.m. Eastern Standard Time. The maps, which are based on analysis of the data, are released each Thursday at 8:30 a.m. Eastern Time.




***To compare current drought conditions with last week's map, click here.***

***To view tabular statistics of this week's Drought Monitor, click here.***
***To view tabular statistics for the Drought Monitor archive, click here.***
***To view Drought Monitor Change Maps, click here.***

--*

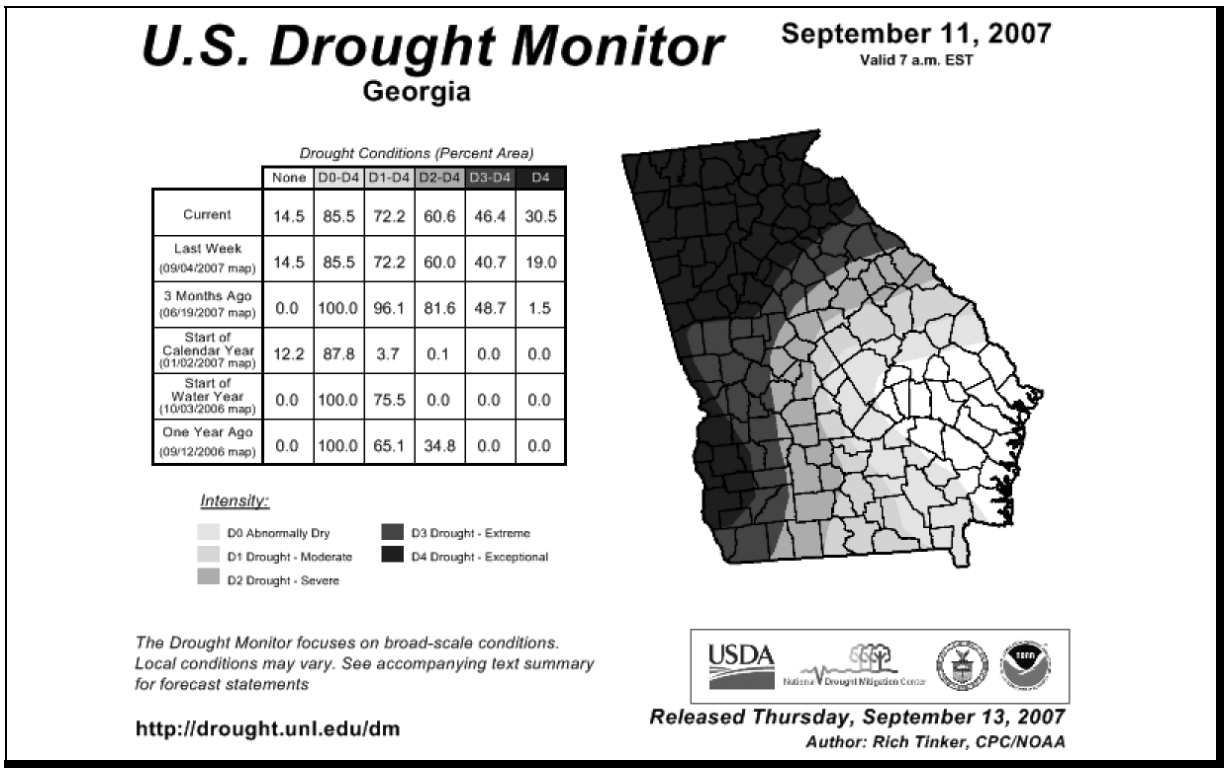
## 307 County Eligibility (Continued)

### G Submitting County Request

***--**COC's the local U.S. Drought Monitor according to the following table.

| Step | Action |
|---|---|
| 1 | Access the U.S. Drought Monitor at **http://www.drought.unl.edu/dm/monitor.html**. |
| 2 | Click the appropriate region to access the regional map; for this example, Southeast. |
| 3 | Click the appropriate State to access the State map; for this example, Georgia. |
| 4 | Scroll to the bottom of the screen and where the screen displays, "For a .pdf version of the Georgia Drought Monitor, click here", CLICK "**here**" to print a .pdf version of the State map, and submit the State map with COC request to STC. |

This is an example of a U.S. Drought Monitor Georgia State map.



**U.S. Drought Monitor**
**Georgia**

**September 11, 2007**
Valid 7 a.m. EST

*Drought Conditions (Percent Area)*

| | None | D0-D4 | D1-D4 | D2-D4 | D3-D4 | D4 |
|---|---|---|---|---|---|---|
| Current | 14.5 | 85.5 | 72.2 | 60.6 | 46.4 | 30.5 |
| Last Week (09/04/2007 map) | 14.5 | 85.5 | 72.2 | 60.0 | 40.7 | 19.0 |
| 3 Months Ago (06/19/2007 map) | 0.0 | 100.0 | 96.1 | 81.6 | 48.7 | 1.5 |
| Start of Calendar Year (01/02/2007 map) | 12.2 | 87.8 | 3.7 | 0.1 | 0.0 | 0.0 |
| Start of Water Year (10/03/2006 map) | 0.0 | 100.0 | 75.5 | 0.0 | 0.0 | 0.0 |
| One Year Ago (09/12/2006 map) | 0.0 | 100.0 | 65.1 | 34.8 | 0.0 | 0.0 |

*Intensity:*
D0 Abnormally Dry
D1 Drought - Moderate
D2 Drought - Severe
D3 Drought - Extreme
D4 Drought - Exceptional

*The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements*

http://drought.unl.edu/dm

USDA National Drought Mitigation Center

***Released Thursday, September 13, 2007***
***Author: Rich Tinker, CPC/NOAA***

**--***

## 307 County Eligibility (Continued)

### H Haying and Grazing Timeframes

The following are haying and grazing timeframes:

- ***--**STC designation for emergency grazing may be for up to 90 calendar days, not to exceed September 30
- STC may authorize one 30-calendar-day extension, not to exceed September 30
- STC designation for emergency haying may be for up to 60 calendar days, not to exceed September 30
- STC may **not** authorize emergency haying extensions
- STC may authorize emergency grazing up to 15 calendar days because of flooding, not to exceed September 30.**--***

*** * ***

## 308 Acreage Eligibility

### A Eligible Acreage

Acreage eligible for emergency haying or grazing includes acreage devoted to practices CP1, CP2, CP4B, CP4D, CP10, CP18B, and CP18C.

### B Ineligible Acreage

Acreage ineligible for emergency haying or grazing includes acreage devoted to:

- useful life easements
- land within 100 feet of a stream or other permanent waterbody
- ***--**any practice **not** listed in subparagraph A.**--***

## 309 Emergency Haying and Grazing Provisions

### A General Provisions

Emergency haying or grazing shall be confined to the acreage physically located within the boundary of the eligible county, regardless of where the headquarters for the farm is located.

**Note:** An entire CRP field, which is partially located in an ineligible county, may be hayed or grazed as part of an eligible county.

Before haying or grazing, CRP participants:

- shall request approval to hay or graze eligible acreage

- obtain a modified conservation plan to include haying or grazing requirements, as determined by NRCS or TSP

  **Note:** The haying or grazing plan **must** be site specific and reflect the local wildlife needs and concerns.

- shall leave at least 25 percent of each field or contiguous CRP fields ungrazed for wildlife, or graze not more than 75 percent of the stocking rate determined by NRCS or TSP

## 309 Emergency Haying and Grazing Provisions (Continued)

### A General Provisions (Continued)

- shall leave at least 50 percent of each field or contiguous fields unhayed for wildlife

- shall not hay or graze the same acreage

- shall not hay or graze during the primary nesting or brood rearing season

***--Note:** For States listed in the National Wildlife Federation Settlement Agreement, the haying and grazing dates in subparagraph 293.5 B apply.**--***

- shall be assessed a payment reduction based on the number of acres actually hayed or ***--**grazed times the CRP annual rental rate payment times 25 percent, as applicable**--***

- shall remove all hay or livestock from all CRP fields by a date determined by STC

- who do not own or lease livestock, may rent or lease the haying or grazing privilege to an eligible livestock producer.

CRP participants who rent or lease the haying or grazing privilege to an eligible livestock producer shall:

- identify the acreage to be hayed or grazed on an aerial photocopy.
- inform the County Office of the producer's name.

Eligible livestock producers who are renting or leasing eligible acreage from a CRP participant, before any haying or grazing occurs, shall:

- sign a statement that he or she will not sublease CRP acreage

- receive notification of approval, in writing, from COC; a copy of the notification shall be given to the CRP participant.

Participants who hay or graze CRP acreage without approval, or fail to follow these provisions, will be subject to the noncompliance provisions in paragraph 311.

## 309 Emergency Haying and Grazing Provisions (Continued)

### B Participant Provisions

CRP participants shall:

- file a request to hay or graze CRP acreage before haying or grazing begins
- take the following actions.

| Step | Action |
|---|---|
| 1 | Identify the acreage to be hayed or grazed on an aerial photocopy. |
| 2 | Obtain a modified conservation plan to include haying or grazing requirements, as determined by NRCS or TSP. The haying or grazing plan must be site specific and reflect the local wildlife needs and concerns. |
| 3 | Record intended use on DF-21. See Exhibit 32. |
| 4 | Sign agreement in Exhibit 35.<br><br>**Note:** All participants are required to sign the agreement before haying or grazing begins. |
| 5 | Leave at least 50 percent of each field or contiguous CRP fields unhayed for wildlife.<br><br>Leave at least 25 percent of each field or contiguous fields ungrazed for wildlife, or ***--**graze no more than 75 percent of the stocking rate determined by NRCS or TSP.**--*** |
| 6 | Receive notification of approval in writing from COC.<br><br>Livestock producers who rent or lease acreage from the CRP participant shall:<br><br>• sign a statement agreeing not to sublease the CRP acreage<br>• receive notification of approval from COC.<br><br>**Note:** A copy of the notification must be given to the CRP participant. |
| 7 | Require CRP participants, who hayed or grazed CRP acres or rented or leased haying or grazing privileges, to report the number of acres actually hayed or grazed, and sign and date DF-25 (Exhibit 34). |
| 8 | Re-establish the CRP cover, at their own expense, if the cover fails as a result of emergency haying or grazing. |
| 9 | ***--**Be assessed a payment reduction according to paragraph 310. |
| 10 | Haying shall be limited to 1 cutting. |
| 11 | CRP participants must remove all hay from all fields by a date to be determined by STC. |
| 12 | Haying or grazing shall not be conducted after a date determined by STC.**--*** |

## 310 Payment Reductions

### A Reduction Rates

For each applicable year the CRP participant hayed or grazed eligible CRP acreage, the CRP-1 annual rental payment shall be reduced by the number of acres actually hayed or *--grazed, times the CRP per acre annual rental payment, times 25 percent.--*

**Notes:** The required reduction may be prepaid by participants approved for haying or grazing and recorded according to 3-FI.

After the annual rental payment scheduled to be made after October 1 of the applicable year is made, producers must pay any required reduction according to 3-FI.

## 311 Compliance

### A Required Spot Checks

To ensure that CRP cover is not damaged, wildlife and associated habitat is protected, and participants are complying with haying and grazing plans, COC's shall spot-check at least 25 percent of the contracts approved for emergency haying and grazing. Spot checks shall be *--completed within 10 calendar days of the ending date determined by STC.--*

### B Maintenance Defaults

When unauthorized haying or grazing is discovered, follow paragraph 405, and use the provisions in this table.

| IF the maintenance default is on... | THEN... |
|---|---|
| less than the reported acreage | compute emergency haying or grazing payment reduction on the determined acreage. |
| greater than the reported acreage and COC determines the participant made a good faith effort to comply | compute emergency haying and grazing payment reduction on the reported acreage and assess a payment reduction on the acreage in excess of the reported acreage according to paragraph 405. |
| greater than the reported acreage and COC determines the participant did not make a good faith effort to comply | terminate CRP-1 according to paragraph 355. |

## 312 Reporting Requirements

### A Producer Reports

Participants **must** report the number of acres hayed or grazed by a date determined by DAFP.

### B County Office Report

County Offices shall report to the State Office by a date determined by STC, the number of CRP:

- contracts in the county
- contracts where haying or grazing under emergency authority actually occurred
- acres actually hayed or grazed under emergency authority.

### C STC Report

***--**STC's or designees shall report to CEPD by e-mail to **ra.dcwashing2.crpreports** by a**--***
date determined by DAFP, the number of:

- CRP-1's in the State
- CRP-1's hayed or grazed under emergency authority
- CRP acres hayed or grazed under emergency authority.

**Note:** Negative reports are required.

## 313-321 (Reserved)

## Section 3 Other Grazing Provisions

### 322 Restrictive Grazing

#### A General Restrictions

Except as authorized in this part, CRP acreage shall not be grazed during the CRP-1 period.

**Exceptions:** Free roaming wildlife may graze CRP acreage.

Grazing of CRP acreage may be authorized under certain conditions, such as a managed grazing plan or DAFP authorization due to widespread drought of other similar national emergency.

#### B Limited Grazing

Limited grazing is authorized where kudzu has infested CRP acreage:

- not to exceed 30 calendar days between May 1 and September 1
- for not more than a total of 3 consecutive years during the life of CRP-1.

Requests to graze kudzu **must** be in writing before COC may authorize grazing on the CRP acreage.

**Note:** Requests **must** identify the invasive species and dates acreage will be grazed.

A prorated payment reduction shall be taken each year the acreage is grazed for only the number of days the livestock actually graze the CRP acreage.

**Exception:** Based on participant certification, a payment reduction shall not be taken if:

- livestock used to graze the acreage do not belong to the participant
- the participant receives no compensation for the grazing.

## 322 Restrictive Grazing (Continued)

### B Limited Grazing (Continued)

COC shall consult FS or other natural resources agency before approving requests to graze kudzu invested acreage.

**Note:** Conservation plan shall not be modified by NRCS for this purpose.

Applicable County Offices:

- shall inform producers of the kudzu grazing provisions
- shall reduce the annual rental payment by the daily rental rate per acre times the number of kudzu infested acres grazed, times the number of days grazed, times 50 percent
- may approved subsequent requests by the same CRP participant

  **Note:** COC shall approve each request.

- shall spot check CRP-1's approved for kudzu grazing to ensure that livestock are not grazing more acreage or longer than authorized.

### C Incidental Grazing

***--**Subject to COC approval, CP8A, CP13C (filter strips), CP15A, CP21, and CP33 may be**--***
grazed only if all of the following requirements are met:

- grazing is incidental to the gleaning of the crop residue in a field, or before the harvest of a small grain
- grazing occurs after the participant harvests crops from within the surrounding field, or during the dormant period of a small grain intended for harvest
- grazing shall not occur during the primary nesting or brood rearing season, as determined by STC in consultation with the State Technical Committee; for States affected by the National Wildlife Federation Settlement Agreement, see subparagraph 293.5 B.

**Note:** See paragraph 238.

## 322 Restrictive Grazing (Continued)

### C Incidental Grazing (Continued)

- all livestock shall be removed from CRP acreage no later than 2 months after incidental grazing begins

- an NRCS or TSP final status review has been completed for the practice that certifies--* the approved cover has been established

- grazing will not adversely affect the purpose and performance of the practice

- the participant agree in writing to:

  - accept a 25 percent payment reduction for the acreage being grazed

    **Note:** The required reduction may be prepaid by participants and recorded according to 3-FI.

  - re-establish, at their own expense, any cover destroyed or damaged as a result of this incidental grazing, regardless of recommendations or determinations made by NRCS.

    **Note:** See Exhibit 30 for CRP-37.

If the acreage to be grazed is separated from the surrounding cropland by a fence, the acreage shall not be grazed.

**Example:** John Brown requests to graze a filter strip enrolled in CRP as part of the gleaning of the corn crop residue in the field. There is a fence between the field with the corn residue and the filter strip. COC shall not approve Mr. Brown's request.

## *--323 Permissive Grazing

### A Permissive Grazing Gleaning

COC's may authorize gleaning of crop residue on acreage enrolled in CRP if all the following requirements are met:

- the acreage is in the first year of CRP-1
- the acreage was devoted to an agricultural commodity before enrollment in CRP
- mechanical harvesting of the agricultural commodity was not completed in sufficient time for gleaning of the crop residue to be completed before the effective date of CRP-1
- the gleaning of the crop residue will not delay the establishment of the approved cover
- producer agrees, in writing, to:
    - provide adequate cover to prevent soil erosion
    - pay for a field visit to determine if gleaning will be authorized
    - remove all livestock no later than 2 months after gleaning begins.

### B Example

Jim has an approved offer that will become effective October 1; the:

- acreage is planted to corn
- approved practice **cannot** be established until the following spring.

COC may authorize Jim to allow livestock to glean the acreage after October 1 (the effective date of the contract), provided the conditions in subparagraph A are met.**--***

## 324-332 (Reserved)

# Part 14 Farm Reconstitutions, Corrections, Succession in Interest, Terminations, Foreclosures, Receiverships, and Bankruptcies

## Section 1 Farm Reconstitution, CRP-1 Corrections and Revisions, and Succession in Interest

### 333 Farm Constitution and Reconstitutions

#### A Determining Proper Constitution and Reconstitution

Follow 2-CM to determine proper constitution and reconstitution of farms enrolled in CRP.

#### B Processing CRP-1 for Farms Requiring Reconstitutions

Complete approved farm reconstitutions before CRP-1 is approved.

## 334 Correcting CRP-1

### A Making Corrections

Make corrections to CRP-1's and CRP data when there are errors.

### B Correcting Erroneous Acre Determinations

Correct erroneous acre determinations according to this table.

**Note:** This subparagraph only applies to cases where there was no measurement service completed.

| IF, after CRP-1 is approved, it is determined that CRP-1 includes... | THEN... |
|---|---|
| **more** eligible acres than originally approved | • correct CRP-1 to include the additional eligible acres<br>• do **not** make retroactive payments on the additional acres. |
| **less** eligible acres than originally approved | • correct CRP-1 to correct the error<br>• do **not** collect overpayments if it is an FSA, NRCS, or TSP error. |

### C Completing Correction

Do the following:

- revise CRP-1 according to 1-CRP to reflect the correct acreage
- cancel CRP-1 containing ineligible acreage according to 1-CRP
- notify CRP-1 participants of correct base reductions
- have all parties, including person making corrections, initial and date.

**Note:** Do **not** use a new CRP-1 number.

## 335 Revisions to Contracts

### A When to Revise CRP-1's

Revise CRP-1's only for the following reasons:

- change of participants
- change in producer's shares
- part of the land under CRP-1 is terminated by the producer according to paragraph 355 or 358
- land under CRP-1 is withdrawn from cropland status
- land under CRP-1 is sold to another producer
- loss of control of land
- acreage changes because of planimetering new aerial photography.

**Note:** This shall be applicable to all CRP-1 signups.

COC shall not approve requests to revise CRP-1's to increase the number of participants when the original number of participants were not eligible to receive the full value of CRP-1.

**Example:** Joe historically owned and operated acreage that was offered and accepted for CRP. The acreage accepted supports a $150,000 annual rental payment. Joe is limited to $50,000 by the annual payment limitation. Joe requests to revise CRP-1 to add Steve and Tim as tenants to CRP-1, each receiving $50,000. COC shall not approve these revisions; however, if Joe sold CRP acreage through an arms-length transaction to Steve and Tim, COC could approve CRP-1 for Steve and Tim as successor's-in-interest, providing Joe did not maintain a reversionary interest in the acreage and all other eligibility requirements are met.

## 335 Revisions to Contracts (Continued)

### B Notification of Revisions

After COC approves request to revise CRP-1, COC must notify all CRP participants in writing that the conservation plan and CRP-1 must be revised to reflect the change requested. Participants must consult with NRCS or TSP to revise the conservation plan. Notify participant, in writing, upon COC receipt of the revised conservation plan, that the participant has 60 calendar days to sign the revised CRP-1.

### C Required Forms and Signatures

This table shows required forms and signatures.

| Form | Signature Required |
|---|---|
| CRP-1 (Exhibit 16)<br>CRP-1 Appendix (Exhibit 21), if applicable<br>CRP-15, if applicable for signup 1 through 14 revisions<br>NRCS-LTP-11, CPA-68, or electronically-generated planning forms, as applicable<br>NRCS-LTP-11A<br>NRCS-LTP-11B<br>Certification Statement (subparagraph 86 E) | • Operator<br>• Operator's spouse, if spouse is another producer<br>• Each owner whose name is on the deed.<br><br>**Note:** CRP-1 signatures are required 60 calendar days after COC notification. |

**Notes:** Before revised CRP-1 may be approved, County Offices shall ensure that **all** owners and the operator on the farm have signed CRP-15, if applicable, for signup 1 through 14 revisions.

An operator is not required to sign a revised CRP-1 if the operator provides a written statement voluntarily relinquishing rights to CRP.

## 335 Revisions to Contracts (Continued)

### D Requirement Exceptions

The requirements for signatures apply unless:

- a trustee of BIA representing native Americans owning the land signs on their behalf

  **Note:** All CRP-1's signed by BIA representative on behalf of native Americans owning the land shall be reviewed by RA. COC shall not approve CRP-1 until RA determines that the required signatures have been obtained.

- a native American has a restrictive 5-year BIA farm lease that has been extended according to BIA provisions.

### E Other Signatures

COC shall:

- ensure that operators and tenants receives fair and equitable treatment
- verify that this provision is being followed before making C/S or annual rental payments.

## 335 Revisions to Contracts (Continued)

### F Revising CRP-1's

Revise CRP-1 **only** according to this table.

| Step | Action |
|---|---|
| 1 | Assign an alpha suffix to CRP-1 number. |
| 2 | Transfer original CRP-1 data to revised CRP-1. See Exhibit 16.<br><br>• Change items affected by revisions.<br>• Leave rental rate and expiration date the same.<br>• Have participants sign revised CRP-1. |
| 3 | Have participants sign and date the following:<br><br>• CRP-1 Appendix, if applicable<br>• CRP-15, if applicable for signup 1 through 14 revisions. |
| 4 | Enter "VOID" on original CRP-1. |
| 5 | Provide copy of revised CRP-1 and CRP-1 Appendix, if applicable, to all participants.<br><br>**Note:** **Do not** provide a different CRP-1 Appendix if the participant on the revised CRP-1 is the same participant signing the original CRP-1. See subparagraph 335 H. |
| 6 | Revise automated CRP-1. |

## 335 Revisions to Contracts (Continued)

### G Revising CRP-1 if Plan Is Modified

If CRP-1 is revised for reasons other than modifying the plan, consult with NRCS or TSP about the need for modifying the approved conservation plan.

- Do **not** revise CRP-1 for only changes to the approved conservation plan. NRCS or TSP will use SCS-LTP-12.
- NRCS or TSP, in consultation with the participant, is responsible for changing the approved conservation plan.
- COC shall consider recommendations for changes in CRP practices.
- Final approval for changes in C/S obligations is the responsibility of COC.
- Obtain a signed, modified conservation plan from NRCS or TSP.
- An approved conservation plan must be modified to reflect signatures of new owners if CRP-1 is revised because of succession in interest.

### H Policy for Using Correct CRP-1 and CRP-1 Appendix

Successors in interest electing to succeed to an existing CRP-1 shall:

- sign the current version of CRP-1
- receive the same CRP-1 Appendix that was agreed to by the predecessor.

**Note:** **Do not** provide a different CRP-1 Appendix if the participant on the revised CRP-1 is the **same** participant signing the original CRP-1.

## 335 Revisions to Contracts (Continued)

### I Applicability of CRP-1 Appendix for CRP Offers

The following table provides the dates of each CRP-1 Appendix used for CRP offers.
*--

| IF CRP acreage was offered during... | THEN CRP-1 is effective for program year... | AND the date of the applicable CRP-1 Appendix is... |
|---|---|---|
| signups 1 through 4 | 1986, 1987, and 1988 | February 25, 1986. |
| signup 5 | 1987 and 1988 | July 17, 1987. |
| signups 6 and 7 | 1988 and 1989 | January 22, 1988. |
| signups 8 and 9 | 1989 and 1990 | February 2, 1989. |
| signup 10 | 1991 | February 28, 1991. |
| signup 11 | 1992 | June 25, 1991. |
| signup 12 | 1993 | June 9, 1992. |
| signup 13 | 1996 and 1997 | September 6, 1995. |
| continuous signup 14 | 1997 and 1998 | September 3, 1996. |
| signup 15 | 1998 and 1999 | February 12, 1997. |
| signup 16 | | |
| continuous signup 17 | | |
| signup 18 | 2000 | |
| continuous signup 19 | 1999 and 2000 | |
| signup 20 | 2001 | November 29, 1999. |
| continuous signup 21 | 2000 and 2001 | either of the following:<br>• February 12, 1997, for CRP-1's approved before January 1, 2000<br>• November 29, 1999, for CRP-1's approved on or after January 1, 2000. |
| continuous signup 22 | 2000 and 2001 | November 29, 1999. |
| continuous signup 23 | 2001 and 2002 | |
| continuous signup 24 | 2002 and 2003 | |
| continuous signup 25 | 2003 and 2004 | |
| signup 26 | 2004 and 2005 | May 1, 2003.--* |
| continuous signup 27 | | |
| continuous signup 28 | | |
| signup 29 | 2006 and 2007 | |
| continuous signup 30 | 2005 and 2006 | |
| continuous signup 31 | 2006 and 2007 | |
| REX signup 32 | 2008 through 2011 | |
| general signup 33 | 2007 | |

## 336 Revising CRP-1 Because of Loss of Control of Land

### A General Policies

CRP-1 **may** need to be revised because of loss of control of land under CRP-1.

If loss of control occurs because of death, sale, inheritance, incompetency, foreclosure, or exercise of eminent domain, follow:

- subparagraph 273 A for conservation easements placed on CRP land
- paragraph 343 for succession in interest
- subparagraphs 339 B and C for other revisions
- paragraph 340 for land acquired by a Federal agency
- paragraph 341 for separate person determination for husband and wife
- paragraph 355 for:
    - land acquired by eminent domain
    - terminations
    - terminations because of foreclosure.

### B If Owner Loses Control of CRP Land

Follow this table if owner loses control of CRP land.

| IF loss of control occurs... | THEN... |
|---|---|
| on a tract of land on which all CRP-1 acres are located | revise CRP-1 and the approved conservation plan according to paragraph 335. |
| on part of CRP-1 acreage | • continue CRP-1 on the remaining acreage still under control of participant<br>• offer person acquiring control successor-in-interest rights. |
| and CRP-1 is not continued on any part of acreage | terminate CRP-1 according to paragraph 355. |

### C Continuing CRP-1 on Part of Enrolled Acres

If land is subsequently sold to a new owner and CRP-1 will be continued on only part of the eligible acres, revise CRP-1 to:

- **include** acreage being continued, according to this paragraph
- **exclude** acreage not being continued.

**Note:** See paragraph 355 for terminations.

## 337 Revising CRP-1 Because of Loss of Interest by Operator or Tenant

### A Voluntary Withdrawal by Operator or Tenant From CRP-1

CRP-1 acreage over which an operator or tenant voluntarily relinquishes the right to CRP-1 benefits may be continued by the owner or other eligible participant becoming a successor in interest.

The participant acquiring an interest in CRP-1:

- may share in payments made according to division of shares on CRP-1
- shall be responsible for complying with CRP-1 provisions
- shall be liable for payment reductions for noncompliance after becoming a party to CRP-1.

### B COC Action

An operator must submit a request, in writing, to COC to be removed from CRP-1 when the operator no longer has an interest in CRP acreage.

COC shall:

- document basis for removal, in both COC minutes and in CRP folder
- verify that a signed statement was received from operator leaving voluntarily
- give owner the option of continuing to operate the land or obtaining a new operator if previous operator:
    - voluntarily relinquishes rights to CRP benefits
    - files for bankruptcy
    - dies and the estate fails to succeed within 60 calendar days of COC notification.

## 338 Revision Because Participant Gains Control of Land Under CRP-1

### A Gaining Control of Land Under CRP-1

Follow this table when the participant of an existing CRP-1 gains control of other land already under CRP-1.

| WHEN... | THEN... |
|---|---|
| participant chooses to assume CRP-1 on newly acquired land | • do not combine CRP-1's<br>• revise CRP-1 on new land.<br><br>**Note:** See paragraph 335 for successor in interest. |
| participant chooses to continue both CRP-1's | • advise participant of maximum payment limitation<br><br>• adjust latest approved CRP-1 annual payment amount to reflect no more than maximum payment limitation. |
| either CRP-1 will not be continued | terminate applicable CRP-1 according to paragraph 355. |

## 339 Other Revisions

### A Revision Because of Planimetering New Aerial Photography

*--If planimetering new aerial photography or digitizing new photography (certified CLU's or GIS measurement) results in a change in the approved CRP acreage or official cropland--* for the farm, follow 1-CRP, paragraph 285.

### B Revision to Substitute Fields

Fields designated under CRP-1 cannot be substituted because the original field is under a long-term contract.

### C Removal of CRP Acreage Because of Natural Conditions

Apply this subparagraph to CRP-1 when CRP acreage no longer exists because of natural conditions.

**Example:** The original CRP-1 contained 50 acres along a river. The river eroded 3 acres of land downstream; therefore, only 47 acres remain in the field.

Do not apply this subparagraph to CRP acreage that is underwater or that has been severely damaged.

County Offices shall take the following action.

| Step | Action |
|---|---|
| 1 | Revise CRP-1 to remove acreage that has been physically removed from the property after COC determines that the acreage is no longer eligible for CRP because it does not exist. |
| 2 | Return the bases, allotments, or quotas that have been preserved on CRP-15 for the affected acreage. If the farm does not have enough cropland to use all the base, allotment, or quota, the history shall be reduced permanently. |
| 3 | See 3-CM for procedure on adjusting farm and cropland acreage. |

### D Revision Authorized by DAFP

*--Revisions, other than in this section, require prior DAFP approval.--*

## 340 Gain of Control of CRP Land by a Federal Agency

### A Federal Agency Gains Control of CRP Land

Federal Agencies that acquire property that contains CRP acreage are **ineligible** to succeed to or earn payments under CRP or offer acreage for enrollment in CRP. However, CRP-1 may be continued on land acquired by a Federal Agency if:

- CRP acres are maintained according to CRP-1 terms and conditions
- the operator on CRP-1 at the time the Federal Agency gains control continues to be the operator of the property, unless this operator signs a written statement relinquishing rights to CRP.

**Note:** The Federal Agency must provide evidence of control to the operator for the remainder of CRP-1 period. Other eligible tenants, including the previous owner, may continue to earn CRP payments, as "other producers."

If CRP-1 will be continued with eligible CRP participants, do the following:

- use CRP-20 (Exhibit 36) to notify participants of the conditions for continuing CRP-1

  **Note:** Send a copy of CRP-20 to the Federal Agency.

- have CRP participants and an authorized representative of the Federal Agency sign CRP-1E Addendum (Exhibit 37) within 60 calendar days of COC notification
- file a copy of CRP-20 and CRP-1E Addendum in the participant's folder.

If a Federal Agency acquires property that contains CRP land and chooses **not to continue** CRP-1:

- terminate CRP-1 on the affected acres
- **do not** require refund of previous CRP payments if Federal Agency agrees to maintain the acreage according to the CRP-1 terms and conditions.

  **Note:** CRP participants may earn their prorated share of eligible CRP payments according to paragraph 373.

## 340 Gain of Control of CRP Land by a Federal Agency (Continued)

### A Federal Agency Gains Control of CRP Land (Continued)

When a Federal Agency maintains the CRP acreage and the land is subsequently sold to a new owner, if CRP-1 will:

- be continued, follow paragraph 335 for succession in interest
- **not** be continued, follow paragraph 355 for terminations.

### B Exception When FLP Gains Control of CRP Land

The provision that an eligible successor must control CRP acreage for the remainder of CRP-1 period does **not** apply if during the period FLP holds title to property that contains CRP acreage and an eligible FLP borrower exercised the right to repurchase the property under FLP's "lease back/buy back" provisions.

**Note:** See Exhibit 6.

CRP payments may be continued if:

- participants have received CRP-20
- FLP continues to hold title to the property and the FLP borrower **has signed**:
    - a lease to repurchase the property that includes CRP acreage
    - CRP-1E Addendum within 60 calendar days of notification.

CRP payments shall be prorated to eligible participants, based on the date the lease was approved by FLP.

**Note:** No payment shall be made under CRP-1 until FLP and the eligible FLP borrower **have entered** into a lease to repurchase the property under "lease back/buy back" provisions.

County Offices shall:

- review the FLP lease to ensure that the FLP lease **does not** otherwise violate CRP provisions

- file a copy of the FLP lease, CRP-20, and CRP-1E Addendum in the participant's folder.

## 340 Gain of Control of CRP Land by a Federal Agency (Continued)

### C Continuing CRP-1 With FLP Borrower

CRP-1 shall be revised **only if** the land is sold to an eligible participant who agrees to continue CRP-1.

During the period the eligible borrower is attempting to repurchase the property under FLP's "lease back/buy back" provisions, the FLP borrower **shall**:

- be considered as an "other producer" under CRP-1
- forfeit **all** rights to future payments and refund, subject to previous payments made under CRP-1, if the property is:
  - not repurchased by the FLP borrower within 5 years
  - sold to an eligible participant who does **not** continue CRP-1.

If the FLP borrower:

- **does not** repurchase the land under CRP-1, follow paragraph 355 for terminations
- repurchases the land under CRP-1, follow paragraph 336 for revisions.

### D Reoffering CRP Acreage Under FLP Control

CRP acreage under FLP control may be reoffered if:

- the person offering the acreage has signed a purchase agreement with FLP before the end of signup
- the person offering the acreage meets the eligibility requirements in paragraph 82
- the acreage being reoffered meets all other eligibility requirements.

COC shall not approve CRP-1 until proof of ownership is provided.

### E Policy Regarding Operators

The exceptions provided in this paragraph do **not** relieve COC's of the responsibility to ensure that the rights of operators or tenants are protected.

Eligible operators or tenants, who are signatories on **original** CRP-1, shall:

- continue to earn their share of CRP payments
- **not** be arbitrarily removed or replaced as eligible participants on CRP-1.

## 341 Revising CRP-1 Because of Husband and Wife "Person" Determination

### *--A Applicability of Husband and Wife Provisions for CRP-1's Approved Before October 1, 2008--*

Spouses may be determined separate "persons" for 1991 and subsequent years according to 1-PL.

Follow 1-PL when revision of original CRP-1 is requested because of an additional "person" determination. Only revise existing CRP-1's if the commensurate shares are changed after a separate "person" determination is made.

* * *

### B Signature Requirements on CRP-1's

Spouses in a joint operation are required to sign CRP-1's, including an existing CRP-1, if the spouses are subsequently determined to be separate persons. If only 1 spouse signed the original CRP-1 for a joint operation, the other spouse **must** sign CRP-1 after the spouses have been determined to be a separate persons for payment limitation purposes.

| IF... | THEN... |
|---|---|
| a revised CRP-1 is signed by the spouses within 15 calendar days after notification of person determination | COC shall approve the revised CRP-1. |
| a revised CRP-1 is not signed after 15 calendar days but is signed within 30 calendar days after notification of person determination | STC **must** approve late-filed signature before COC approval of CRP-1. |
| a revised CRP-1 is not signed within 30 calendar days after notification of person determination | CRP-1 may not be approved and producer shall be advised of appeal rights. |

## 342 Revising CRP-1 Because of Inheritance

### A Policy

A producer who becomes the owner of land enrolled in CRP because of inheritance, and succeeds to CRP-1, may receive payments for that contract without regard to the amount of payments received under any other contract executed before the inheritance. The participant shall provide adequate documentation, as defined by COC, to prove that acreage was inherited.

### B When the Recipient Already Has an Interest in the Inherited CRP-1

When a CRP participant inherits CRP acreage and the recipient already has a share of the inherited CRP-1, use the following table for guidance.

**Note:** Each example assumes the son inherits the father's share of CRP-1.

| **IF the recipient's revised payment total for all CRP-1's is...** | **THEN...** |
|---|---|
| less than $50,000<br><br>**Example:** Father and son share CRP-1, each receives 50 percent of the $20,000 annual rental payment. | • revise the inherited CRP-1 to remove the deceased participant and increase the shares of the recipient to 100 percent according to 1-CRP<br><br>• process payments in the normal manner according to 1-CRP. |
| greater than $50,000<br><br>**Example:** Father and son share CRP-1, each receives 50 percent of the $60,000 annual rental payment. | • revise the inherited CRP-1, according to 1-CRP, into 2 contracts; 1 contract will have the recipient's original payment amount, the other will have the inherited payment amount<br><br>**Note:** The acreage on the contracts shall be divided accordingly.<br><br>• process annual rental payments for the inherited contract through the special CRP payment processing option according to 1-CRP, paragraph 361.<br><br>**Note:** On Special Payment Reductions Screen EPCJ7301, ENTER "Y" in the "Inherited CRP-1 over PL" field. |

--

## 342 Revising CRP-1 Because of Inheritance (Continued)

### C When the Recipient Has No Prior Interest in CRP-1

When a CRP participant inherits CRP acreage, and the recipient had no share in the contract before inheritance, use the following table for guidance.

| IF the recipient's revised payment total for all CRP-1's is... | THEN... |
|---|---|
| less than $50,000 | • revise the inherited CRP-1 to remove the deceased participant and add the recipient<br><br>• payments will be processed in the normal manner according to 1-CRP. |
| greater than $50,000 | • revise the inherited CRP-1 to remove the deceased participant, and add the recipient according to 1-CRP<br><br>• process annual rental payments for the inherited contract through the special CRP payment processing option according to 1-CRP, paragraph 361.<br><br>**Note:** On Special Payment Reductions Screen EPCJ7301, ENTER "Y" in the "Inherited CRP-1 over PL" field. |

## 343 Successor in Interest

### A Eligible Person Acquiring Interest in CRP Land

An eligible person may become successor in interest to CRP-1 if:

- land has been sold
- there has been a change in owner or operator
- a foreclosure or involuntary loss of land occurs.

Follow this table if an eligible person acquires an interest in CRP lands.

| IF eligible person elects... | THEN... |
|---|---|
| **not** to continue CRP-1 | terminate CRP-1 according to paragraph 355. |
| to continue CRP-1 | ***--**revise CRP-1 according to subparagraph 335 F.**--*** |

### B Eligible Succession

Before approving CRP-1 revisions, COC shall ensure that the successor in interest:

- understands that any outstanding adjustments because of violations by the previous participant will be the successor's responsibility

- has 1 of the following:

  - a valid deed to the land under CRP-1

  - a contract-for-deed with the seller that has been properly filed under applicable State law

    **Note:** Contact RA for further guidance.

  - a final journal entry of a probate court showing change of ownership, if RA concurs

  - acquired right of occupancy, through foreclosure proceedings, to the land under CRP-1.

    **Note:** This provision applies only to right of occupancy acquired as a result of foreclosure proceedings.

## 343 Successor in Interest (Continued)

### C Full or Partial Succession

This table shows the difference between full succession in interest and partial succession in interest.

| IF... | AND... | THEN consider succession... |
|---|---|---|
| the owner is the only signatory to CRP-1 | no longer has control of CRP land | to be full succession in interest. |
| the operator is also signatory to CRP-1 | the operator voluntarily relinquished right to CRP-1 and **is not** replaced | |
| | the operator will remain on CRP-1 | to be a partial succession in interest.<br>**Note:** The shares on revised CRP-1 shall be agreed to by successor and operator, and approved by COC. |
| | the operator voluntarily relinquished right to CRP-1 and **is** replaced | |
| CRP-1 will be continued on only a portion of the CRP acres | | to be a partial succession in interest. |

### D Responsibilities of Eligible Successors

An eligible person who acquires an interest in land under CRP-1 and becomes a successor in interest by signing CRP-1, regardless of the division of shares, is:

- entering into a binding agreement with CCC for the remainder of the CRP-1 period
- jointly and severally liable for complying with terms and conditions of CRP-1

***--Exception:** Participants that sign CRP-1 with zero percent interest in the annual rental payment shall **not** be held responsible for contract compliance.**--***

## 343 Successor in Interest (Continued)

### D Responsibilities of Eligible Successors (Continued)

- responsible for:

  - refunding all payments made since the effective date of CRP-1, including payments earned by previous participant, if CRP-1 is subsequently terminated

  - complying with payment limitation provisions

    **Note:** Do not increase total amount earned. If applicable, reduce to maximum payment limitation. See Exhibit 27.

  - complying with landlord and tenant provisions.

COC shall notify previous CRP-1 signers, when a successor-in-interest CRP-1 is approved, that they are no longer responsible for complying with CRP-1 for the acreage in which they no longer have an interest.

An operator or tenant, or his or her estate cannot be replaced **unless** the operator, tenant, or his or her estate agrees, in writing, to voluntarily withdraw from CRP-1 and is determined by COC to no longer be an eligible participant.

COC shall notify:

- new landowners and authorized estate representatives that they have an opportunity to succeed to CRP-1

  **Notes:** If a revised CRP-1 is not signed within 60 calendar days from the date of notification by COC, CRP-1 shall be terminated. No successor in interest will be allowed.

  FSA shall not force landowners to agree to accept an estate representative as an operator. If a landowner refuses to sign a revised CRP-1, CRP-1 shall be terminated without requiring refunds. See paragraph 355.

- the bankruptcy trustee that CRP-1 shall be affirmed. See paragraph 360.

## 343 Successor-in-Interest (Continued)

### E Policy for Using Correct CRP-1 and CRP-1 Appendix

Successors-in-interest electing to succeed to an existing CRP-1 shall:

- sign the current version of CRP-1
- receive the same CRP-1 Appendix that was agreed to by the predecessor.

**Note:** **Do not** provide a different CRP-1 Appendix if the participant on the revised CRP-1 is the **same** participant signing the original CRP-1.

## 344 Revisions Authorized by DAFP

### *--A DAFP Authorized Revisions--*

Revisions, other than in this Section, require DAFP approval.

**345-354 (Reserved)**

## 355 Terminations

### A Policy for Terminating All Land Under CRP-1

COC shall terminate **all** land under CRP-1 before its expiration date, if any of the following are met:

- participant loses control of or transfers **all** of the land under CRP-1 and there is no successor in interest
- **all** signatories voluntarily request, in writing, to terminate **all** land under CRP-1
- participants' request for termination of part of the land under CRP-1 was disapproved and participants proceed to violate the terms and conditions of CRP-1 on that land

  **Example:** Participant has 100 acres enrolled in CRP. Participant requests to terminate part of the acres under CRP-1 to return to crop production. The request is not approved. Producer plants part of the acres under CRP-1 to corn. COC shall terminate all land (100 acres) under CRP-1.

  **Note:** See subparagraph 405 E.

- **all** land under CRP-1 is transferred to EWRP, WRP, or EWP Floodplain Easement according to paragraph 392
- CRP practice or practices failed on **all** land under CRP-1 according to subparagraph 445 B and COC determines the cost of restoring the cover outweighs the benefits received from the restoration
- land under CRP-1 is under lease for gas, oil, earth, or mineral rights and the owner of these rights exercises the option to extract the gas, oil, earth, or minerals on **all** of the land under CRP-1 according to paragraph 100
- CRP-1 was approved based on erroneous eligibility determinations according to paragraph 281.

**Note:** Use paragraph 358 for termination of CRP-1 under early termination provisions.

COC shall terminate **part** of the land under CRP-1 before its expiration date, if any of the following are met:

- participant loses control of or transfers **part** of the land under CRP-1 and there is no successor in interest
- COC could not determine that a good faith effort was made according to paragraph 405

  **Note:** See paragraph 405 to determine whether all or part of the land under CRP-1 will be terminated.

**355 Terminations (Continued)**

**B Policy for Terminating Part of the Land Under CRP-1**

- **part** of the land under CRP-1 is transferred to EWRP, WRP, or EWP Floodplain Easement according to paragraph 392

- CRP practice or practices failed on **part** of the land under CRP-1 according to subparagraph 445 B and COC determines the cost of restoring the cover outweighs the benefits received from the restoration

- land under CRP-1 is under lease for gas, oil, earth, or mineral rights and the owner of these rights exercises the option to extract the gas, oil, earth, or minerals on **part** of the land under CRP-1 according to paragraph 100

- part of the land under CRP-1 was approved based on erroneous eligibility determinations according to paragraph 281

- **both** of the following conditions are met:

  - **all** signatories to CRP-1 request, in writing, to terminate part of the acreage under an approved CRP-1

  - the later of the following:

    - CRP-1 has been effective for at least 2 years

    ***--Exception:** CRP-1's that have been re-enrolled do not have to be in effect for at least 2 years.

    **Example:** CRP-1 number 196 was enrolled in 1997 and was scheduled to expire September 30, 2007, but was re-enrolled under REX with an effective date of October 1, 2007. CRP-1 does **not** have to be in effect for 2 years to request a partial termination.**--***

    - the approved cover is established on the acreage.

  **Notes:** STC's may approve requests for termination of part of the land under CRP-1 that do not meet all of these requirements if EBI does not decrease. If EBI decreases, the request may only be approved by DAFP.

  If the EBI change results in a change in the maximum payment rate, the producer is limited to the lesser of the following:

  - the offered rental rate per acre offered on CRP-1
  - the recalculated maximum payment rate.

  Requests for termination of part of the land under CRP-1 that do not meet all of these requirements may only be approved by DAFP.

## 355 Terminations (Continued)

### B Policy for Terminating Part of the Land Under CRP-1 (Continued)

Requests for DAFP approval of termination of part of the land under CRP-1 **must** include, at a minimum:

- written request, signed by all signatories to CRP-1, to terminate part of the acreage under an approved CRP-1 that includes the reason for termination and what the land will be used for after termination
- COC and STC recommendations
- map of acreage to be terminated
- copy of original CRP-2 or CRP-2C and revised CRP-2 or CRP-2C with **all** item numbers completed for acreage that will remain enrolled in CRP. Participants shall **not** sign revised CRP-2.

**Note:** Use paragraph 358 for termination of CRP-1 under early termination provisions.

### C Terminating CRP-1

COC shall do the following when terminating all or part of the land under CRP-1:

- clearly document the facts in the COC minutes
- on CRP-1, write, "Terminated for (reason), REF COC minutes of (date of COC meeting)"

  **Note:** Person making entries shall initial and date.

- cancel automated CRP-1

  **Important:** Terminated CRP-1's may only be reinstated by DAFP. Neither COC's nor STC's have authority to reinstate a terminated CRP-1.

## 355 Terminations (Continued)

### C Terminating CRP-1 (Continued)

- notify each CRP-1 participant of all of the following:
  - reason for termination
  - they are no longer required to comply with terms of CRP-1 for which they no longer have an interest
  - they are ineligible to receive future CRP payments for acreage terminated
  - conservation compliance provisions apply
  - when part of the land under CRP-1 is terminated, they have 60 calendar days to obtain all signatures on revised CRP-1

    **Note:** If all signatures are not obtained within 60 calendar days of notification by COC, CRP-1 shall be terminated.
  - amount that **must** be refunded
- request refund of all of the following (see Exhibit 39):
  - all annual rental payments plus interest
  - all C/S payments, plus interest
  - CRP-SIP, plus interest
  - PIP, plus interest
  - ***--**CP23, one-time WRI payment, plus interest**--***
  - liquidated damages, if applicable according to paragraph 356.

**Notes:** If a participant was assessed a payment reduction during the CRP-1 period, required refunds shall not include the amount of the reduction.

C/S payments may be prorated after the permanent cover has been established for 5 years if COC determines, after consulting with the Conservation District and NRCS, that the established conservation practices have achieved the desired conservation benefits.

A second party review shall be conducted on all refund calculations.

## 355 Terminations (Continued)

### D Requests for Waiver of Refunds

COC shall:

- not request a waiver of refunds until such a request is received from participants, in writing

  **Note:** It is the producer's responsibility to request a waiver of refunds.

- ensure that participants are provided appeal rights

- document requests for waivers in COC minutes

- submit requests for waivers to STC

- not submit requests for waivers to STC if COC does not recommend approval.

**Note:** COC and STC may waive liquidated damages according to paragraph 357.

*****--SED:

- may approve requests for waivers of refunds because of termination of CRP-1 when the total refund amount calculated according to subparagraph C (all annual rental payments and C/S payments, plus interest applicable to both, and liquidated damages) is equal to or less than $20,000, according to equitable relief provisions in 7-CP

  **Example:** The total refund amount calculated according to subparagraph C is $23,000. The producer requested a waiver of $20,000. Because the total calculated refund amount exceeds $20,000, SED must submit the request for waiver--***** to DAFP if it recommends approval of the waiver.

  **Note:** Sufficient documentation must be maintained when waivers are granted.

- shall document requests for waivers of refunds *** * ***

## 355 Terminations (Continued)

### D Requests for Waiver of Refunds (Continued)

- shall submit all cases for waivers of refunds to DAFP for relief, when the total refund ***--**amount calculated according to subparagraph C exceeds $20,000**--***

  **Note:** The cases shall contain the following:

  - copy of participant's written request for relief
  - copy of COC and STC minutes thoroughly documenting request and justification
  - copy of all applicable forms and documents in the case file, including but not limited to CRP-1's, CRP-2's, CRP-2C's, copy of aerial photocopies, conservation plans, land deeds, etc.
  - all documentation used by COC and STC during review
  - narrative of the case in chronological order.

    **Note:** Incomplete case files may delay response.

- shall not submit requests for waivers of refunds to DAFP if STC does not recommend approval.

### E Refunds Not Required

Refunds of CRP-1 payments are not required of:

- operators when the administrator or heirs of an owner's estate do not become successor in interest to CRP-1
- the owner's estate if the estate or the heirs do not succeed to CRP-1

  **Note:** If the owner's estate succeeds to CRP-1, and the heirs subsequently do not succeed, refunds are not required from the estate.

- heirs if the deceased has no estate and the heirs do not succeed to CRP-1

## 355 Terminations (Continued)

### E Refunds Not Required (Continued)

- participants when both of the following apply:

  - an operator's estate wants to succeed to CRP-1
  - the landowner refuses to sign a revised CRP-1

- participants when CRP-1 is being terminated to enroll the acreage in a State conservation program, EWRP, WRP, or EWP Floodplain Easement

- participants when CRP-1 was approved based on an erroneous ownership or operatorship determination as provided in paragraph 281, and CRP-1 is terminated because of the erroneous determination

  **Note:** This provision applies to land enrolled beginning with signup 13.

- participants when CRP-1 was approved based on an erroneous land eligibility
  ***--**determination according to paragraph 281, and CRP-1 is terminated because of the**--***
  erroneous determination

  **Note:** This provision applies to land enrolled beginning with signup 13.

- participants when COC determines that CRP-1 shall be terminated, based on provisions in subparagraph 445 B

  **Note:** COC shall clearly document in COC minutes that the costs of restoring the cover outweigh the benefits received from the restoration.

- participants when CRP-1 is being terminated under early contract termination provisions.

**Note:** See paragraph 358 for policy regarding payment reductions for noncompliance before release.

## 355 Terminations (Continued)

### F CRP-1 Terminated Because of Foreclosure

CRP participants shall not be required to refund payments received when CRP-1 is terminated because of foreclosure, regardless of the foreclosure date.

**Note:** Sufficient documentation must be provided to COC verifying the CRP acreage was foreclosed upon.

If the participant regains control of the land under contract, CRP-1 will be in effect on the date of the foreclosure shall apply.

**Note:** See paragraph 360.

### G Land Acquired Under Eminent Domain

CRP land acquired under threat of condemnation or by eminent domain for public use is considered an involuntary loss of land by the participant.

COC shall:

- terminate the CRP acres acquired through condemnation or eminent domain

  **Exception:** CRP acreage may be continued under CRP-1 if there is minimal impact on the affected acreage and the vegetative cover is maintained.

- waive the refund of annual rental payments and C/S payments

- not assess liquidated damages.

**Note:** CRP payments shall be prorated to eligible participants based on the date the land was acquired by eminent domain.

## 356 Assessing Liquidated Damages

### A Determining Liquidated Damages Amounts

To determine the amount when assessing liquidated damages, multiply the number of acres being terminated times 25 percent times the annual rental rate.

### B When to Assess Liquidated Damages

**Before CRP-1 is approved,** assess liquidated damages when the producer withdraws any offers during the irrevocable period.

**Exception:** Liquidated damages shall not be assessed before CRP-1 is approved when the producer withdraws any request for CRP participation under the continuous signup provisions.

**After CRP-1 is approved, COC** shall assess liquidated damages if an original or revised CRP-1 that was accepted in a signup held **after** July 17, 1987, is terminated.

### C When Not to Assess Liquidated Damages

Do not assess liquidated damages if:

- CRP-1 participant is adversely affected by a person determination or by being determined ***--**not "actively engaged" according to 1-PL or 4-PL, as applicable, and withdraws from**--***
  CRP-1

- CRP land is acquired under eminent domain or acquired by an entity with the right of eminent domain, according to paragraph 355

- CRP land is under an existing lease for earth, oil, gas, or other mineral exploration before submission of CRP, and lessor exercises rights under the lease

## 356 Assessing Liquidated Damages (Continued)

### C When Not to Assess Liquidated Damages (Continued)

- CRP-1 was accepted in a signup held before July 17, 1987, and is terminated
- an estate does not succeed to CRP-1
- all signatures are not obtained after the offer is determined acceptable.

**Note:** If all signatures are not obtained after offer is determined acceptable, the offer is determined ineligible and CRP-1 shall not be approved.

**Examples:** CRP land was originally determined eligible and then found to be ineligible before CRP-1 is approved because the land is under a restrictive cropping easement.

CRP-1 is terminated because land was determined ineligible because land is under a restrictive cropping easement.

## 357 Waiving Liquidated Damages

### A Request for Waiver

Determinations to waive liquidated damages shall be made on a case-by-case basis. CRP-1 termination does not automatically warrant waiving liquidated damages. When considering granting waivers, COC and STC shall consider:

- the future use of the terminated CRP acreage
- the circumstances in which the contract was terminated
- the agreement by the participant at time of enrollment to remove the acreage from production for the full term of CRP-1
- whether the acreage will be restored to production
- the effect the termination has on the participant.

COC may waive up to 50 percent of the assessed liquidated damages or recommend waiver of 100 percent to STC.

STC may approve requests to waive all liquidated damages.

**Liquidated damages shall not be waived when COC or STC determines there was not a good faith effort to comply with the terms and conditions of CRP-1.**

### B Submitting Waiver Requests

COC shall submit fully documented requests to STC. Include the following when preparing requests:

- producer's written request
- COC findings
- specific COC recommendations and basis for recommendation, including determination on whether liquidated damages shall be assessed
- copies of all program documents and other County Office records.

## 358 Early Contract Termination

### A Policy for Early Contract Termination

Certain contracts for land enrolled in CRP before January 1, 1995, may be terminated by all CRP participants on CRP-1 at any time after the contract has been in effect for at least 5 years. The effective date of CRP-1 for determining whether a contract is eligible for early contract termination is October 1 of the first year of the contract.

Early contract termination provisions are not applicable to CRP-1's beginning with signup 13.

**Note:** Acreage terminated from CRP will be eligible for subsequent CRP enrollment if it is otherwise eligible.

### B Termination Request

CRP participants may request early termination of all or any part of the eligible acreage under contract by completing CRP-41. There is no specific signup for early termination.

COC or designee shall approve all eligible requests upon notification of eligibility by NRCS.

**Note:** CRP-41 shall be void if all CRP participants on a contract do **not** sign revised CRP-1. See subparagraph D.

## 358 Early Contract Termination (Continued)

### C Completing CRP-41

Complete CRP-41 according to this table.

| Item Number | Instructions |
|---|---|
| 1 | Enter State and county codes. |
| 2 | Enter CRP signup number. |
| 3 | Enter CRP-1 number for the acres being terminated.<br><br>**Note:** If contract was revised for a partial release, enter new CRP-1 number. |
| 4 | Enter date all participants sign CRP-41. |
| 5 | Enter the effective date of CRP-41. The effective date shall be 60 calendar days from the date all participants sign CRP-41, if approved by COC. |
| 6 | Enter farm number. |
| 7 | Enter the number of acres:<br><br>• the participant requests to terminate<br>• determined eligible after NRCS review. |
| 8A through 10A | All CRP-1 participants shall sign CRP-41. If the participants cannot reach an agreement on releasing the acreage, the request shall be denied. |
| 11 | CCC representative shall sign and date. |
| 12 | Enter County Office name, address, and telephone number. |

# 358 Early Contract Termination (Continued)

## C Completing CRP-41 (Continued)

This is an example of CRP-41.

REPRODUCE LOCALLY. Include form number and date on all reproductions. Form Approved - OMB No. 0560-0125

**CRP-41** (04-15-96) U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation

**CONSERVATION RESERVE PROGRAM EARLY TERMINATION AGREEMENT**

| 1. ST. & CO. Code | 2. Signup Number | |
|---|---|---|
| 42 014 | 4 | |
| 3. Contract Number/ Expiration Date | 4. Request Date | 5. Effective Date |
| 128/ 09-30-9X | 05-31-9X | 08-01-9X |
| 6. Farm Number | 7. Acres | |
| 1167 | Requested ▸ | 87 |
| | Eligible After NRCS Review ▸ | 79 |

**8. TERMS OF EARLY TERMINATION AGREEMENT**

This agreement is made between Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, and tenants (referred to as "participants"). By signing this document, CCC agrees to terminate the CRP-1, Conservation Reserve Program Contract, identified in item 3 above and to reinstate crop acreage bases, allotments, or quotas effective date of the termination. Termination requests shall become effective 60 days from the date the Farm Service Agency (FSA) receives all participant signatures on this document provided the acreage is determined eligible by FSA and the Natural Resource Conservation Service (NRCS). In return, the participant agrees to accept a prorated final rental payment to the effective date of the termination. The participant(s) understand that acreage used for crop production must be in compliance with the conservation compliance requirements of the Food Security Act of 1985, as amended, in order to receive USDA benefits. This agreement is irrevocable.

| 8A. Operator Name and Address | B. Social Security Number | |
|---|---|---|
| Sam Operator<br>123 Columbia Pike<br>Westville, PA. | 195-00-1111 | |
| | C. Signature<br>*/s/ Sam Operator* | Date<br>*05-31-9X* |
| **9A. Owner Name and Address** | **B. Social Security Number** | |
| Samantha Owner<br>321 Main Street<br>Eastville, PA. | 195-99-8888 | |
| | C. Signature<br>*/s/ Samantha Owner* | Date<br>*05-31-9X* |
| **10A. Name and Address** | **B. Social Security Number** | |
| | C. Signature | Date |

| 11. Signature of CCC Representative | Date | 12. County FSA Office Name and Address |
|---|---|---|
| */s/ Max Smith* | *06-14-9X* | 213 Mainline Rd.<br>Midville, PA.<br>Telephone No. (area code): |

13. REMARKS

(1) 7ac in field #2 not eligible due to E1 > 15
(2) 1ac in field #4 not eligible - located within 100ft. of a stream

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1980, as amended. The authority for requesting the following information is 7 CFR Parts 704 and 1410. The information will be used to authorize early release from contractural requirements of the participants CRP contract. Furnishing the requested information is voluntary. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.*

*Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM (OMB No. 0560-0125), AG Box 7630, Washington, D.C. 20250.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.

## 358 Early Contract Termination (Continued)

### D Effective Date

The contract termination shall become effective 60 calendar days from the date all participants sign CRP-41, if approved by COC. Contract acres must remain in compliance with the terms and conditions of CRP-1 until the effective contract termination date.

**Exception:** For FY 1996 only, terminated acreage may be used for any purpose upon receiving a determination from COC that the acreage is eligible.

CRP-41 shall be void if all CRP participants on a contract do not sign revised CRP-1 for acreage remaining under contract.

### E Ineligible Land

All requests shall be forwarded to NRCS or TSP for land eligibility determinations.

All acreage enrolled in signup periods 1 through 12 is eligible for early contract termination except for acreage that:

- has been enrolled for less than 5 years

  **Note:** Calculate the 5-year period beginning with October 1 of the first year of the contract.

- is subject to frequent flooding
- has an EI greater than 15
- is located within an EPA-designated wellhead protection area
- was accepted under the wetland eligibility criteria in signup period 8 or 9
- is considered to be a wetland
- would be required to serve as a wetland buffer, according to FOTG, to protect the functions and values of a wetland

## 358 Early Contract Termination (Continued)

### E Ineligible Land (Continued)

- is devoted to the following practices:
  - practices on which a useful life easement is filed
  - Field Windbreaks
  - Grass Waterways

    **Note:** This includes those waterways that:

    - have been cost-shared by USDA
    - have been cost-shared by others
    - based on need would otherwise apply and be installed according to the local FOTG.
  - Shallow Water Areas for Wildlife
  - Vegetative Filter Strips
  - Bottomland Timber Established on Wetlands
  - Shelterbelt
- is located within an average width according to FOTG of a perennial stream or other permanent water body.

## 358 Early Contract Termination (Continued)

### F Early Release Policy on Ineligible Acres

Based on its environmental importance, certain CRP acreage was determined ineligible for early release. This acreage shall remain under CRP-1. Participants shall **not** terminate CRP-1 containing acreage determined ineligible for early release, even if the participant is willing to refund all payments received, plus interest, and liquidated damages. The CRP practices shall be continued and maintained according to the conservation plan of operation.

CRP practices that are destroyed before contract expiration shall be re-established at the participant's expense.

### G CRP Violations on Acreage Ineligible for Early Release

If a participant, who was approved for early release, fails to fully perform the terms and conditions of CRP-1 containing remaining ineligible early release acreage:

- COC shall **not** cancel or terminate CRP-1
- County Offices shall assess a payment reduction according to subparagraph 405 F
- NRCS or TSP shall make determinations, where appropriate, which could result in denial of all applicable USDA benefits for failure to follow the appropriate conservation plan or system.

### H Restoring Bases, Allotments, or Quotas

Producers who terminate CRP acreage under the early termination provisions may select which bases, allotments, or quotas shall be restored.

## 358 Early Contract Termination (Continued)

### I Processing Modifications

Process all base, allotment, and quota modifications for early termination according to the following.

- If only part of the contract acreage is being terminated, revise the original CRP-1 to separate the acreage remaining under contract from the acreage being terminated. Follow 1-CRP, paragraph 288 to revise CRP-1.

  **Note:** CRP-41 shall be void if all CRP participants on a contract do not sign revised CRP-1. See subparagraph D.

- To calculate base, allotment, and quota designation for the acreage being removed for early termination, divide the acreage on CRP-1 that will be canceled for early termination by the total original contract acreage. Use this prorated factor to determine bases, allotments, and quotas that will be restored.

- To calculate base, allotment, and quota designation for the acreage that will remain in CRP, divide the acreage on CRP-1 that will remain in CRP by the total original contract acreage. Use this prorated factor to determine bases, allotments, and quotas that will remain reduced on the revised CRP-1.

**Example:** 500 acres of CRP on contract 10
100 acres of corn base reduced
100 acres of wheat base reduced

300 acres of CRP removed for early termination on contract A
200 acres remaining in CRP on contract B

300 (acres being terminated on contract 10A) ÷ 500 (total CRP acres on 10) = .6000

200 (acres remaining on contract 10B) ÷ 500 (total CRP acres on 10) = .4000

.6000 x 200 (total CAB reduction on contract 10) = 120 acres of CAB on the acreage being terminated (contract A)

.4000 x 200 (total CAB reduction on contract 10) = 80 acres of CAB on the acreage remaining in CRP (contract B)

Of the 120 acres of CAB that will be released from CRP, the producer may choose any combination of the 200 acres that was originally reduced. The remaining 80 acres of CAB will be the resulting CAB reduction for contract B.

## 358 Early Contract Termination (Continued)

### J Conservation Plans

6-CP provisions apply to terminated acreage if the producer intends to receive certain other USDA benefits. A conservation system is not required on nonhighly erodible fields.

### K Payments

Depending on the effective date of the contract termination, the producer may be required to select a prorated CRP payment or a full PFC payment if the acreage is enrolled in DCP

**Note:** See 1-PF.

Final payments on the terminated acres shall be prorated from the beginning of FY to the effective date of the termination.

**Note:** Do not include the release date when calculating prorated payments.

Payment reductions for noncompliance before release, if applicable, shall be deducted from the final payment.

## 358 Early Contract Termination (Continued)

### L Incidental Grazing Policy

Grazing may be permitted on acreage not eligible for early termination if it is **both** of the following:

- considered incidental
- included as part of a grazing plan

**Note:** The determination of whether grazing is "incidental" shall be made by STC or designee.

Certain CRP acreage ineligible for early termination may be grazed when either of the following conditions exists:

- grazing is incidental to the gleaning of the crop residue on surrounding acreage

- only a minimum amount of CRP acreage is determined ineligible and the participant wants to use the surrounding acreage as pasture.

**Example of Meeting Minimum Amount:** In a 50-acre CRP field, the participant is required to maintain a grass waterway that covers 1 acre.

**Example of Not Meeting Minimum Amount:** In a 20-acre CRP field, 10 acres are ineligible for early release. The participant requests to establish a rotational grazing system on the entire 20 acres, where livestock will periodically use the acreage ineligible for early release.

## 359 CRP Land in State or Federal Receivership

### A Policy

CRP-1's on land subsequently placed in State or Federal receivership, **subject to RA's concurrence**:

- do not have to be terminated
- may continue to earn payments if CRP-1 terms and conditions are satisfied.

### B Court-Appointed Receiver

A Receiver is appointed by the court to manage the assets of a landowner. However, the Receiver:

- shall not be a successor to CRP-1
- is not required to sign CRP-1.

**Note:** A court-appointed Receiver "stands in the shoes" of the landowner as the CRP participant.

Contacts about CRP-1 should be made with the Receiver.

### C Continuing CRP-1 on Land in State or Federal Receivership

**Do not** revise CRP-1 **until** the land is sold to an eligible participant who agrees to continue CRP-1.

If land is subsequently sold and CRP-1:

- will be continued, follow paragraph 335 for revisions
- will **not** be continued, follow paragraph 355 for terminations.

### D Issuing CRP Payments for Land in State or Federal Receivership

Payments shall, subject to RA concurrence, be:

- made to the eligible CRP participant, using the producer's ID number
- mailed to the State or Federal Receiver.

**Note:** Do not make payments to the Receiver.

## 360 CRP-1 in Bankruptcy

### A Bankruptcy Policy

Because of the complexity of the U.S. Bankruptcy Code provisions:

- there are no established **standard procedures** regarding producers who have filed for protection under the bankruptcy law

- STC's and COC's shall, **in all cases**, determine program eligibility involving bankruptcy cases based on the **advice** of RA.

If CRP-1 is terminated because of bankruptcy, refunds are not required from any signatories on CRP-1.

### B CRP-1 Considered Executory Contract

CRP-1's are considered **executory** contracts.

CRP-1's approved **before** filing a petition for bankruptcy shall be **affirmed** by the Trustee or Debtor in Possession:

- upon order of the court
- after notice and hearing as determined by RA.

**Note:** No payments shall be made under CRP-1's, after filing the petition, **until** there is a court order agreed to by RA permitting assumption and an actual assumption.

### C Chapter 7

When a producer files a Chapter 7 bankruptcy petition, the Trustee must obtain approval from the Bankruptcy Court within 60 calendar days of filing the bankruptcy petition to assume CRP-1. Otherwise, CRP-1 **shall** be terminated according to paragraph 355. Refunds, however, are not required.

## 360 CRP-1 in Bankruptcy (Continued)

### D Exception to Chapter 7

If the Trustee does not affirm CRP-1 within 60 calendar days of filing the bankruptcy petition, CRP-1 may be reaffirmed with the debtor if:

- the parties elect to continue CRP-1 with FSA, waiving any breach deemed to have occurred by the lack of affirmation by the Trustee
- the debtor shows the property has been abandoned by the Trustee, leaving the debtor in a position to continue to comply with the terms and conditions for the full term of CRP-1
- agreeing to the reaffirmation will not compromise FSA's or CCC's interest
- RA agrees to defend the reaffirmation.

**Note:** A formal court approved reaffirmation will generally not be required.

### E Chapters 11 and 13

Producers must also affirm or reject CRP-1's under Chapters 11 and 13. However, there is no requirement to assume CRP-1 within 60 calendar days. The reorganization plan shall include an affirmation or rejection of CRP-1 when filed with the Bankruptcy Court.

**Note:** If the reorganization plan has not been filed, request guidance from RA about when CRP-1 would have to be assumed by the Debtor in Possession, his or her estate, or his or her Trustee.

**361-370 (Reserved)**

# Part 15 CRP Funds

## 371 Maximum Annual Non-C/S Payments

### A Guidelines

***--**The maximum annual non-C/S payment that an eligible "person" according to 1-PL or person or legal entity according to 4-PL, can receive under CRP is $50,000 per FY. This is a**--***separate payment limitation applying only to CRP non-C/S payments. See Exhibit 27.

This limitation does not apply to a State, political subdivision, or agency approved under a special enhancement program. Annual rental payments made to a State under a State CRP enhancement agreement shall be credited against the payment limitation of the producer who entered into the State CRP enhancement agreement with the State.

**Important**: State CRP enhancement agreements are **not** Conservation Reserve Enhancement Program agreements.

The Finality Rule does not apply to CRP annual rental or incentive payments. See paragraph 375.

### B Calculating Maximum Annual Payment Limitation

***--**The formula to calculate the $50,000 per person according to 1-PL or person or legal entity according to 4-PL, FY maximum annual payment limitation is:

(Annual rental payments) + (CRP-SIP's) + (PIP's) + (CP23 one-time WRI payments for CRP-1's approved before November 3, 2008).**--***

**Important:** All incentive payments made by CCC under a CREP agreement shall be included when calculating the FY annual payment limitation. States with approved CREP agreements shall provide procedure for calculating applicable incentive payments and ensuring the FY annual payment limitation is not exceeded.

## 371 Maximum Annual Non-C/S Payments (Continued)

### C Participants Exceeding the Maximum Payment Limitation

***--**If the applicable payments (annual rental payment, CRP-SIP, PIP, CP23 one-time WRI payment, and any applicable CREP incentive payment) will cause the maximum payment limitation to be exceeded, the applicable payments shall be reduced by the applicable amount.

Because CRP-SIP, PIP, and CP23 one-time WRI payment are all one-time payments, if the participant's CRP-SIP, PIP, and/or CP23 one-time WRI payment will result in the participant exceeding the $50,000 FY annual payment limitation:

- COC shall reduce the applicable payment
- the amount exceeding the payment limitation shall never be paid.

**Example:** Jane Doe received 3 annual rental payments on October 7, 2003, totaling $48,500. On July 10, 2004, Mrs. Doe enrolled more land and was eligible to receive a CRP-SIP in the amount of $2,000. The annual rental payments plus the CRP-SIP total $50,500. Because the total payments exceed the maximum payment limitation ($50,000), the CRP-SIP shall be reduced by $500 ($50,500 - $50,000). The $500 of the CRP-SIP not paid in FY 2004 shall never be paid.

If a participant's CRP annual rental payments **only** (not including CRP-SIP, PIP, and/or CP23 one-time WRI payment) will exceed the $50,000 per FY payment limitation, COC**--***shall:

- reduce the annual contract payment entry on CRP-1

- enter the payment reduction amount in the automated system according to 1-CRP. See Exhibit 27 for examples.

## 371 Maximum Annual Non-C/S Payments (Continued)

### C Participants Exceeding the Maximum Payment Limitation (Continued)

COC may have to modify the reduced amount during the term of CRP-1 depending on other CRP-1's in which the participant has an interest.

**Example:** Mike Jones has an interest in CRP-1 number 10 and receives $40,000 annual rental payment from that CRP-1. Mr. Jones enrolls 300 acres at $50 per acre with 100 percent share (300 x $50 = $15,000) on CRP-1 number 58 with an effective date of October 1, 2003. CRP-1 number 10 is scheduled to expire September 30, 2003.

Because of the $50,000 FY payment limitation, COC shall reduce Mr. Jones' annual rental payment for CRP-1 number 58 by $5,000. The $5,000 that was not paid shall never be paid. However, Mr. Jones may receive the full $15,000 for CRP-1 number 58 when CRP-1 number 10 expires, provided all other eligibility requirements are met.

**Note:** COC's shall not change CRP-1's that are reduced because of original CRP-1 payment limitation provisions. See Exhibit 27.

If a participant's CRP annual rental payment will exceed the $50,000 per FY payment
***--**limitation only because of a CRP-SIP, PIP, and/or CP23 one-time WRI payment was**--***
issued **before** the annual rental payment in the same FY:

- COC shall reduce the applicable annual rental payments
- the amount exceeding the payment limitation shall never be paid
- County Office shall not enter the payment reduction in System 36 as a permanent reduction.

**Example:** Judy Jackson received a CRP-SIP of $2,000 on October 2, 2003. Mrs. Jackson has an interest in 3 CRP-1's with annual rental payments totaling $49,000. The County Office will be making FY 2004 CRP annual rental payments on October 6, 2003. The CRP-SIP plus the annual rental payments total $51,000. Because the total payments exceed the maximum payment limitation ($50,000), the applicable annual payment shall be reduced by $1,000 ($51,000 - $50,000). The $1,000 of annual rental payment not paid in FY 2004 shall never be paid. Provided all other eligibility requirements are met, Mrs. Jackson will receive the full $49,000 in annual rental payments for the 3 CRP-1's after October 1, 2004.

**Note:** Do not enter the payment reduction in System 36 as a permanent reduction if the annual rental payment will be reduced only 1 time.

## 371 Maximum Annual Non-C/S Payments (Continued)

### D Successor-in-Interest CRP-1's

Following are ways payment limitation provisions apply when CRP-1 is revised because of successor in interest.

- ***--**CRP-1 amount cannot exceed the uncircled entry of the original CRP-1 for CRP-1's before signup 15**--***

- The annual payment entry on CRP-1 shall be reduced if the maximum payment limitation will be exceeded

- Circled entries on a nonoriginal CRP-1 can be increased to the amount of the original CRP-1.

  **Note:** CRP payments may continue to heirs of owners according to 1-PL. See paragraph 343 for succession in interest provisions.

### E Multi-County Producers

Follow 1-PL to control CRP payments for participants who have farming interest in more than 1 county.

## 372 Making CRP Payments

### A Rounding CRP Payments

Each of the following CRP payments shall be rounded to the nearest whole dollar using normal rules of rounding:

- annual rental payments
- CRP-SIP
- PIP
- ***--**CP23 one-time WRI payment for CRP-1's approved before November 3, 2008**--***
- C/S payments.

### B Annual Rental Payments

Provided the participant is in compliance with the terms and conditions of CRP-1, disburse annual rental payments as designated on CRP-1.

***--**CRP annual rental payments shall be made, when authorized:**--***

- after:
  - certification of compliance has been received
  - certification of compliance with adjusted gross income limitation has been received ***--**according to 1-PL or 4-PL, as applicable
  - AD-1026 has been completed and signed
  - certification of compliance with 1-PL or 4-PL, as applicable, when applicable
  - October 1, for each effective year
  - receiving notice from DAFP authorizing payments to be made

  **Note:** CRP annual rental payments shall **not** be made until all eligibility determinations have been made according to 1-PL or 4-PL, as applicable.**--***

  *** * ***

  - CCC-770-CRP3 (Exhibit 26), items 1 through 7B have been completed
- according to 1-FI and 1-CRP.

**Note:** See paragraph 375 for finality rule.

## 372 Making CRP Payments (Continued)

### C CRP-SIP

CRP-SIP is a one-time incentive payment made to participants that enroll certain practices under continuous signup provisions. See paragraph 125.

Provided the participant is in compliance with the terms and conditions of CRP-1, disburse CRP-SIP's according to the shares on approved CRP-1.

***--**CRP-SIP's shall be made, when authorized:

- after:
  - CRP-1 is approved
  - certification of compliance with adjusted gross income limitation has been received according to 1-PL or 4-PL, as applicable
  - AD-1026 has been completed and signed
  - certification of compliance with 1-PL or 4-PL, as applicable

  **Note:** CRP-SIP's shall **not** be made until all eligibility determinations have been made according to 1-PL or 4-PL, as applicable.**--***

  *** * ***

  - CCC-770-CRP4 (Exhibit 26), items 1 through 11B have been completed
- according to 1-FI and 1-CRP using program code "XXCRPSGNI".

**Note:** See paragraph 375 for finality rule.

## 372 Making CRP Payments (Continued)

### D PIP

PIP is a one-time incentive payment made to participants that enroll land in CRP to be devoted to continuous signup practices. See paragraph 125.

Provided the participant is in compliance with the terms and conditions of CRP-1, disburse PIP's according to the shares on approved CRP-1.

***--**PIP's shall be made, when authorized:

- after:
  - CRP-1 is approved
  - certification of compliance with adjusted gross income limitation has been received according to 1-PL or 4-PL, as applicable**--***
  - AD-1026 has been completed and signed
  - participant signs AD-245, page 2, and reports completion of practice
  - NRCS or TSP certifies performance on AD-862
  - all necessary documents to calculate total C/S amount are obtained
  - ***--**certification of compliance with 1-PL or 4-PL, as applicable
  - partial PIP's are not authorized

    **Note:** PIP's shall **not** be made until all eligibility determinations have been made according to 1-PL or 4-PL, as applicable.**--***

    *** * ***

  - ***--**CCC-770-CRP4 (Exhibit 26), items 1 through 11B have been completed
- according to 1-FI and 1-CRP using program code "XXCRPPRI".

**Note:** See paragraph 375 for finality rule.

*--E **CP23 and CP23A One-Time WRI Payment for CRP-1's Approved Before November 3, 2008**

CP23 and CP23A one-time WRI payment is an incentive payment to encourage the restoration of cropped wetlands. See Exhibit 9.

Provided the participant is in compliance with the terms and conditions of CRP-1, disburse CP23 and CP23A one-time WRI payment according to the shares on approved CRP-1 only for CRP-1's approved before November 3, 2008.

CP23 and CP23A one-time WRI payment shall be made, when authorized:

- after:
  - CRP-1 is approved
  - certification of compliance with adjusted gross income limitation has been received according to 1-PL or 4-PL, as applicable--*
  - AD-1026 has been completed and signed
  - participant signs AD-245, page 2, and reports completion of practice
  - technical agency certifies performance on AD-862
  - all necessary documents to calculate total C/S amount are obtained

  •*--certification of compliance with 1-PL or 4-PL, as applicable

  **Note:** CP23 and CP23A one-time WRI payments shall **not** be made until all eligibility determinations have been made according to 1-PL or 4-PL, as applicable.--*

  * * *

  - CCC-770-CRP4 (Exhibit 26), items 1 through 11B have been completed
- according to 1-FI and 1-CRP using program code "XXCRPWRI".

**Note:** See paragraph 375 for finality rule.

**F Prompt Payment**

CRP participants who are issued CRP payments more than 30 calendar days after payments are authorized shall receive interest under the Prompt Payment Act according to 61-FI. See 50-FI for prompt payment interest rates.

## 373 Dividing Payments Among Participants for Successor-in-Interest CRP-1's

### A CRP Rental Payments

Earned CRP annual rental payments **shall** be paid according to the division of shares agreed to by the participants on CRP-1. The division of shares on the approved CRP-1 shall be applicable for the duration of CRP-1.

### B Dividing CRP Payments Among Predecessor and Successor Participants

Annual rental payments shall be divided between predecessors and eligible successors as agreed to among the participants if both of the following are met:

- COC determines there is no scheme and device to defeat or circumvent the purpose of any program provision, including payment limitation and permitted entity provisions

- eligible successors-in-interest sign a revised CRP-1 within 60 calendar days of notification by COC.

If there is no agreement among predecessors and eligible successors, annual rental payments shall be divided based on the earlier of the date the:

- deed is recorded on the land records

- successor acquired right of occupancy, through foreclosure proceedings, of the land under CRP-1.

  **Note:** This provision only applies to land acquired through foreclosure proceedings. See paragraph 345 for succession in interest provisions.

## 373 Dividing Payments Among Participants for Successor-in-Interest CRP-1's (Continued)

### B CRP Rental Payments for Succession-in-Interest (Continued)

CRP participants shall be responsible for either:

- refunding any payments that may become due if CRP-1 is not assumed
- ensuring that the successor in interest agrees to and signs, if applicable, the version of CRP-1 Appendix in effect when the preceding CRP-1 was signed.

If acreage under CRP-1 is sold to a successor and the successor sells the acreage before the County Office becomes aware of the initial sale, the newest owner may be allowed to succeed to CRP-1.

**Notes**: No payment shall be made from the date the original owner sold the land and the earlier of the following:

- the date the third party files the deed
- the date the third party acquires right of occupancy, through foreclosure proceedings, of the land under CRP-1.

If the original owner received payments earned after the sale of the land, refunds of that amount, plus interest, shall be collected from the original owner. Issue applicable payments to new owner.

If a successor terminates CRP-1 and the predecessor has earned part of the annual rental payment, the successor shall be responsible for refunds, including the amount earned by the predecessor.

**Note:** Ensure that the payment is issued to the predecessor even though CRP-1 is terminated. No interest will be charged on this amount.

When dividing CRP annual rental payments between previous owners and new owners, select all participants for special payment processing according to 1-CRP, paragraph 355.

## 374 Recording Payments

### A Forms to Use

Record payments according to the following.

| Form | Payment |
|---|---|
| AD-245 | Record C/S payments. |
| FSA-695 | Record annual rental payments.<br><br>• See Exhibit 41.<br>• File FSA-695 according to 25-AS.<br><br>**Note:** Using FSA-695 is optional. |

*** * ***

***--**Once initiated, all FSA-695's shall be maintained with the producer's CRP-1 folder until**--***
the CRP-1 expiration date.

## 375 Refunds, Offsets, and Assignments

### A Preparing Payments

Use the following handbooks and procedures to process refunds, offsets, assignments, and joint payments:

- for refunds, see 3-FI

  **Note:** For examples to determine refund amounts, see Exhibit 39.

- for offsets, see 1-FI and 6-FI

- for receivables, see 67-FI

## 375 Refunds, Offsets, and Assignments (Continued)

### A Preparing Payments (Continued)

- for claims, see 58-FI and 64-FI
- for assignments:
  - prepare CCC-36 according to 63-FI
  - assign only cash payments
- for joint payments, prepare CCC-37 according to 63-FI.

### B Finality Rule

The Finality Rule does **not** apply to any of the following CRP payments:

- annual rental payments
- CRP-SIP's
- PIP's
- ***--**CP23 and CP23A one-time incentive payments for CRP-1's approved before November 3, 2008.**--***

### C Assigning CRP Cash Payments

CRP cash payments may be assigned to secure or pay pre-existing debts.

Prepare CCC-36 and determine priority for honoring assignments according to 63-FI.

## 376 Nonresident Alien Income Tax

### A Withholding Nonresident Alien Income Tax

If nonresident alien income tax is to be withheld:

- see 62-FI
- prepare and distribute IRS-1042 and IRS-1042S.

## 377 Debts and Collections

### A CCC Claims

Debts arising under CRP become CCC claims.

### B Late Payment Interest

These debts are subject to late payment interest charges. See 58-FI.

## 378 Paying Amounts Due Persons Who Are Dead, Missing, or Incompetent

### A Preparing FSA-325

If a participant has earned a payment, including a C/S payment, but is dead, missing, or incompetent, prepare FSA-325 according to 1-FI and 1-CM.

Payment shall be made to the successor or representative of the participant according to FSA-325.

When CRP-1 is terminated, the deceased, missing, or incompetent shall earn payment through the date of death, loss, or declaration of incompetency.

### B Who Succeeds to CRP-1

For CRP purposes, the administrator of an estate or heirs of the deceased have the following choices:

- agree to become successor in interest to CRP-1

- refuse to become successor in interest. COC shall terminate CRP-1 according to paragraph 355.

**Note:** Operator may only be replaced if the operator or tenant voluntarily relinquishes his or her rights, in writing, or is no longer considered an eligible participant. See paragraph 335.

## 379 Charging Interest

### A Interest on Refunds

Use the rate of interest CCC is required to pay for borrowing from the Department of the Treasury on the date payment was issued. See 50-FI.

See Exhibit 39 for calculating refunds.

### B Date Interest Accrues

Interest accrues from the date of disbursement to the earlier of the following:

- date of repayment
- date of first delinquency letter.

**Note:** See 58-FI for an example of a delinquency letter.

### C Establishing Claim

Establish a claim according to 58-FI if a refund is not made within 30 calendar days of the date of the delinquency letter.

## 380 Effects of CRP Annual Payment on Earned Income

### A Not Advising About Earned Income

County Offices shall not advise CRP participants on whether CRP payments should be considered as “earned income” for IRS and Social Security purposes.

### B Referring Participants to Tax Consultant or SSA

County Offices shall refer CRP participants to their tax consultant or SSA for determinations about CRP annual payments as earned income.

## 381-390 (Reserved)

# Part 16 CRP Conversions

## 391 Converting CRP-1's

### A Applicability of CRP Conversions

CRP conversions are:

- applicable to areas established to CP1, CP2, or CP10, under existing CRP-1's which were accepted on or before November 28, 1990

  **Note:** Eligible acres may include areas accepted under CRP-1, based on predominance when erosion criteria qualified the land originally.

- **not** applicable to:

  - areas accepted under CRP-1's based on wetlands, filterstrip, or scour erosion criteria

  - areas already established to hardwood trees, windbreaks, shelterbelts, or wildlife corridors

  - CRP-1's accepted after November 28, 1990.

### B Using Correct CRP-1 Appendix for Conversions

County Offices shall ensure that participants receive the current version of CRP-1 Appendix (Exhibit 21) for each CRP-1 that includes acreage converted to other eligible conservation uses.

Continued on the next page

**C**
**Annual Rental Payments**

Producers electing to convert CRP-1 to other eligible conservation uses are eligible for CRP annual rental payments for the extended life of CRP-1. See Exhibit 43 for examples.

**D**
**Participating in Forest Stewardship Program**

Before making annual rental payments for converted CRP-1's, eligible landowners must **agree** to participate in the Forest Stewardship Program.

**Note:** CRP participants are eligible to receive C/S payments to establish trees on the converted acres.

The forest stewardship plan shall be:

- compatible with the goals and objectives of CRP
- developed by NRCS or TSP and approved by FS representative.

**Note:** CRP conservation plans may be modified, as determined by an FS representative and NRCS or TSP, to incorporate the forest stewardship plan.

Continued on the next page

**E Processing Converted CRP-1's**

CRP participants electing to convert eligible acres to other eligible conservation uses shall:

- request to revise CRP-1 before August 31 of the final year of CRP-1
- provide the number of acres being converted
- provide the number of years CRP-1 will be extended
- if applicable, **redesignate** the required base reductions from the existing CRP-15 for the extended period
- sign and date **all** applicable revised CRP forms.

**Note:** Participants shall receive the **current** CRP-1 Appendix for each revised CRP-1 that includes acreage converted to other eligible conservation uses.

County Offices shall:

- revise CRP-1 to designate **on separate CRP-1's** the acres:
  - being converted and provide participant a current CRP-1 Appendix
  - not being converted and provide participant a copy of the original CRP-1 Appendix
- ensure that participants have completed and signed applicable CRP-1, CRP-1 Appendix, and CRP-15
- enter revised CRP-1 in the system according to 1-CRP by September 30 of the final year of CRP-1.

COC shall approve revised CRP-1's.

**Note:** COC may redelegate authority to CED.

## 392 Transferring Land From CRP to WRP, EWRP, or EWP Floodplain Easement

### A Converting Existing CRP-1's

Land that is subject to an existing CRP-1 may be accepted into WRP, EWRP, or EWP Floodplain Easement at the discretion of NRCS.

When issuing CRP annual rental payments, the amount shall be prorated from October 1 to the filing date of the easement for WRP, EWRP, or EWP Floodplain Easement.

Land identified by NRCS as category 1 or 2 EWP Floodplain Easement **must** be terminated from CRP. Land identified by NRCS as category 3 EWP Floodplain ***--**Easement **may** be terminated from CRP. See paragraph 273.**--***

**Notes:** Do not cancel CRP-1 until all WRP, EWRP, or EWP Floodplain Easement documents are approved and filed. To cancel CRP-1's, see 1-CRP, paragraph 296.

Refunds of C/S payments shall not be required when terminating CRP to enroll in WRP, EWRP, or EWP Floodplain Easement.

Land terminated from CRP is no longer included in the 25 percent cropland limitation or 10 percent easement limitation.

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### B Converting Portion of CRP Acreage

If only a portion of the land subject to CRP-1 is accepted into WRP, EWRP, or EWP Floodplain Easement, terminate only that portion of CRP-1 that is affected by enrollment into WRP, EWRP, or EWP Floodplain Easement as follows.

| Step | Action |
|---|---|
| 1 | Revise CRP-1 into separate contracts using suffix number according to 1-CRP. |
| 2 | After revising CRP-1, terminate CRP-1 for the acres transferring to WRP, EWRP, or EWP Floodplain Easement. |

---

**393-402 (Reserved)**

# Part 17 Compliance and Spot Checks

## 403 General Provisions

### A Participant Responsibilities

All signatories on CRP-1 are jointly and severally responsible for complying with the term and conditions of CRP as stated on:

- CRP-1
- CRP-1 Appendix
- the approved conservation plan
- any other CRP forms.

**Exception:** Beginning with signup 13, only signatories that receive a share of the payment are responsible for compliance.

### B Annual Status Review

NRCS or TSP will complete a status review with the participant and a COC representative, if ***--**available, on up to 10 percent of all CRP-1's before the end of each FY until all practices in the plan are applied and the approved cover is established. The 10 percent required will be based on the total number of CRP-1's approved in the previous FY. Vegetative and treecover establishments are reported to FSA by a status review labeled "Final."

**Note:** FSA and NRSC shall work together to prioritize and select the contracts and practices on which to complete an annual status review.**--***

The State Forestry Agency will provide NRCS or TSP with 2 listings by name and CRP-1 number for contracts having tree plantings that:

- do not have adequate tree cover established or require replanting
- have established adequate tree cover and have not been reported as established
- have not been thinned according to the conservation plan.

**Note:** Certain participants agreed to thin tree stands to receive additional environmental benefits index points when the acreage was offered for enrollment.

NRCS or TSP will provide a copy of this list to FSA indicating "Final Status Review" for these CRP-1's.

## 403 General Provisions (Continued)

### B Annual Status Review (Continued)

Progress of the practice establishment shall be documented, including:

- implementation of the approved conservation plan, including tree thinning, if applicable
- condition of installed practices
- need for revisions
- additional assistance.

NRCS or TSP shall use:

- NRCS-LTP-013, or its related electronic form, for required status reviews

- NRCS-LTP-3, or its related electronic form, to document completion of the annual status review.

NRCS or TSP will provide COC signed copies of the annual status reviews and the following information, if applicable:

- the reason why the practices have not been established
- why the practice does not meet the design standards and specifications
- what action must be taken for the practice to meet the standards and specifications
- the estimated time it will take to meet the standards and specifications.

## 403 General Provisions (Continued)

### C FSA County Office Action

FSA County Offices shall:

- file the annual status review copies in CRP folders
- follow up on noncompliance cases
- conduct annual spot checks according to 2-CP **after** NRCS or TSP certifies on a final status review that the practice is established
- conduct annual spot checks on at least 10 percent of CRP-1's, including CREP, approved for:
  - spot treatment during the primary nesting or brood rearing season according to paragraph 238
  - early land preparation according to paragraph 280.

If NRCS or TSP certifies that a practice has not been established in the final performance review, COC shall determine necessary action. Action may include, but is not limited to:

- terminating CRP-1 according to paragraph 355
- determining that erosion is being controlled adequately with existing cover according to subparagraph 405 D
- participant working with NRCS or TSP to establish an approved cover.

## 404 Certifying Compliance

### A Certification of Compliance

**Before** CRP annual rental payments are issued, a certification of compliance shall be filed on either FSA-578 or CRP-817U by 1 of the following:

- owner on CRP-1
- operator on CRP-1
- person authorized by power of attorney.

**Notes:** See subparagraph B for completing CRP-817U.

Substitute forms are not authorized. State and County Offices shall not develop substitute forms for FSA-578 or CRP-817U.

**A current** AD-1026 and applicable payment limitation forms shall be on file for all participants earning CRP benefits before CRP annual rental payments are issued.

At least 15 calendar days before the end of the reporting period, COC shall notify each CRP participant to file FSA-578 or return CRP-817U.

## 404 Certifying Compliance (Continued)

### B Completing CRP-817U

County Offices shall complete CRP-817U according to this table.

| Step | Action |
|---|---|
| 1 | Enter FSN in item 1. |
| 2 | Enter CRP-1 number in item 2.<br><br>**Note:** Use one CRP-817U for each CRP-1. |
| 3 | Enter the program year for the certification in item 3. Do not enter the CRP-1 year. |
| 4 | Enter applicable CRP practices and the associated number of acres in item 4. |
| 5 | Provide a deadline for returning CRP-817U to the County Office. |
| 6 | Mail CRP-817U to CRP participant. |
| 7 | When the participant returns CRP-817U:<br><br>• ensure that participant signed and dated CRP-817U in item 5<br>• update the following in the System 36:<br><br>  • FSA-578 according to 2-CP<br>  • eligibility flags according to 6-CP and 2-PL. |

# 404 Certifying Compliance (Continued)

## C Example of CRP-817U

This is an example of CRP-817U.

*--

**CRP-817U**
(04-30-08)

**U.S. DEPARTMENT OF AGRICULTURE**
Farm Service Agency

**CERTIFICATION OF COMPLIANCE FOR CRP**

Producers name and address

County Office Address, City, State, Zip and Telephone number

Dear Producer:

Our records indicate that all of the following applied to you in the previous year:

1. That all or a portion of the land of your farm was enrolled in the Conservation Reserve Program (CRP).

2. That you certified compliance with Highly Erodible Land Conservation and Wetland Conservation provisions and have an approved farm operating plan for payment eligibility review (form CCC-502).

If the above statements remain true for the current year, please sign and date the CRP-817U and return it to this office by `Return date` so your CRP rental payment may be processed.

| **IMPORTANT INFORMATION – PLEASE READ AND RETURN BY DATE SPECIFIED SHOWN ABOVE** | | |
|---|---|---|
| 1. Farm number | 2. CRP Contract No. | 3. Program Year of Certification |
| 4. Practice Identification and Acres | | |

I hereby certify that: (1) the information shown above is correct; (2) I have and will continue to comply with **ALL** the terms and conditions of the indicated CRP contract, including the applicable appendix and any addendums; (3) I am in compliance with **ALL** Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) provisions set forth in 7 CFR Part 12; (4) I have filed an approved farm operating plan for payment eligibility review (form CCC-502), in accordance with 7 CFR Part 1400 and there have been no changes in my farming operation; and (5) USDA representatives are authorized to enter upon and inspect the farm indicated above for the purpose of confirming this certification.

**Contact this office immediately if any information shown is** incorrect of if farming interests identified on the farm operating plan referred to above have changed.

| 5. Signature of Producer | Date |
|---|---|

NOTE: *The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

*The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended and the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

--*

## 405 Noncompliance

### A Noncompliance Cases

Notify participant in writing of noncompliance issue according to 4-CP.

Noncompliance cases shall be handled promptly before CRP payments are made for the year.

COC shall determine whether a participant who is in violation of CRP-1 terms and conditions:

- made a good faith effort to comply
- did **not** make a good faith effort to comply.

### B Examples of Noncompliance

COC shall consider a producer to be out of compliance if:

- the approved cover has been harvested or grazed or other commercial use has been made of the forage

  **Exception:** Managed or emergency haying or grazing, as authorized.

- an unauthorized crop, such as an agricultural commodity, has been planted on acreage under CRP-1

- trees have been harvested or sold, or other commercial use has been made of trees, including the shearing or shaping of trees for Christmas trees or removal of pine straw

***--Exception:** Customary forestry activities are authorized.**--***

- producer conducted an activity on CRP acres without authorization, including unauthorized treatment, such as mowing, spraying, and burning of CRP during the primary nesting or brood rearing season

- the State or local noxious weed commission determines that the participant is violating noxious weed provisions and notifies COC that the noxious weeds are not controlled on the designated acres

- the approved cover has not been maintained according to the conservation plan

## 405 Noncompliance (Continued)

### B Examples of Noncompliance (Continued)

- the producer has not performed required management activities according to the conservation plan

- other undesirable weeds, plants, insects, or pests, as determined by COC, are not controlled on the designated acreage

  **Exception:** This does not apply to CRP-1's accepted before November 28, 1990, unless undesirable weeds or plants adversely impact the establishment or maintenance of the approved cover.

- a satisfactory cover or a required practice has not been established or re-established within the time prescribed

- the producer has not complied with landlord and tenant provisions

- there has been a scheme or device that tends to defeat the program

- a false claim has been filed

- a violation of the terms and conditions of CRP-1 has occurred.

### C Joint and Several Liability

If the farm is in violation of CRP-1 terms and conditions, all signatories to CRP-1 are jointly and severally liable for any payment reduction or refunds that may become due to CCC because of noncompliance.

Beginning with signup 13, CRP participants with zero interest in the annual rental payment are not responsible for contract compliance.

### D Participant's Good Faith Effort

If COC determines that the participant made a good faith effort to comply with the terms and conditions of CRP-1 and:

- a practice failed because of natural disaster or through no fault of the participant, do not use this subparagraph

  **Note:** See subparagraph 445 B.

## 405 Noncompliance (Continued)

### D Participant's Good Faith Effort (Continued)

- noncompliance has occurred for reasons other than a practice failing because of natural disaster or through no fault of the participant, COC shall:

  - assess a payment reduction on the affected acres not to exceed the annual rental payments for CRP-1 on which the violation occurred

    **Note:** See subparagraph F.

  - advise the participant that subsequent violations may result in terminating CRP-1.

If noncompliance because of practice failure occurs after the fifth year of CRP-1, COC may determine whether CRP-1 shall be:

- continued without additional C/S, if a permanent cover has failed and adequate cover exists to prevent erosion

  **Note:** Adequate cover to prevent soil erosion does not satisfy tree planting requirements.

- terminated according to paragraph 355.

When determining whether to terminate CRP-1, COC shall consider factors, such as the age of CRP-1 and the cost-effectiveness of re-establishing the practice.

**Example:** COC terminates CRP-1 because, in the eighth year of CRP-1, the producer inadvertently applied a herbicide that killed all ground cover.

## 405 Noncompliance (Continued)

### E Good Faith Effort Not Determined

If COC determines there was not a good faith effort to comply with the terms and conditions of CRP-1 and:

- the participant's request for termination of part of the land under CRP-1 was not approved, COC shall terminate **all** land under CRP-1 according to subparagraph 355 A

  **Example:** Participant has 100 acres enrolled in CRP. Participant requests to terminate part of the acres under CRP-1 to return to crop production. The request is not approved. Producer plants part of the acres under CRP-1 to corn. COC shall terminate all land (100 acres) under CRP-1.

- there was no request to terminate part of the land under CRP-1, COC shall terminate only land in violation according to subparagraph 355 B.

COC must determine there is not a good faith effort to comply with the terms and conditions of CRP-1 if:

- unauthorized grazing is discovered and producer refuses to remove livestock from CRP acreage

- unauthorized haying is discovered and producer refuses to destroy the hay

  **Note:** If the unauthorized hay has already been sold or used by the time the violation is discovered, COC may determine the producer made a good faith effort to comply with the terms and conditions of CRP-1.

- unauthorized planting or harvesting of a crop is discovered and producer refuses to destroy the crop.

  **Note:** If the unauthorized crop has already been sold or used by the time the violation is discovered, COC may determine the producer made a good faith effort to comply with the terms and conditions of CRP-1.

## 405 Noncompliance (Continued)

### F Assessments

The participant shall be assessed payment reductions as follows:

- according to 4-CP for maintenance defaults and unauthorized haying or grazing

  **Notes:** To ensure equity in payment reduction for unauthorized grazing only, COC may:

  - pre-establish payment reduction rates
  - prorate the payment reduction based on the days, weeks, or months the violation occurred.

  See subparagraph E if producer refuses to remove livestock or destroy hay.

- for unauthorized planting or harvesting of a crop, such as annually tilled crops, pine straw, etc., acres in default times current market value times the lesser of the following:

  - established yield for the crop times 2
  - actual yield for the crop times 2

  **Note**: See subparagraph E if producer refuses to destroy unauthorized crop.

- for unauthorized treatment, such as mowing, spraying, and burning, during the primary nesting or brood rearing season, an amount equal to the annual rental payment for the acreage in violation.

Payment reductions shall not exceed the annual rental payments for CRP-1 on which the violation occurred.

When the violation results in termination of acres in violation, participants shall refund payments, according to paragraph 355.

## 405 Noncompliance (Continued)

### G Requests for Waiver of Payment Reductions

COC shall:

- not request a waiver or reduction of refunds unless the request is received from participants, in writing

  **Note:** It is the participant's responsibility to request a waiver or reduction of refunds.

- ensure that participants are provided applicable appeal rights according to 1-APP

- thoroughly document requests for waiver or reduction of refunds in COC minutes

- submit requests for waiver or reduction of refunds to STC only if COC determines that the action is justified based on documented and verifiable facts of the individual case.

  **Notes:** Each case is unique. Determinations shall be made on a case-by-case basis based on the facts of the individual case.

  COC's do **not** have authority to waive or reduce any payment reduction.

STC shall:

- thoroughly review each request for waiver or reduction of refunds
- thoroughly document requests for waiver or reduction of refunds in STC minutes.

**Note:** Each case is unique. Determinations shall be made on a case-by-case basis based on the facts of the individual case.

STC's may waive up to 50 percent of the assessed standard payment reduction.

***--**Submit requests for waiver or reduction of refunds beyond 50 percent to DAFP only if**--***
STC determines that the action is justified based on documented and verifiable facts of the individual case.

## 405 Noncompliance (Continued)

### G Requests for Waiver of Payment Reductions (Continued)

STC's shall ensure that all of the following are included in any request for DAFP review:

- copy of participant's written request for waiver or reduction of refunds
- copy of COC and STC minutes thoroughly documenting request and justification for waiver or reduction of refund
- copy of all applicable forms and documents, such as FSA-321's, CRP-1's, CRP-2's, CRP-2C's, aerial photocopies, purchase agreements, land deeds, and easements
- all documentation used by COC and STC during review of the subject case
- a narrative of the case in chronological order.

***--Note:** Incomplete case files will be remanded to the State Office.**--***

**406-415 (Reserved)**

# Part 18 Appeals

## 416 Administrative Appeals

### A Handling Appeals

Handle all appeals according to 1-APP.

CRP participants may request and receive a copy of the administrative appeal procedures in 1-APP.

**Note:** Items, such as formulas and SRR's, that are applied generally to all producers are not appealable.

### B Appeals on Technical Determinations

CRP participants shall submit appeals to FSA on technical determinations made by NRCS or TSP, according to 1-APP, regarding:

- the approved conservation plan
- identifying the soil map unit symbols used in the maximum payment rate calculation
- land eligibility determinations
- ranking factor scores.

See CRP-35 (Exhibit 12) for notification of offer reconsideration because of redetermination.

## 417-426 (Reserved)

# Part 19 CRP-1 Expiration

## 427 Reclassifying Cropland

**A**
**Policy**

Cropland shall be reclassified after CRP-1 expiration according to 3-CM.

**Note:** CRP-1 expiration may be before easement expiration.

## 428 Allotment and Quota History Preservation

**A**
**Policy**

CRP participants with contracts effective before October 1, 2001, could protect cropland allotment and quota history after CRP-1 expires without planting a crop provided the participants agree on CRP-15-1 to continue to abide by the terms and conditions of the original contract with no additional payments. Participants could protect all or a portion of their histories with prorated reductions from CRP-15.

For contracts approved on or after October 1, 2001, allotments and quotas shall not be reduced as a condition of enrollment.

**B**
**Length of Agreement**

CRP participants with allotments and quotas that were preserved according to subparagraph 428 A for a 5-year period are not obligated to continue the agreement for the entire 5-year period. There are no penalties for early termination. When the agreement is terminated prematurely, the allotments or quotas may be restored according to 1-DCP.

**Note:** Allotments and quotas preserved before October 1, 2001, were authorized to be preserved for a maximum period of 5 years after CRP-1 expires.

Continued on the next page

## 428 Allotment and Quota History Preservation (Continued)

**C**
**Compliance**

During the 5-year period of history preservation, the cover on the CRP acreage shall be maintained. The acreage shall be certified annually on FSA-578 as CRP and shall be subject to annual spot checks.

If COC determines that a participant is out of compliance with the terms of the agreement, the agreement shall be canceled. The allotments or quotas shall be restored.

**D**
**Authorized Uses**

CRP participants may hay or graze the protected acreage except during a consecutive 5-month period established by STC. Each 5-month period shall fall between April 1 and October 31 of each year.

**429-440 (Reserved)**

# Part 20 C/S Policies

## 441 General C/S Policy

### A Participants Eligible for C/S Payments

CRP C/S shall be paid only to participants who:

- are a signatory to CRP-1
- established the conservation practice.

See paragraph 496.

**Note:** Authorized payments may be assigned by the participants.

### B C/S Level

Participants who elect to receive other Federal C/S assistance are obligated to refund CRP C/S payments, plus interest.

C/S assistance shall not exceed 50 percent of the eligible costs of establishing the approved practice. Participants may receive C/S assistance from non-Federal sources; however, under no circumstances may the total C/S amount received exceed 100 percent of the cost of the practice.

C/S assistance to establish permanent vegetative cover on CRP land for the sum of the acres for CP1, CP2, CP3, CP3A, CP4B, CP4D, CP18B, and CP18C divided by the acres in CRP-1, **shall not exceed** 50 percent of the price per acre at which the land placed in CRP could be sold for use as farmland at the time at which CRP-1 is signed by the producer.

**Exception:** Acreage devoted to CP1 for development of a permanent water source for wildlife implemented on acreage offered as CP10. See Exhibit 9, page 39.

Use the **lower** of the following:

- county-wide dryland cropland value submitted annually
- land value survey questionnaire for the previous 3 years.

## 441 General C/S Policy (Continued)

### C C/S Funds Authorized on CRP Acres

Acreage on which CRP C/S has been paid is not eligible for other Federal C/S during the term of the CRP contract unless approved by DAFP. This does not apply to Federal funding that is not Federal C/S funding. Requests shall be submitted to DAFP on a case-by-case basis for only the most highly meritorious cases as determined by STC.

**Example:** A participant with an approved contract receives assistance other than cash from FWS Partners for Wildlife program. These services are not considered C/S assistance. FWS provides the participant documentation indicating the value of their service is $2,500. The participant also receives C/S equaling $1,500 from a private conservation organization. The participant has other expenses related to the practice that are eligible for C/S, according to Exhibit 9, and equal to $6,000. Since the participant did not receive C/S from FWS, the participant may receive CRP C/S assistance.

The total practice establishment cost, considering all contributions, is $10,000. The participant may receive $5,000 in C/S assistance from FSA because this amount is less than the participant's out-of-pocket costs.

**Note:** Participants who receive ECP payments during the term of the CRP contract on the same land for which they received CRP C/S payments are ineligible to retain CRP C/S unless approved by DAFP on a case-by-case basis. Approval of ECP funds by DAFP does not automatically waive this requirement.

**Exception:** CRP participants are eligible to receive SIP C/S for practices that are not offered under CRP on acreage that did not receive CRP C/S. This provision does not allow participants to refund CRP C/S to obtain SIP C/S.

CRP participants may receive C/S funding from non-Federal sources to install conservation practices on CRP acreage. See paragraph 489.

**Note:** Practices shall only be approved if they are according to an approved conservation plan on CRP acreage.

### D C/S Not Authorized

C/S is not authorized for:

- hand-collected seed, except when producer provides verification of PLS factor, germination, quality of seed, amount planted, and types and varieties of seed and seed mixtures

- acreage not under CRP-1

## 441 General C/S Policy (Continued)

### D C/S Not Authorized (Continued)

- general signup offers where producers decline C/S to increase EBI points
- streambank stabilization
- CP12
- CP11 or CP32, except for certain components within open areas

  **Note:** See Exhibit 9.

- splitting practices on the same land for C/S purposes between different Federal programs
- establishing required practice on CRP if any other Federal C/S has been, or is being, made to establish that practice
- drilling wells

  **Exception:** C/S may be authorized for establishing drilled wells on filterstrips and riparian buffers, if needed.

- developing water facilities

  **Exceptions:** C/S may be authorized for establishing:

  - livestock water facilities outside filterstrips and riparian buffers, if needed

    **Note:** See paragraph 483.

  - a permanent water source for wildlife, when developed on certain acreage enrolled in CRP and according to a conservation plan. See Exhibit 9.

- installing irrigation systems
- improving or reorganizing existing irrigation systems
- purchasing and planting vegetative cover for certain practices exceeding 50 percent of the agricultural market value of the land

  **Note:** See subparagraph B.

## 441 General C/S Policy (Continued)

### D C/S Not Authorized (Continued)

- fencing CRP land

  **Exception:** C/S may be authorized for fencing around filterstrips and riparian buffers.

- re-establishing practice because of damage from emergency haying or grazing

- establishing practices for unacceptable offers

- practice not meeting specifications

- practices not included in the approved conservation plan

- plastic mulch or supplemental irrigation water, except where CP5, CP5A, CP16, CP16A, CP17, CP17A, CP22, and CP25 (only if devoted to trees) will be established in areas where the average annual precipitation is 25 inches or less

- tree shelters, netting, plastic tubes, or other animal damage control devices, except in areas designated by STC for use only on CP3, CP3A, CP5A, CP16A, CP22, CP23, CP27, and CP28

  **Notes:** C/S is not approved for such devices for other practices.

  See paragraph 31 and Exhibit 9.

●***--**re-enrolled practices.

**Exception:** C/S is authorized **only** if additional work/activity is required for the practice to meet current practice standards according to paragraph 236 and Exhibit 9. C/S is **not** otherwise authorized for re-enrollments.

**Example:** Expiring CRP-1 with practice CP8A is re-offered as practice CP8A. A site visit reveals CRP-1 is in compliance according to contractual requirements. NRCS or TSP noted that normal degradation has occurred that requires grading and shaping and subsequent re-seeding to meet current CP8A standards with a total estimated cost of $2,000. COC may approve CRP-1 and 50 percent eligible C/S of approximately $1,000 according to procedure.

**Example:** Producer re-offers expiring acreage as a continuous signup practice. The practice is in compliance and is determined as meeting current practice standards. The producer requests to revise the conservation plan and add a 5 species seeding mix as an interseeding or re-seeding to provide enhanced wildlife habitat benefits. COC may approve CRP-1 and conservation plan; however, since the existing practice and vegetative cover meets procedural standards, COC shall **not** approve CRP-1 that includes C/S.**--***

## 442 C/S for Post-Emergence Weed and Insect Control

### A Authorizing C/S

C/S may be authorized for 1 weed and/or insect control application if:

- COC determines it is necessary for successful establishment of the cover and it is included as part of the approved conservation plan

- it is applied within the first 12 months after planting or seeding the cover

  **Exception:** See subparagraph B.

- it will not disturb the cover during the primary nesting or brood rearing season.

  **Note:** This is in addition to any application that may have been applied when the cover was initially installed.

### B Exceptions to Establishment Period for CRP-1's

Participants who plant **CP3, CP3A, CP4B, CP4D, CP5A, CP16A, CP17A, CP22, CP23, CP25, CP27, or CP28** devoted to tree plantings, on acres offered may receive C/S:

- for 1 weed and/or insect control application
- within 24 months after the planting
- if:

  - COC determines it is necessary for successful establishment of the cover
  - it was included as part of the approved conservation plan
  - it will not disturb the cover during the primary nesting or brood rearing season.

**Example No. 1:** Producer planted 10 acres of CP3, Tree Planting. The conservation plan required a chemical site preparation, pre-application herbicide, and a post-emergence weed control to be applied within 12 months of planting. The cost-share for the post-emergence weed control is eligible.

**Example No. 2:** Producer planted 10 acres of CP3, Tree Planting. The conservation plan required a chemical site preparation, pre-application herbicide, and a post-emergence weed control to be applied within 12 months of planting. The cost-share for the post-emergence weed control is eligible. Eighteen months after planting, NRCS or TSP recommended an additional post-emergence weed control be performed. The additional weed control measures are not eligible for cost-share since the producer has received cost-share for a post-emergence weed control. The additional weed control measure is considered maintenance.

## 443 C/S for Converting CRP-1's

### A C/S for Conversions

Up to 50 percent of the eligible cost for conversion may be paid if the total C/S paid, including C/S paid to establish the original practice, **does not** exceed the amount that would have been paid if the practice for conversion had been the original practice.

**Note:** See paragraph 391 for CRP conversion policy.

This table provides examples of eligible and ineligible C/S amounts when applying this policy.

| IF the total cost of practice CP1 was... | AND the total cost of conversion practice... | THEN the producer is... |
|---|---|---|
| $1,200 and producer received $600 in C/S | CP4A is $1,600 with C/S of $800 | eligible to receive an additional C/S of $200 for conversion, based on the difference between $800 and $600. |
| | CP5A is $1,000 with C/S of $500 | ineligible for an additional C/S because the cost of conversion is **less** than the original C/S. |
| | CP19 is $1,500 with C/S of $750 | eligible to receive an additional C/S of $150 for conversion, based on the difference between $750 and $600. |

**Note:** County Offices shall prorate C/S on a per acre basis if entire CRP-1 is not converted.

### B Post-Emergence Weed and/or Insect Control

Participants who convert CRP-1 acres to other eligible conservation uses are eligible for C/S for 1 weed and/or insect control application if:

- performed within **24 months** after planting
- determined necessary for successful establishment of the plantings
- included in the approved conservation plan.

## 444 C/S for Restoration of Wetlands on CRP Acres

### A Restoring Wetlands Under CRP

Owners and operators of CRP-1's approved **on or before** November 28, 1990, are eligible for up to 50 percent of the eligible cost for restoring the wetlands if the total C/S paid, including C/S to establish the original practice, **does not** exceed the amount that would have been paid if restoring the wetlands had been the original practice.

**Note:** Wetland restoration shall be made a part of the approved conservation plan for the CRP-1 acres being restored **before** starting the practice, regardless of whether additional C/S is requested.

## 445 C/S for Establishing Approved Cover

### A When to Start CRP Practice

Producers shall be advised that:

- approved CRP practices may be started:
  - after submitting the offer to the County Office
  - when notified that CRP-1 has been approved
- starting a practice before final approval of CRP-1 is at the producer's own risk
- where practical State-certified seed shall be used for CRP

  **Note:** However, common seeds, especially for natives, may be used when certified seed is **not** available.
- C/S payments are ineligible if:
  - offer is not accepted
  - designated acres are ineligible
  - practice does not meet specifications
  - practice is not included in the approved conservation plan.

    **Note:** See paragraph 213 for C/S when modifying approved conservation plan.

## 445 C/S for Establishing Approved Cover (Continued)

### B C/S for Re-Establishment

If the practice failed because of a natural disaster or through no fault of the participants, COC shall evaluate the site to determine both of the following:

- the purpose of the practice is being met
- remaining cover provides the same environmental benefits as the original cover, which includes:
    - water quality benefits
    - wildlife habitat benefits
    - erosion control.

If both criteria are met, COC shall not authorize C/S for re-establishment.

**Exception:** COC shall not approve C/S to re-establish any practice for which the producer declined C/S at the time the practice was offered, including CP12.

If both criteria are not being met, COC shall determine whether the cost of restoring the approved cover outweighs the benefits that would be received from the restoration. COC's shall, at a minimum, consider all of the following:

- cost of restoring cover
- length of time needed to restore the cover
- benefits received from restored cover
- years remaining before CRP-1 expires
- type of cover to be restored.

If the cost of restoring the approved cover outweighs the benefits that would be received from the restoration, COC shall terminate CRP-1. See paragraph 355.

## 445 C/S for Establishing Approved Cover (Continued)

### B C/S for Re-Establishment (Continued)

If the benefits that would be received from the restoration outweighs the cost of restoring the approved cover, COC shall authorize eligible C/S for:

- re-establishing the approved cover
- temporary cover, if needed
- dead litter crop, if needed.

**Exception:** COC shall not approve C/S to re-establish any practice for which the producer declined C/S at the time the practice was offered, including CP12.

**Example:** Producer offered to enroll 100 acres to be devoted to CP2 and declined C/S. COC shall not approve C/S to re-establish the approved cover regardless of the reason why the practice failed.

**Note:** For land devoted to CP3 or CP3A for which the participant received C/S or an easement practice, additional C/S shall be authorized.

### C C/S for Dry Litter Crops

CRP participants may receive C/S for dry litter crops needed to establish vegetative cover if the crops are:

- **not** grazed or harvested
- included in practice specifications developed by COC
- included in the approved conservation plan.

## 446 Establishing C/S Rates

### A Eligible Items

Items eligible to establish C/S rates include the cost of any direct and significant factors necessary to perform the practice, such as:

- equipment
- new or used materials
- services
- labor
- sales tax.

### B Estimated Costs

Estimated costs of eligible items may be based on:

- STC or COC, as applicable, knowledge and judgment of anticipated costs
- current cost data from:
  - application for payment
  - vendor and dealer cost quotations or advertised prices
  - estimates from COC, NRCS, FS, and other agencies

    **Note:** Keep copy of estimates.
  - other available sources.

## 446 Establishing C/S Rates (Continued)

### C Ineligible Items

The cost of the following items are ineligible for establishing C/S rates:

•***--**engineering charges, consultant fees, permit fees, or archeological surveys

**Note:** Archeological surveys will be paid for by CCC according to 1-EQ.**--***

- providing land
- other C/S payments
- right to use water
- incentives
- power sources, including but not limited to electrical or solar fence charges and obtaining utility service generator
- portable equipment
- donated material
- meeting supplemental requirements, such as abstaining from harvesting
- loss of or reduction in revenue from the land
- cost of pumps and pumping accessories, except for permanently installed pumps that are needed as an integral part of the practice.

**Note:** One or more of these items may be required to make the practice serve its purpose, but these items may not be used to establish C/S rates.

### D Arbitrary Holddowns

STC and COC shall ensure that arbitrary holddowns are not used when establishing C/S rates and limitations.

## 446 Establishing C/S Rates (Continued)

### E Flat Rates

Flat C/S rates may be established:

- to simplify administration
- to provide a firm, predetermined commitment to applicants
- when documented costs are relatively uniform
- to provide incentive to producers to obtain the best price available.

**Note:** See paragraphs 452 and 454.

**447-451 (Reserved)**

## 452 State Program and C/S Policy

### A Overview

STC's are authorized to develop a State program and C/S policy based on guidelines established in this handbook, in consultation with the State Technical Committee.

### B State Practice Requirements and Specifications

The State CRP practice requirements and specifications shall:

- be incorporated by reference to a standard publication
- be included in the State program
- not be less restrictive than National policy and be incorporated in a State amendment according to 1-AS
- not require performance beyond that which is needed to ensure that the practice functions properly.

Maximum and minimum specifications shall be included only if practice is **included** in the State program.

### C Additional Requirements

STC, in consultation with the State Technical Committee, is responsible for developing additional CRP practice requirements and specifications to ensure that natural resource problems are solved.

### D Materials and Standards

The standards for materials or services to perform CRP practices shall be included or referred to in the cover practice writeup.

## 452 State Program and C/S Policy (Continued)

### E Establishing Rates for State CRP

STC's that establish C/S rates for the State shall establish rates within the National C/S levels, expressed as either a:

- flat rate
- percent of cost, not to exceed $ ___ per unit of measure
- percent of cost.

**Notes:** Base flat rate or limitations on documented average costs.

Do not use arbitrary holddowns.

Use percent of cost levels only if there is no data or there is considerable variation in actual cost of practices across the State.

### F Reviewing and Approving County C/S Rates

STC's that do not establish C/S rates for the State may authorize COC's to establish C/S rates for the county.

STC shall establish State guidelines for COC's to follow when establishing county C/S rates.

STC, or representative, shall review and approve all C/S rates established by COC to ensure that:

- C/S rates are consistent across county boundaries

- C/S rates are consistent across district and State boundaries

  **Important:** State Office shall **not** delegate this responsibility.

- C/S rates established are within the National and State C/S levels, if applicable

- all flat C/S rates established represent the applicable percentage of cost specified

- cost estimates used by COC's to establish flat C/S rates are accurate and acceptable

- C/S rates are set at the minimum incentive needed to encourage producer participation and implement the approved practice.

## 452 State Program and C/S Policy (Continued)

### F Reviewing and Approving County C/S Rates (Continued)

If discrepancies exist across county boundaries or between county practice specifications and State and National guidelines, STC's shall not approve COC's C/S rates until the problem is resolved.

STC, or representative, shall notify COC in writing when C/S rates are approved. COC shall document approval in COC minutes.

## 453 Establishing Standardized Components

### A State-Developed Components

State Offices shall establish and maintain a list of standardized components applicable for practices under CRP to be used within the State.

- Components shall represent different items that are required as part of a practice.

  **Examples:** Materials, seed types, seed mixtures, tree types, labor, etc.

- The State Office shall develop the coding system. See subparagraph B.

**Note:** Components shall be established in the automated system according to 1-CONSV, Part 2.

## 453 Establishing Standardized Components (Continued)

### B Coding System

State Offices may use 1 of the following options to develop standardized components.

**Note:** State Offices may establish a different method of developing standardized components if the results are the same as either of the following options.

| **Option 1** | |
|---|---|
| Develop a coding system that will provide County Offices with a structured system that allows an additional character to be added for specific County Office components associated to the State-developed component. | |
| **Office Level** | **Example of Standardized Component** |
| Example of State component | EW Earthwork |
| Example of County Office-specific components | EW1 Earthwork - Heavy Equipment<br>EW2 Earthwork - Light Equipment |

| **Option 2** | |
|---|---|
| Develop a coding system that will provide for every component needed for the State. County Offices will not be able to add characters to the State-developed codes. | |
| **Office Level** | **Example of Standardized Component** |
| Example of State-developed components | TC1 Temp Cover Tractor/Drill<br>TC2 Temp Cover Seedbed Prep/Tractor/Drill<br>TC3 Temp Cover Disc/Seedbed Prep/Tractor/Drill |
| Example of County Office-specific components | With this option, the County Office shall:<br>• not develop County-specific components<br>• use the State-developed components that apply to the county. |

## 454 County Program and C/S Policy

### A Establishing Rates

COC's are authorized to establish county C/S rates:

- if authorized by STC
- according to State and National guidelines
- with NRCS concurrence.

COC's that establish C/S rates for the county shall establish rates within the State and National C/S levels, expressed as 1 of the following:

- flat rate
- percent of cost, not to exceed $ ___ per unit of measure
- percent of cost.

### B County Practice Requirements and Specifications

COC shall include all CRP practice provisions, requirements, and specifications issued in the State program.

The County CRP practice requirements and specifications shall:

- be incorporated by reference to a standard publication

- not be less restrictive than State or National policy

- not require performance beyond that which is needed to ensure that the practice functions properly

- be recorded in a County Office handbook or in some other manner

  **Note:** Include the following information:

  - list of practices
  - approved C/S rates
  - reference to the general provisions in the State guidelines.

- not be effective until approved by STC according to subparagraph C.

Maximum and minimum specifications shall be included only if practice is included in the County program.

## 454 County Program and C/S Policy (Continued)

### C STC Approval

STC, or designee, shall ensure that the requirements, specifications, and C/S rates established by COC are consistent across county boundaries before approval.

STC shall ensure that **all** C/S rates established by COC are consistent across district and State boundaries.

**Important:** STC shall **not** delegate this responsibility.

### D Establishing Flat C/S Rates

Flat C/S rates established by COC shall apply to the entire county. Variations of flat C/S rates within a county are not authorized.

Express flat C/S rates as follows:

- $ ____ per acre
- other unit of measure, such as cubic yard, linear foot, ton, or pound.

**Note:** Base flat rates or limitations on documented average costs. Do not use arbitrary holddowns. Use percent of cost levels only if there is no data or there is considerable variation in actual cost of practices across the county.

### E Supporting Data for Flat C/S Rates

COC shall:

- use existing FSA and NRCS average cost lists as supporting data to establish flat C/S rates

- if average C/S rates are not established, base flat rates on current data from:

  - NASS
  - CSREES through the State Extension service
  - applications for payment
  - quotations from dealers or contractors
  - other available sources.

## 454 County Program and C/S Policy (Continued)

### E Supporting Data for Flat C/S Rates (Continued)

File the cost data used to establish flat rates with the County eligibility status list.

**Note:** Supporting evidence and proof of payment for completed practices paid on a flat rate method are not required to be maintained by the producer for 1 year.

### F Adjusting Previously Established Flat C/S Rates and Documentation

COC's shall **not** increase or reduce flat C/S rates or limitations based on isolated changes in costs during the FY.

If the average cost of performance:

- changes substantially during FY, COC's shall revise the rate
- decreases so the rate is materially greater than the established State or National level, COC's shall reduce the rate.

COC's shall:

- document the reason or basis for any changes to C/S rates in COC minutes
- amend county CRP C/S data indicating the revised rates.

C/S earned shall be computed based on the average cost of carrying out the practice, as determined by COC using rates in effect when C/S is approved on AD-245.

**Exception:** When the average cost of performance changes substantially for reasons beyond the producer's control, COC may compute C/S based on the average cost of carrying out the practice using the rates in effect when the practice is performed. These exceptions shall be documented in COC minutes.

**Note:** AD-245, page 2, shall not be approved until CRP-1 is approved.

## 454 County Program and C/S Policy (Continued)

### G Percentage-of-Cost Not to Exceed C/S Rates

COC may use percentage-of-cost not to exceed $ ____ per unit of measure C/S rates if either of the following applies:

- there is no available cost data
- there is a considerable variation in the actual cost of performing a practice.

Express percentage-of-cost C/S rates as "____ percent of cost, not to exceed $ ____ per unit of measure". Base the limitation on the average cost of performing the unit of measure.

File the cost data used to establish percent-of-cost not to exceed $____ per unit of measure rates with the County eligibility status list.

COC shall inform the producer that supporting evidence and proof of payment for completed practices paid on a percent of cost not to exceed method must be:

- maintained for 1 year after the end of FY in which the practice is completed
- presented within 30 calendar days to the County Office if selected for spot check.

## 454 County Program and C/S Policy (Continued)

### H Percent-of-Cost C/S Rates

COC may use percent-of-cost C/S rates if either of the following applies:

- there is no available data
- there is a considerable variation in the actual cost of performing a practice.

Express percent-of-cost C/S rates as "____ percent-of-cost per unit of measure".

File the cost data used to establish percent-of-cost rates with the County Office eligibility status list.

COC shall inform the producer that supporting evidence or proof of payment for completed practices paid on a percent-of-cost method must be:

- maintained for 1 year after the end of FY in which the practice is completed
- presented within 30 calendar days to the County Office if selected for spot check.

## 454 County Program and C/S Policy (Continued)

### I Acceptable Evidence

COC shall obtain evidence to determine proper payment to eligible participants. This may include, but is not limited to:

- invoices
- canceled checks
- receipts
- analysis tags
- other acceptable evidence to determine payment.

**Note:** Evidence must be obtained regardless of whether flat rates or percent-of-cost method was used to determine the C/S payment.

See paragraph 496 for making C/S payments.

See paragraph 485 for supporting evidence.

### J Spot Check of Support Data and Proof of Payment

COC shall randomly spot-check a minimum of 5 percent of the participants whose C/S payments for completed practices were made in the previous FY and whose payments, in total or in part, were determined by the percent of cost method. C/S payments computed solely on a flat-rate basis shall not be subject to this provision.

## 455 Amending County CRP Practices

### A Changes in Practices

For county CRP changes, COC shall:

- develop County CRP amendments
- submit the amendments to STC for review and approval.

NRCS, CSREES, through the State Extension service, and FS, through the State Forestry agency, must approve technical changes.

Send questionable cases to STC. STC shall contact other agencies to help resolve the issue.

### B Effective Date of Changes

A CRP amendment that changes C/S rates or specifications shall specify the effective date, which shall not be retroactive.

**Exception:** When the average cost of performance changes substantially for reasons beyond the producer's control, COC may compute C/S based on the average cost of carrying out the practice using the rates in effect when the practice is performed. These exceptions shall be documented in COC minutes.

Rates and specifications in effect before an amendment's effective date shall remain in effect for C/S approvals issued before that date.

Use the revised rates and specifications for all approvals issued on or after the amendment's effective date.

**456-460 (Reserved)**

## 461 Issuing and Processing AD-245's and AD-862's

### A Approval

When CRP-1 is approved, the practices scheduled on the approved conservation plan are automatically approved.

By approving CRP-1, COC is committing funds for completing the practices.

### B Issuing AD-245

Process initial AD-245 for all practices (C/S and non-C/S) immediately after approving CRP-1.

Issue AD-245, page 2 for **all** practices on CRP-1 immediately after receiving AD-862 information from NRCS or TSP. See paragraphs 462 and 463.

AD-245 and AD-862 shall serve as a:

- reminder of approval
- report of performance
- claim for payment.

### C Processing Instruction

Process AD-245 according to 1-CONSV.

**Note:** AD-245, page 2, shall not be approved before CRP-1 is approved.

## 462 Completing and Referring AD-862

### A Implementing Procedure

After approving CRP-1's, the applicable agency shall complete the steps in this table.

| Step | Action |
|---|---|
| 1 | FSA enters information and prints AD-862 according to 1-CONSV. |
| 2 | FSA refers AD-862 to NRCS or TSP according to 1-CONSV. Include all practices for CRP-1.<br><br>**Example:** CP10 and CP12. |
| 3 | Applicable technical agency completes required AD-862 information and returns to FSA. |
| 4 | FSA completes AD-862 according to 1-CONSV. |

**Note:** Manual AD-862's are not authorized.

## 463 Notifying Applicant of C/S Approval

### A Notifying Producers

Notify the producer of the practice extent and approved C/S according to 1-CONSV, paragraph 165.

**Note:** AD-245, page 1 may be printed and maintained on file. If AD-245, page 1 is printed, County Offices may request the producer's signature; however, the producer's signature is not required.

## 464 Extending Time to Complete Practices

### A Extension of Time

COC may extend the time to complete a practice, not to exceed 12 months after the completion date in the approved conservation plan, if the extension is requested before the practice approval expires.

### B Expiration Notice

Prepare a computer-generated List of AD-245's Expiring in 30 Days every 30 calendar days to keep track of approvals that need to be completed within a 30-day period.

Mail all participants on the list an expiration notice.

**Note:** See 1-CONSV, paragraphs 292 and 328.

### C Justifying Extensions

An extension of time may be based on NRCS' or TSP's advice that the practice is being or will be performed in a timely manner.

COC shall limit the extension to the minimum time necessary to complete the practice.

### D Documenting Extensions in COC Minutes

Document extensions of time individually in COC minutes and, at a minimum, include the following:

- producer or agent
- FSN or control number
- practice
- reason for extension.

### E Notification of Extension

COC shall notify the producer in writing whether an extension has been authorized. If an extension is authorized, COC shall also notify the producer of the new practice expiration date.

## 465 Canceling Approvals

### A Canceling Approved AD-245

Cancel an approved AD-245 when the performance report is not filed by the expiration date. When AD-245 is canceled, COC shall:

- notify NRCS or TSP
- document the action taken on AD-245
- notify the participant of the action taken, including possible termination of CRP-1

  **Note:** Failure to complete the practice shall result in termination of CRP-1.

- document the cancellation in COC minutes.

### B Suspending Cancellation

If a performance report on AD-245, page 2, is not filed timely, cancellation may be suspended if the County Office is aware that the practice was performed in a timely manner.

- Certification of performance on AD-862 and personal knowledge of a committee member or County Office employee are acceptable reasons for suspending cancellations.
- Take immediate action to obtain the performance report.

  **Note:** If the performance report from the producer is not obtained within 30 calendar days, cancel the approval.

## 466 Reinstating Canceled Approvals

### A Conditions to Reinstate Canceled Approvals

COC may reinstate a canceled practice approval when **all** of these conditions apply:

- the participant requests reinstatement
- the practice was started before cancellation
- the practice was or will be completed within a time prescribed by COC.

**Important:** Replacement AD-245 and AD-862 will need to be created in the automated system, because once canceled, they cannot be reinstated for long-term programs.

**467-471 (Reserved)**

## 472 Filing Performance Reports

### A Who May File

***--**Any eligible "person" according to 1-PL or person or legal entity according to 4-PL who**--***
paid a part of the cost of a completed practice and is signatory on CRP-1, may sign and date the performance report. See 1-CM for provisions applying to minors and dead, missing, or incompetent persons.

### B Performance Reports

***--**To be eligible for C/S payments, "persons" according to 1-PL or person or legal entity according to 4-PL whowho perform approved practices **must** report performance on**--***
AD-245, page 2, and provide any required supporting data by the practice completion date.

If the practice or component is not completed, the producer shall not sign AD-245, page 2. County Offices shall date stamp reports when received.

## 473 Reporting Dates for Performance

### A Final Date to Report Performance

Performance **must** be reported on or before the expiration date or by the authorized extension date granted by COC. See paragraph 464.

### B Filing in Timely Manner

AD-245, page 2, is filed in a timely manner when it is delivered to the County Office or is postmarked on or before the expiration date.

### C Not Filing in Timely Manner

For reports not filed in a timely manner enter either of the following on AD-245, page 2:

- date received and initial the entry
- postmarked date and initial the entry.

Cancel AD-245 and notify the participant with appeal rights.

**Note:** A replacement AD-245 shall be created for AD-245 that was canceled because the performance report was not filed in a timely manner, if provisions in paragraph 465 are satisfied.

## 474 Reporting Practice Completion

### A Reporting Completion

On AD-245, page 2, participants shall:

- report completion of practice by entering “Yes” in column G
- complete “Instructions to Participant”, item X.

**Notes:** See 1-CONSV, Exhibit 7.

Participants shall not complete “Instructions to Participant”, item Y if multiple persons shared in the cost of the practice. See subparagraph B.

County Offices shall not process AD-245 until all information is submitted.

On, AD-862, for practice performance not certified by NRCS, FS, or TSP, producers shall self-certify practice performance.

County Offices shall determine that the practice meets needs and feasibility based on the approved conservation plan developed by NCRS or TSP and approved by the conservation district.

### B Multiple Contributors

If multiple persons shared in the cost of the practice, the participant shall include on AD-245 or attachment a list of names of all persons who shared in the cost of the practice and the extent of their contributions. The list shall include all ineligible persons, State, or Federal Agencies.

A “person” who is fully compensated or reimbursed for materials, equipment, services, or labor is not a contributor.

COC may consider all available information to determine the eligibility of other contributors.

If more than 1 person contributed to a practice, determine whether:

- ***--**all contributors qualify as separate “persons” according to 1-PL or person or legal entity according to 4-PL or should be considered 1 “person” according to 1-PL or a person or legal entity according to 4-PL**--***

- each eligible contributor is eligible to receive C/S.

## 475 Certification on AD-862 by Technical Agency

### A Technical Agency Certification

***--**The technical agency's certification on up to 10 percent of AD-862's is required.

County Offices shall:

- determine the total number of practices that **must** be certified by NRCS based on the total number of practices on CRP-1's approved in the previous FY**--***
- notify the technical agency when AD-245, page 2, is filed by the participant
- provide aerial photography and current slides, if available, to TSP for its use in determining acreage performed
- **not** inspect any practice for verification
- accept the technical agency certification of the extent performed for approving payments to participants.

### *--B Priority Practice Selection

Certain practices have greater technical complexity. These practices shall have priority when selecting the 10 percent of practice certifications completed by NRCS. For the following practices, NRCS or TSP, as applicable, shall certify practice performance on AD-862, up to 10 percent, before certifying practice performance for any other CRP practices:

- CP8A
- CP9
- CP18B
- CP18C
- CP21, when a structure, water facility, water development, or pipeline is included
- CP22, when a structure, water facility, water development, or pipeline is included
- CP23
- CP23A
- CP26
- CP27
- CP28
- CP29, when a structure, water facility, water development, or pipeline is included
- CP30.

If NRCS and TSP certifies practice performance on AD-862 for practices listed in this subparagraph, and the 10 percent requirement has not been reached, all other CRP practices may be used to fulfill the 10 percent requirement.**--***

### C Items To Be Reported by Technical Agency

The technical agency shall report the following on AD-862:

- a certification showing items and extent that meet specifications, including tree thinning
- any items of performance that do not meet specifications and explain the reasons for the failure.

## 476 Adjusting Extent or C/S After Practice Performance

### A Increase in Extent or C/S Before Payment

COC may increase the extent or C/S originally approved after performance is completed, but before payment is made on a case-by-case basis, if the extent approved was based on an estimate that proved to be in error and the producer could not reasonably have known in advance the extent needed to complete the practice.

**All adjustments must be in compliance with the approved conservation plan. The conservation plan must be modified to reflect any changes in the extent of performance before COC may approve the change.**

**Notes:** A new AD-245 is not required when increasing the extent or C/S after performance and before payment.

Changes in the number of acres on CRP-1 is not authorized.

### B Decrease After Performance and Before Payment

COC may decrease the extent and C/S originally approved after performance and before payment if the technical agency approves the lesser extent for practice completion.

**All adjustments must be in compliance with the approved conservation plan. The conservation plan must be modified to reflect any changes in the extent of performance before COC may approve the change.**

**Note:** Changes in the number of acres on CRP-1 is not authorized.

### C Documenting Adjustment Before Payment

Documentation of adjustment shall include a manual change of the entries on AD-245. The person making changes shall initial and date the changes.

- Enter the total C/S and extent approved on AD-245 through the automated system. Refer to 1-CONSV, Part 5.

- Notify the producer by letter and enclose a copy of the manually revised AD-245.

## 476 Adjusting Extent or C/S After Practice Performance (Continued)

### D Increase Extent or Cost Share After Payment

COC may increase the extent or C/S originally approved after payment has been issued if 1 of the following situations occurred:

- County Office made an error on original extent or payment computation
- technical agency made an error on original extent reported
- producer failed to bring in a receipt or invoice
- other similar situation that resulted in a lesser extent or C/S payment.

### E Documenting Increase After Payment

Documentation of extent or C/S increase shall include a manual change of the entries on AD-245. The person making changes shall initial and date the changes.

- Enter the total C/S and extent approved on AD-245 through the automated system. Refer to 1-CONSV, Part 5.

- Issue payment to the producer for the additional C/S.

**477-481 (Reserved)**

## 482 Eligible Items for Computing C/S

### A Eligible Costs

Review all applicable costs for labor, material, equipment used, sales tax, and value of used material to determine the total eligible cost of the practice.

Expenses for personal labor and personal equipment should be less than that charged by contractors who are entitled to make a profit for their efforts.

### B Ineligible Costs

Ineligible costs for computing C/S earned include:

- pumps and pumping accessories

  **Exception:** Permanently installed pumps that are required as an integral part of water facilities constructed outside of a riparian buffer or filterstrip.

- dry wells
- engineering charges or permit fees
- consultant's fees
- providing land or the right to use land or water
- meeting supplemental requirements, such as abstaining from harvesting
- loss or reduction in revenue from the land
- rent or other costs of using land
- shipping

*** * ***

- fence chargers.

## 483 C/S Policy for Water Development and Water Facilities

### A C/S Amounts

*--Exhibit 9 provides that certain components for practices CP21, CP22, CP29, and CP30 are--* eligible for C/S. The following limitations for C/S eligibility apply:

- C/S for the total of all water developments per contract shall not exceed $3,000
- C/S for the total of all water facilities per contract shall not exceed $2,000
- C/S for the total of all pipelines shall not exceed $2,000
- C/S per foot of fencing shall not exceed the STC- or COC-established cost for a 4-strand barbed wire fence.

**Important:** C/S is available for the lowest cost option that provides a dependable water source needed to address the resource concerns.

Multiple offers and multiple contracts to avoid C/S limitations are **not** authorized.

**Example:** A producer would like to install 3 water tanks, including applicable gravel apron and fencing. Each tank, including gravel apron, and fencing cost is estimated to cost $1,500 each. Because the maximum of $2,000 is eligible for C/S, the producer could receive a maximum payment of $2,000. To avoid the C/S limitation, the producer submits 2 separate offers on a portion of the acreage.

COC's shall **not** approve multiple CRP contracts for the same tract if COC determines the multiple contracts are to avoid the C/S limitation.

### B Water Developments

Water developments are any of the following:

- spring
- dug, bored, or drilled well
- pond.

## 483 C/S Policy for Water Development and Water Facilities (Continued)

### B Water Developments (Continued)

Producers may receive C/S if all of the following are met:

- total C/S for all water developments on a contract shall not exceed $3,000 per contract
- technical authority (NRCS, FS, TSP) determines, based on the specific site conditions, that a water development is needed to provide water for livestock
- livestock currently graze or normally graze (crop residue) the marginal pastureland or cropland acreage located adjacent to the acreage enrolled in CRP as a filter strip or riparian buffer
- water development is installed according to the NRCS FOTG standard and this handbook

  **Note:** More than 1 water development per contract may be allowed, if needed, to provide the water for livestock, and no other technically feasible and economically viable alternatives for water are available.

- water development is the lowest cost option that provides a dependable water source.

**Examples:** NRCS or TSP determines, based on the site conditions, that the producer could construct a $2,800 spring or a $2,000 drilled well. Both options would provide dependable water and would address the resource concerns. The $2,000 drilled well must be selected.

A steep pasture is bisected by a stream. The steep topography and rocky site condition prohibit the crossing of the stream by a pipeline. Two spring developments may be permitted because it is the lowest cost option to provide a dependable water source. The maximum C/S for both springs may not exceed $3,000 for the contract.

## 483 C/S Policy for Water Development and Water Facilities (Continued)

### C Water Development Distance From Filter Strip or Riparian Buffer

Water developments may be approved for C/S for CRP if the water development distance from the filter strip or riparian buffer contract acres are either of the following:

- up to 750 feet from the outer edge of the filter strip or riparian buffer based on COC approval
- up to 1,500 feet from the outer edge of the filter strip or riparian buffer based on STC approval.

**Note:** Water developments in excess of 1,500 feet from the outer edge of the filter strip or riparian buffer must be submitted to CEPD for approval. See subparagraph J.

### D Water Facilities

Water facilities are any of the following:

- trough
- tank
- fencing, included around the tank or trough
- hydrants and other necessary piping, excluding pipeline to convey water to the watering facility.

Producers may receive C/S for water facilities if all of the following are met:

- total C/S payments for water facilities do not exceed $2,000 per CRP contract
- technical authority (NRCS, FS, TSP) determines, based on the specific site conditions, that water facilities are needed to provide water for livestock

## 483 C/S Policy for Water Development and Water Facilities (Continued)

### D Water Facilities (Continued)

- livestock currently graze or normally graze (crop residue) the marginal pastureland or cropland acreage located adjacent to the acreage enrolled in CRP as a filter strip or riparian buffer

- water facilities are installed according to the NRCS FOTG standard and this handbook.

**Note:** More than 1 water facility per contract may be allowed, if needed, to address the resource concern, and no other technically feasible and economically viable alternatives for water are available.

**Important:** C/S is available to provide the lowest cost option that provides a dependable water facility needed to address the resource concerns.

**Example:** A producer could choose to install 3 water tanks, gravel aprons, and fencing. Each tank, gravel apron, and fencing costs $1,500 each. The total eligible costs are $4,500. Because a maximum of $2,000 is eligible for C/S, the producer could receive a maximum payment of $2,000.

### E Water Facility Distance From Filter Strip or Riparian Buffer

Water facilities may be approved for C/S for CRP if the water development distance from the filter strip or riparian buffer contract acres are either of the following:

- less than 750 feet from the outer edge of the filter strip or riparian buffer based on COC approval

- less than 1,500 feet from the outer edge of the filter strip or riparian buffer based on STC approval.

**Note:** Water facilities in excess of 1,500 feet from the outer edge of the filter strip or riparian buffer must be submitted to CEPD for approval. See subparagraph J.

## 483 C/S Policy for Water Development and Water Facilities (Continued)

### F Pipelines

Installing pipelines to convey water to water facilities is eligible for C/S if all of the following are met:

- total C/S for the pipeline does not exceed $2,000 per CRP contract
- livestock currently graze or normally graze (crop residue) the marginal pastureland or cropland where the filter strip or riparian buffer is located
- pipeline is installed according to the NRCS FOTG standard and this handbook
- COC's may approve contracts with pipelines less than 750 feet from the outer edge of the filter strip or riparian buffer
- STC may approve pipelines less than 1,500 feet from the outer edge of the filter strip or riparian buffer.

### G Fencing

C/S is available for installing fencing if the following are met:

- fencing is necessary to prohibit livestock access to the CRP acres devoted to filter strips or riparian buffers
- fencing is installed parallel and adjacent to the CRP acreage

  **Note:** For extraordinary cases, if the existing size and width requirements for filter strips or riparian buffers in Exhibit 9 do not allow for installing the fence parallel and adjacent to the buffer, these cases may be submitted to CEPD through STC for review.

- C/S does not exceed the STC- or COC-established cost for a 4-strand barbed wire fence.

**Note:** Producers may install fencing other than a 4-strand barbed wire fence. However, C/S is limited to the cost of the 4-strand barbed wire fence.

**Important:** C/S is available only for the lowest cost option that provides adequate fencing needed to address the resource concerns.

## 483 C/S Policy for Water Development and Water Facilities (Continued)

### H Cost

COC and STC should review all cost data for water facilities, water developments, water gaps, and livestock crossings. COC's and STC's should take steps necessary to ensure that components of the practice are essential for the practice and the minimum needed for completing the practice.

### I Livestock Crossing

Livestock crossing is only permitted if it is determined by COC, based on the technical authority finding, that a livestock crossing is essential for implementing the filter strip or riparian buffer. C/S for all livestock crossings is limited to $1,500 per contract.

### J CEPD Waiver Request

Requests for waivers, according to subparagraphs C and E, forwarded to CEPD should include a minimum of the following:

- aerial photograph of the site
- location of the filter strip or riparian buffer
- location of current or proposed water facilities
- location of current or proposed pipelines
- size of pasture impacted and approximate amount of livestock using the pasture
- options considered
- option selected and the rationale for selecting the option
- estimated costs
- technical contact person for the plan
- environmental justification
- letters of concurrence from the State conservationist and STC
- any other pertinent documentation to support the request.

## 484 C/S Policy for Management Activities

### A C/S Amount

Exhibit 9 provides that certain management activities are required for all practices. These management activities are eligible for C/S. C/S is limited to 50 percent of eligible cost up to $50 per acre per year not to exceed:

- $100 per acre for the life of the contract for a 10-year contract
- $125 per acre for the life of the contract for a contract in excess of 10 years.

## 485 Supporting Data

### A Obtaining Evidence

COC's shall obtain evidence to determine proper payment. This includes, but is not limited to, the following:

- invoices
- canceled checks
- paid receipts
- analysis tags
- other evidence to determine proper payment.

Evidence must be obtained from participants to ensure that C/S received does not exceed 100 percent of the cost of the practice. Participants must provide acceptable evidence to determine proper payment regardless of whether flat rates; percent of cost, not to exceed $ ____ per unit of measure; or percent-of-cost method was used to determine the C/S payment.

**Note:** See subparagraph D.

COC's shall obtain acceptable evidence of practice completion regardless of whether the participant will receive C/S. COC's must ensure that the practice was completed according to the standards and specifications in the conservation plan.

### B Retaining Documentation

Review, copy, and return to participant the supporting evidence required by COC that the producer submits to receive C/S payments.

Keep supporting evidence for flat rates and percent-of-cost methods for payments on file in the County Office for 5 years after the expiration of CRP-1.

## 485 Supporting Data (Continued)

### C Invoices and Documentation for Percent of Cost

Process data for C/S payments based on percent of cost according to this table.

| Step | COC Action |
|---|---|
| 1 | Applicant must provide satisfactory evidence to determine proper payment according to subparagraph A. |
| 2 | Manually enter the cost of performing the components of the practice on AD-245, page 2, column G, above the extent reported. |
| 3 | If a discount was applied, use the sale price minus the discount to compute C/S. |
| 4 | Consider costs reported paid by ineligible persons.<br><br>**Note:** See paragraph 488 for an example. |
| 5 | If used materials are involved, COC shall determine and document the value of these materials based on current commercial rates. |
| 6 | If the producer performed the practice with the producer's own labor, equipment, or materials, the producer shall submit signed, itemized statements.<br><br>Statements shall include:<br><br>• dates of work performed<br>• cost per hour charged for labor<br>• type of equipment used<br>• charge for equipment<br>• type and cost of materials used<br>• other applicable information.<br><br>Costs allowed in these cases shall not exceed the prevailing current commercial rates determined by COC. |

## 485 Supporting Data (Continued)

### D Documentation for Practices With Flat Rates

Producer shall provide supporting evidence of practice cost.

- Make a copy of all supporting evidence and attach to AD-245, page 2.
- Return the original supporting evidence to the applicant.

### E Examples

Use the following data for all examples:

- the 100 percent Statewide or countywide average cost for "seedbed preparation" has been established at $20 per acre

- the maximum C/S allowed under CRP is 50 percent

- the flat rate established for "seedbed preparation" is $10 per acre.

**Example 1:** Producer A performs seedbed preparation and submits receipts indicating that the total cost for seedbed preparation was $21 per acre. Producer A's C/S for seedbed preparation is $10 per acre.

**Example 2:** Producer B performs seedbed preparation and submits receipts indicating that total cost for seedbed preparation was $15 per acre. Producer B's C/S for seedbed preparation is $10 per acre.

**Example 3:** Producer C performs seedbed preparation and submits receipts indicating that the total cost for seedbed preparation was $8 per acre, which is less than the $10 per acre flat rate. Producer C's C/S for seedbed preparation is $8 per acre because Producer C's C/S cannot exceed 100 percent of the actual cost in performing the practice component.

## 486 Computing C/S

### A When to Compute C/S

Compute C/S earned for the practice only after **all** these actions have been taken:

- AD-862 has been received from NRCS or TSP
- the performance report has been reviewed
- all required information has been obtained
- approved adjustments have been made in:
    - C/S
    - extent
    - materials
    - practice components.

### B Rounding

Round all C/S earned to the nearest whole dollar following normal rules of rounding.

### C Computing C/S Earned

Manually compute C/S earned for practice and components and enter on AD-245, page 2, column H according to 1-CONSV.

## *--487 Cost Data When Ineligible "Persons" According to 1-PL or Person or Legal Entity According to 4-PL, Contributed--*

### A Ineligible Contributor

Any contributor that is not a signatary to the contract is:

- an ineligible contributor
- not eligible to receive C/S.

Examples of contributions from an ineligible contributor include materials, services, or cash *--provided to an eligible "person" according to 1-PL or person or legal entity according to 4-PL.--*

### B Reporting Ineligible Contributions

Report the contribution of an ineligible contributor on AD-245, page 2. Include the following information:

- name of the ineligible contributor
- total cost of performing the practice
- dollar value of the ineligible contribution made
- describe the ineligible contribution.

## 488 Computing C/S if Ineligible Persons Have Contributed

### A CRP C/S

C/S payments shall not exceed 100 percent of cost paid by CRP participant, including contributions of ineligible persons, to carry out a CRP practice.

### B Computing C/S Payments

If an ineligible person contributed to a practice, C/S is computed by including the ineligible contributor's contribution in the total cost. C/S is limited to the participant's out-of-pocket cost.

**Note:** The participant shall never earn C/S exceeding 100 percent of out-of-pocket costs.

### C Example of Percent of Cost

***--**Producer A, an eligible "person" according to 1-PL or person or legal entity according to 4-PL, incurs $4,000 for a practice. An ineligible contributor contributes $1,000 for the**--***
practice. Total cost of the practice was $5,000. Percent of cost rate is 50 percent.

The ineligible contribution of $1,000 will not be deducted from the total practice cost of $5,000 to compute C/S amount. Producer A will receive a $2,500 C/S payment, which is 50 percent of $5,000.

**Note:** C/S of $2,500 does not exceed 100 percent of the producer's out-of-pocket cost.

### D Example of Percent of Cost, Not to Exceed

***--**Producer A, an eligible "person" according to 1-PL or person or legal entity according to 4-PL, incurs $4,000 for a practice. An ineligible contributor contributes $1,000 for the**--***
practice. Total cost of the practice was $5,000. Percent of actual cost rate is 50 percent, not to exceed $3,000.

The ineligible contribution of $1,000 will not be deducted from the total practice cost of $5,000 to compute C/S amount. Producer A will receive a $2,500 C/S payment, which is 50 percent of the actual cost, not to exceed $3,000.

**Note:** C/S of $2,500 does not exceed 100 percent of the producer's out-of-pocket cost.

## 488 Computing C/S if Ineligible Persons Have Contributed (Continued)

### E Example of Flat Rate

***--**Producer A, an eligible "person" according to 1-PL or person or legal entity according to 4-PL, incurs $4,000 for a practice. An ineligible contributor contributes $1,000 for the**--***practice. Total cost of the practice was $5,000. Flat rate for this practice is $3,500.

The ineligible contribution of $1,000 will not be deducted from the total practice cost of $5,000 to compute the C/S amount. Producer A will receive a $3,500 C/S payment, which is the flat rate for this practice.

**Note:** C/S of $3,500 does not exceed 100 percent of the participant's out-of-pocket cost.

## 489 Computing C/S if Special Interest Groups Contributed

### A Special Interest Groups

Special interest groups, such as Ducks Unlimited or Pheasants Forever, are eligible to receive C/S payments if they are part of the contract.

When special interest groups contribute to the cost of a practice, their contribution shall **not** be subtracted from the total cost when computing C/S.

Non-C/S services are permitted from special interest groups, such as Ducks Unlimited or Pheasants Forever, and are included in the calculation of total establishment costs.

***--Notes:** C/S payment shall not exceed 100 percent of the eligible "persons" according to 1-PL or person or legal entity according to 4-PL contribution to the cost of installing the**--***practice.

Special interest groups **may** not be eligible to receive annual rental payments.

### B Example

An eligible producer contributes $5,000 to the cost of a practice. A special interest group contributes $1,500 to the cost of the same practice for a total cost of $6,500. The practice C/S level is 50 percent.

The eligible producer may receive a $3,250 C/S payment, which is 50 percent of $6,500.

**Note:** C/S of $3,250 does not exceed 100 percent of the producer's out-of-pocket cost.

## 490 Dividing C/S Based on Contributions

### *--A All Costs Paid by 1 Eligible "Person" or Person or Legal Entity--*

An eligible person who performs the obligation of establishing the practice may earn the C/S payment.

**Note:** See paragraph 441 for eligible persons.

### *--B Costs Paid in Equal Proportions by Eligible "Persons" or Person or Legal Entity

If 2 or more eligible "persons" according to 1-PL or person or legal entity according to 4-PL equally contribute to the cost of performing the practice, divide C/S equally.

### C Costs Paid in Unequal Proportions by Eligible "Persons" or Person or Legal Entity

If 2 or more eligible "persons" according to 1-PL or person or legal entity according to 4-PL contribute to the cost of performing a practice and COC determines that each "persons" according to 1-PL or person or legal entity according to 4-PL contributions are not in equal proportions, COC shall:

- prorate the C/S payments based on the individual's contributions
- document how each "persons" according to 1-PL or person or legal entity according to 4-PL percent of contribution was determined.**--***

### D All Costs Paid by Ineligible "Person"

Make no C/S payments to any person for a practice for which all costs are paid by ineligible "persons".

## 491-495 (Reserved)

## 496 Making CRP C/S Payments

### A C/S Payments

CRP C/S payments shall:

•*--be made when authorized according to 1-FI--*

- be computed based on the rates and specifications in effect when C/S is approved on AD-245

  **Note:** See paragraph 455 for an exception.

- be paid as soon as possible after all of the following have been completed:

  - COC approves CRP-1
  - producer signs AD-245, page 2 and reports completion of the practice
  - *--NRCS or TSP certifies performance or producer self certifies performance--*
  - AD-1026 has been completed and signed
  - CCC-502 has been completed and signed
  - *--compliance with 1-PL or 4-PL, as applicable--*
  - CCC-770-CRP2 (Exhibit 26), items 1 through 11B

  **Note:** See 61-FI for prompt payment provisions.

- not exceed:

  - 50 percent of eligible costs

  - 50 percent of land value

    **Exceptions:** See paragraph 441.

  - 100 percent of participant's out-of-pocket cost

- be exempt from maximum payment limitation provisions and offset for debts to FLP

- only be paid to signatories to approved CRP

- not be authorized for splitting practices on the same land for C/S purposes between different Federal programs

## 496 Making CRP C/S Payments (Continued)

### A C/S Payments (Continued)

- not be issued to Federal entities
- be recorded on AD-245
- be spot-checked according to subparagraph 454 J.

**Note:** See 58-FI. Make partial payments according to 1-CONSV and paragraph 497. Record partial and final performance according to 1-CONSV.

### B Approval Responsibilities for C/S Payments

An STC or DAFP representative shall review certain AD-245's before approval. This table shows required reviews, persons responsible for review, and persons responsible for approval or disapproval.

| **AD-245's for...** | **MUST be reviewed by...** | **BEFORE approval or disapproval by...** |
|---|---|---|
| • COC members<br>• County ES employees<br>• FSA County Office employees<br>• other County USDA employees<br>• Conservation District board members | DD | DD. |
| State Office employees | STC | STC. |
| STC members | DAFP | SED. |
| SED's | DAFP | STC. |
| Other FSA employees | DAFP | STC. |

**Note:** Reviews **must** be completed for any entity for which the employees, who are subject ***--**to a required review, have a substantial beneficial interest, according to 1-PL or 4-PL, as applicable.**--***

Persons making the required reviews shall ensure that all:

- eligibility requirements are met
- required entries on CRP-1 and CRP-2 are completed.

SED or STC, as applicable, shall not approve CRP-1's unless authorized by DAFP in writing.

## 497 Partial Payments

### A Authority for Partial Payment

Partial payment for a practice may be paid if the participant will complete **all** of the practice within the time prescribed by COC.

If the practice is not completed within the time prescribed, the participant must refund the payment.

### B Making Partial Payments

Make partial payments only when **all** of the following conditions are satisfied:

- a request for payment is made on AD-245
- COC and NRCS or TSP determine that the completed components are a reasonable attainment toward completing the practice
- the participant agrees to complete the practice on FSA-18, which must be filed with AD-245.

  **Note:** See Exhibit 48 for instructions on completing FSA-18.

NRCS or TSP must certify performance before any payment is made.

## 498 Adjustments Because of Overpayment or Underpayment

### A Adjustments

County Offices shall adjust AD-245, page 2, if:

- overpayment is caused by an error in data or computations, which includes excess refunds
- underpayment is caused by an error in data or computations, which includes deficient refunds.

**Note:** The participant must sign the corrected AD-245, page 2.

### B Destroyed, Lost, or Stolen CCC-184's

Replace destroyed, lost, or stolen CCC-184's according to 1-FI.

## 499-508 (Reserved)

# *--Part 21 Conservation Reserve Enhancement Program (CREP)

## 509 General CREP Information

### A Background

On February 19, 1997, CCC issued a final rule in 7 CFR 1410.50(b) that provides that CCC may enter into agreements with States to use CRP to cost-effectively further "specific conservation and environmental objectives of that State and the nation."

CREP has been established to provide a flexible and cost-effective means to address agricultural resource problems by targeting Federal and State resources to specific geographic regions of substantial environmental sensitivity for a 10- to 15-year period.

CREP as part of CRP is administered under the same statutes and Federal regulations. Administration and management of CREP at the national level is the responsibility of the FSA CREP Program Manager. After CREP agreements are entered into with State governments or Indian Tribes, eligible cropland and marginal pastureland may be offered and enrolled on a continuous signup basis. CREP policies and procedures typically adhere to those of CRP's continuous signup except where modified by specific provisions outlined in CREP agreements and related State supplements to this handbook. The State CREP supplement to 2-CRP is drafted by the FSA State Office after the CREP agreement is signed by the Secretary and the State Governor and **must** receive approval by the Program Manager before publication.

### B CREP Primary Goals

The primary goal of CREP is to establish a unique CRP program initiative through which the resources of both a State or Tribal government, or NGO, and CCC/FSA can be targeted in a coordinated manner to address specific high priority conservation and environmental objectives of that State and the nation.

CREP agreements are to be designed for specific geographic areas within a State that have been adversely impacted by agricultural activities through the use of approved conservation buffer and related practices. CREP conservation practices **must** be designed to achieve substantial on-site and off-site natural resource benefits targeting 1 or more of the following goals:

- restore/establish wildlife habitat
- enhance water quality
- reduce soil erosion
- enhance air quality
- restore/establish wetlands
- promote conservation forestry
- increase control of critical invasive species
- enhance critical threatened and endangered plant and animal species survival
- achieve a net water savings in ground and/or surface waters and conserve energy.**--***

## 509 General CREP Information (Continued)

### B CREP Primary Goals (Continued)

The achievement of multiple natural resource benefits through CREP contracts is strongly encouraged.

**Important:** All cropland and marginal pastureland proposed for a CREP project **must** meet all eligibility criteria according to paragraph 97. CREP agreements **cannot**:

- be used to create new categories of eligible land, or modify cropping history or producer eligibility provisions in paragraph 97
- provide for FSA to exceed total county cropland limits, unless standard 25 percent waivers are approved as outlined in paragraph 69
- ***--**be used to assist State and/or local governmental agencies toward meeting requirements of a court order, settlement agreement, or other legal mandate.**--***

### C USDA Assistance

To meet CREP goals, USDA provides financial, educational, and technical assistance to help producers voluntarily implement conservation practices that will enhance the environment in an economically efficient manner. This assistance will be provided after a CREP agreement is signed by the State Governor, or designee, or Tribal Representative and the Secretary of Agriculture, or designee, to implement a State's CREP.

## 510 CREP Proposal Overview

### A New CREP Project Development Stages

The implementation of a new CREP program typically has 6 general stages:

| Stage | Development |
|---|---|
| 1 | State CREP partners identify natural resource concerns, identify a solid State funding commitment, and draft a written CREP proposal for submission to the Program Manager.<br><br>**Note:** A draft EA and/or related NEPA documents **must** be prepared for the project and **must** be submitted with the CREP proposal. The EA development process is to be used to ensure that optimal provisions are outlined in the proposal. |
| 2 | Program Manager and National CREP Review Team will review the proposal and provide written comments to State CREP partners. Subsequent negotiation with State CREP partners may also be conducted to resolve outstanding issues. |

## 510 CREP Proposal Overview (Continued)

### A New CREP Project Development Stages (Continued)

| Stage | Development |
|---|---|
| 3 | State CREP partners will develop a Draft CREP Agreement outlining the legal provisions of the proposed State CREP Program and submit to the Program Manager. The Program Manager, National CREP Review Team, and USDA-OGC will review the draft agreement and provide all necessary agreement wording changes back to the State CREP partners.<br><br>**Note:** In most cases, CREP agreement drafts are updated through cycles of review and refinement between State CREP partners and National CREP Review Team/OGC negotiations. |
| 4 | After full agreement and consensus is achieved among State CREP partners and between State CREP partners and the Program Manager, a Final CREP Agreement is prepared by State CREP partners and submitted to the Program Manager for USDA-OGC approval. |
| 5 | After the final agreement is signed by the Secretary of Agriculture and the Governor, the FSA State Office drafts and submits a State supplement to 2-CRP to the Program Manager for approval. |
| 6 | The State and County FSA Offices, FSA-PAS, and State CREP partners conduct outreach/promotional activities, issue local press releases and fact sheets, conduct training, and announce CREP program signup. |

CREP proposals **must**:

- address a recognized resource conservation concern of State and national significance, and demonstrate the ability to achieve substantial environmental benefits in a cost-effective manner

- present clear program goals with measurable natural resource/environmental protection targets reflecting the anticipated level of benefits the program will achieve when fully enrolled

  **Example:** The project may include a reduction in nitrogen loading to rivers and streams by 2,000,000 pounds from the current level when enrollment goals are reached.

## 510 CREP Proposal Overview (Continued)

### A New CREP Project Development Stages (Continued)

- provide for a substantial financial commitment by State CREP partners

  **Notes:** This commitment shall be not less than 20 percent of the total project cost. In addition, not less than 10 percent of the total project cost (1/2 of this 20 percent) **must** be provided by State CREP partners in the form of either of the following:

  - direct new payments to program participants
  - new funding for a CREP project.

  ***--**Total cost of the CREP project is the sum of all Federal and State direct payments to participants plus all approved State In-Kind contributions.

  State partners may use Federal funds to count towards the 20 percent match provided that the Federal dollars are **not**:

  - cost-share for practice establishment
  - derived from USDA.

  The following costs may **not** be counted towards the State 20 percent contribution of the total project cost for CREP:

  - any funds offered from groups or individuals for CREP which are conditionally provided only if participants agree to enter into agreements to sell, lease or transfer carbon/timber/grazing, etc., back to the group or individual

  - participant's portion of the cost to establish and maintain practices

  - cost incurred by:

    - USDA or TSP to provide administrative or technical assistance for individual offers/contracts/plans

    - State partners outside the CREP project area

    - State partners in the CREP project area which are not targeted to achieve the same primary natural resource benefits as the CREP project

    - State partners before the CREP agreement is signed except for cost incurred because of the an environmental assessment and/or biological assessment

    - State partners to conduct an agreement signing ceremony**--***

## 510 CREP Proposal Overview (Continued)

### A New CREP Project Development Stages (Continued)

- State partners after the CRP contracts expire
- other State partner costs determined by USDA to be unsuitable.

- provide detailed project cost analysis with proposed total Federal and State CREP partner outlays needed to support the request

***--Note:** State project cost analysis shall include but is not limited to the following:

- USDA and State partner costs for re-enrolling expiring CRP acreage in the project
- the net present value of Federal CRP rental payments and proposed annual State incentives using the discount rate required by OMB according to Circular A 94 if such payments are not expected to be outlaid in the first 2 years after the contracts are approved. Current rates posted at http://www.whitehouse.gov/omb/circulars/a094/a94_appx-c.html.--*****

## 510 CREP Proposal Overview (Continued)

### A New CREP Project Development Stages (Continued)

- be consistent with the CRP statute and regulations

- provide for interagency cooperation and provide detailed evidence of State and local agency, producer group, general community, and NGO support for the project, including letters of support, etc.

- provide a detailed quantifiable monitoring and evaluation component to measure the success of the project

- ***--**provide appropriate surveys, maps (including GIS maps), GIS shape file of the project area, tables, and reports supporting the proposal**--***

- provide detailed quantifiable and statistical analysis justifying all incentives and payments

  **Example:** Provide a spreadsheet and narrative summary providing a cost comparison of opportunity costs and indicating incentives needed to replace some of the opportunity costs forgone.

- provide detailed analysis of the technical and administrative assistance needs and evidence of sufficient staff resources to meet the needs.

  **Note:** See CREP proposal outline requirements in paragraphs 512 through 514.

### B New Proposal Development/Approval Process

State CREP partners (including Tribal governments):

- develop the detailed CREP proposal after on-going consultation with appropriate FSA and other Federal agencies and any non-Federal partners participating in the proposal

- submit the proposal to the Secretary with a formal cover letter from the Governor's or Tribal office, or the appropriate designee, summarizing the project and requesting approval and also a copy to CEPD, attention CREP Program Manager, for review and comment.

After receiving a proposal, the National CREP Review Team will review the proposal and provide written comments to the State agency or Tribal representative. The State or Tribal representative should respond, in writing, addressing questions or issues raised.

## 510 CREP Proposal Overview (Continued)

### C Compliance with NEPA and related statutes, Executive Orders, and Departmental Regulations

During the initial stages of the CREP proposal development, FSA SEC is responsible for ensuring that a programmatic EA be developed and used by State CREP partners as a CREP policy-development tool to ensure that potential environmental impacts are fully considered before the drafting of the Final CREP Agreement. It is the responsibility of CREP partners to fully fund the EA process in coordination with FSA's National Environmental Compliance Manager.

The draft EA **must** be:

- started and completed as early in the policy development stage as possible
- forwarded by the SEC to FSA's National Environmental Compliance Manager for review and comment
- made available for 15 calendar days for public review by publishing a notice of availability of the draft EA in the areas to be affected by the CREP Agreement
- redrafted to include any comments received during the public comment period in the preparation of the final EA.

The final EA **must** be:

- forwarded by SEC to FSA's National Environmental Compliance Manager for review and comment
- used to develop FONSI if no significant adverse environmental impacts are noted
- made available for 15 calendar days for public review by publishing a notice availability of the final EA and FONSI in the areas to be affected by the CREP Agreement.

**Note:** Contracts cannot be approved until the NEPA process is completed.

## 510 CREP Proposal Overview (Continued)

### D Preparing the Draft CREP Agreement

Through ongoing negotiations, State CREP partners, National CREP Review Team, and Program Manager will work to resolve all outstanding issues raised by the CREP proposal. After the Program Manager indicates that the CREP proposal is viable**,** State CREP partners will be asked to prepare the Draft CREP Agreement.

The draft CREP Agreement **must**:

- be developed after the Program Manager indicates the CREP proposal is viable
- be submitted for review and comment to the Program Manager with a cover letter summarizing the project and requesting approval
- be reviewed and subsequently approved by the Program Manager
- explicitly state that the NEPA process was completed and a FONSI was issued
- be reviewed by USDA-OGC and approved for legal sufficiency before the Agreement is signed.

**Note:** The draft CREP Agreement may need to be edited and resubmitted more than once by State CREP partners before approval by the Program Manager.

### E Handling Final CREP Agreements/Signing Events

Upon receiving approval of the draft CREP Agreement by the Program Manager, State CREP partners may coordinate and host any ceremonies for the signing of the final CREP Agreement document with the Secretary's office.

**Note:** Contact with the Secretary's appointment scheduler should be initiated as early as possible to timely schedule an appropriate signing event or signing ceremony.

For the signing, at least 2 copies of the final CREP Agreement **must** be prepared. One original signed document shall be forwarded to CEPD, attention CREP Program Manager, within 14 calendar days. All remaining original signed documents may be retained by the State or Tribal representative, as applicable.

The final CREP Agreement becomes effective after obtaining Governor or Tribal representative and the Secretary of Agriculture, or designee signatures. A witness page may also be developed and signed along with the CREP Agreement by other attendees; however, this page is not formally part of the CREP Agreement.

FSA State Offices, in consultation with the State CREP partners and FSA-PAS, shall draft a State CREP Fact Sheet, news release, and questions and answers for distribution after the final CREP Agreement is signed. These releases should include a "Signup Start Date". CEPD shall arrange for the posting of copies of these items on FSA's public web site for general access.

## 510 CREP Proposal Overview (Continued)

### F Addendums to Existing CREP Agreements

Addendums to existing CREP Agreements **must** be coordinated with all State CREP partners and Program Manager and:

- submitted to DAFP, attention Program Manager, including a cover letter summarizing the project changes and requesting approval

- include additional updated detailed project cost analysis, with adjusted Total Federal and State Partner outlays for any project changes proposed that will impact outlays to ensure the 20 percent State funding provisions of subparagraph A will continue to be met

- include any updated NEPA documents as determined necessary by FSA's National Environmental Compliance Manager

  **Note:** Updated NEPA documents **must** be funded by CREP partners

- submitted with sufficient analysis and documentation justifying the changes including any new GIS and other appropriate maps, new practice provisions, payment provisions, etc.

- reviewed by the National CREP Review Team

- approved by the Program Manager

- reviewed by OGC for legal sufficiency.

After tentative approval by the Program Manager, a minimum of 2 addendum documents **must** be signed by FSA-DAFP and by the manager of the lead State Partner agency, or State Governor if required by State law. One original CREP addendum shall be retained by the National Office and all other original documents may be retained by the applicable State or Tribal office for record keeping purposes.

**Note:** Additional State supplements to 2-CRP and County FSA training may also be needed to support addendums to CREP agreements.

## 510 CREP Proposal Overview (Continued)

### G CREP Outreach

SED's shall contact key representatives of the State government and Tribal Representatives offer to make a general presentation on CREP.

FSA State Offices shall notify representatives of the State Technical Committee and commodity, environmental, and other potentially interested groups of the availability of CREP.

The FSA National Office will work with interested parties in determining the viability of CREP proposals. However, the State CREP partners are responsible for proposal development.

**Note:** Brochures, pamphlets, and a brief slide show outlining CREP are available upon request to FSA State and County Offices to assist in outreach activities. Contact FSA-PAS to receive a list of outreach materials.

## 510.5 CREP CCC Payment Policy

### A Maximum Payment Rate (Per Acre) Payment Policy

Soil rental rates used in maximum rental payment rate calculation for CREP contracts shall be determined according to Part 6. Except as provided for in subparagraph B, all maximum payment rates shall be based on approved non-irrigated cropland soil rental rates or marginal pastureland rental rates.

***--Note:** Eligible cropland that is irrigated may be offered for CREP under non-irrigated rental rates unless irrigated rates are authorized under the agreement.**--***

Incentive rates shall be set at levels consistent with those provided for in this handbook and the CREP agreement.

Higher incentive rates may be determined necessary by State CREP partners to achieve program participation for any practice; they **must** be thoroughly justified in the CREP proposal.

States or other entities **must** provide additional annual or lump-sum payments for CREP. These payments may be included as part of the State 20 percent matching funds.

**Note:** FSA will not manage, disburse, account for, or report any non-Federal CREP monies or payments.

Maintenance rates used in maximum payment rate calculations shall be set at levels consistent with procedure as provided in this handbook.

***--510.5 CREP CCC Payment Policy (Continued)**

**B Irrigated Rental Rates**

CREP proposals may include requests to offer irrigated rental rates for eligible irrigated cropland and/or irrigated marginal pastureland to achieve targeted groundwater and/or surface water savings. In addition to water savings, CREP proposals which target irrigated land enrollment should also, to the extent practicable, be formulated to achieve energy conservation, water quality, wildlife habitat, and erosion reduction benefits.

**Note:** Lands determined as irrigated must meet all eligibility requirements according to paragraph 97. In addition, irrigated cropland must have been irrigated with at least ½ acre/foot for 4 of the 6 year 1996-2001, and, must at the time the offers are submitted be legally and physically capable of being irrigated in a normal manner.

Irrigated rental rates must be approved before CREP signup. Irrigated rental rates shall only be approved for those CREP proposals targeting water savings for which adequate assurance that substantial water conservation can be achieved and to address a recognized environmental concern.

The State CREP partners must provide in the proposal sufficient support justifying irrigated rental rates. The CREP proposal must include:

| Item | Description |
|---|---|
| 1 | Specific project details including but not limited to:<br><br>• GIS and other applicable maps outlining the proposed irrigated CREP geographic area, including watersheds<br><br>• expected irrigated total cost of the program<br><br>• summary table projecting expected irrigated and non-irrigated acres enrolled by practice<br><br>• offer ranking process proposed, if applicable<br><br>• provisions for the inclusion of any non-irrigated acreage proposed. |
| 2 | Justification for the per acre costs based on expected per acre/foot of water saved in comparison to alternative methods to achieve water savings such as calibration of nozzles, re-leveling, EQIP dryland conversion projects, including a table of per acre foot of water savings compared to other water conservation options. |

**--***

***--510.5 CREP CCC Payment Policy (Continued)**

**B Irrigated Rental Rates (Continued)**

| Item | Description |
|---|---|
| 3 | An Irrigation Water Management Plan that contains a detailed description of how the State will ensure that water conserved due to irrigated land enrollment will achieve natural resource benefits and not be used elsewhere for commercial purposes.<br><br>Irrigation Water Management Plans must include:<br><br>• an outline of the specific irrigation water management techniques proposed by the State CREP partners to achieve water savings; these techniques must include 1 of the following:<br><br>  • the permanent purchase of water allocations/rights for the land enrolled in CREP by the local water authority from the participating landowners<br><br>  • the temporary lease of water allocations/rights for the land enrolled in CREP using a specialized lease between local water authorities and the participating landowners<br><br>  • the temporary cessation of irrigation water use and conservation of related saved water for the land enrolled in CREP through a specialized water use contract between local water authorities and the participating landowners<br><br>  • similar permanent or temporary arrangements formally agreed to between local water authorities and the participating landowners which achieve water use cessation and water conservation objectives for the land enrolled in CREP<br><br>  **Note:** Any temporary water arrangements with participants must provide for the discontinuation of water use for the enrolled land covering the life of the CREP contract, and provide a guarantee of the return of those water rights/allocations upon termination of the CRP contract, unless longer-term provisions are otherwise explicitly provided for.<br><br>• strict State/local moratoriums (or related restrictions) on new water withdrawals and uses and/or State waterbanking or similar water pooling programs in the applicable region that ensure the overall water savings goals will not be offset by new water withdrawals or non-conserving uses of saved water |

**--***

***--510.5 CREP CCC Payment Policy (Continued)**

**B Irrigated Rental Rates (Continued)**

| Item | Description |
|---|---|
| 3 (Cntd) | • provisions under which only State/local authorities continue to manage water and water rights and must **not** contain any USDA, CCC, or FSA water or water rights management responsibilities or requirements<br><br>**Important:** USDA/CCC will not buy, lease, or otherwise hold water rights leases or agreements.<br><br>• a thorough description of the proposed water savings monitoring, evaluation and annual reporting component<br><br>• estimates of energy conservation goals/objectives for energy saved because of water pumping reductions<br><br>provisions, if applicable, for temporary irrigation needed to establish the vegetative cover during early stages of the CREP contract. |

**C C/S Assistance for Conservation Practices**

The provisions for C/S payments for CREP practices shall adhere to those established for other CRP C/S according to this handbook.

States or other entities may provide additional C/S assistance or in-kind services. Other Federal Agency C/S is subject to the provisions of Part 20.

**Important:** C/S payments from all sources may not exceed 100 percent of the participant's practice installation cost. PIP and incentive to restore hydrology payments, although practice-related, are not C/S payments.

**D CCC "One-Time" Incentive Payments**

PIP, SIP, and incentive to restore hydrology for wetland restoration practices incentive payments may be included in a CREP Proposal and agreements according to this handbook.

PIP, SIP, and incentive to restore hydrology incentive payments are subject to the $50,000/person annual payment limitation provisions.

**Note:** IRS may also treat these one-time payments as CRP annual rental payments for tax purposes.**--***

***--510.5 CREP CCC Payment Policy (Continued)**

**E State or Tribal Incentives**

State, Tribal, or private entities must provide additional financial incentives to participants as part of the State's 20 percent matching funds as outlined in subparagraph B. Additional non-federal incentives could include direct payments to participants such as C/S assistance, lump-sum signing payments, and easement purchases and must be specified under the terms and conditions of the Agreement.

**Note:** Although FSA will not disburse or manage State payments, FSA may provide copies of those forms and related CRP/CREP documents which are legally releasable to State CREP partners under Federal privacy laws to help State agencies calculate and disburse State payments.**--***

## 511 Project Requirements

**A State and National Significance**

***--**To be eligible for CREP, a project must meet requirements in subparagraph 509 B and address:

- environmental issues related to agricultural use
- resource issues of State and national significance.

A resource issue must meet at least 1 of the following criteria:**--***

- project is located in an area where agriculture is an important element of the regional economy, and the long-term viability of agriculture is threatened because of agricultural-related environmental conditions

- project would measurably improve water quality in areas where it currently does not meet designated use standards, such as areas identified according to studies conducted under the Clean Water Act, Section 305

- project would mitigate nonattainment of air quality standards because of agricultural activities

- project would provide significant restoration of a species on or identified as candidates for listing on the Federal Endangered Species List

- project would mitigate adverse agricultural impacts on important segments of the regional economy, such as recreational use, transportation, fisheries, etc.

## 511 Project Requirements (Continued)

### A State and National Significance (Continued)

- project would ensure the preservation of a unique geographic region, which represents 1 of the most important examples of a particular resource type in the country, such as a designated national natural landmark

- project would target restoration of wetlands or severe drought-impacted region for which water savings is critical for natural resource conservation.

### B Land Eligibility

Only cropland and marginal pastureland may be eligible for enrollment in a CREP in accordance with the provisions of this handbook and the CRP regulations at 7 CFR Part 1410.6. Cropland and marginal pastureland shall meet all 3-CM and 2-CRP provisions. No other land is eligible for CREP.

***--Note:** CREP cropland contract acres are subject to the total county cropland limit eligibility provided in Part 4.**--***

### C Ownership Eligibility

Ownership requirements for eligible cropland and marginal pastureland under CREP are the same as for CRP.

### D Number of Requests and Maximum Project Size

States or Tribal governments may submit 1 or multiple CREP project proposals, but the ***--**limitation for CREP allocations per project shall not exceed 100,000 acres for each State.**--*** Project size should be based on the land area needed to address the specified objectives in a cost-effective manner. This acreage limitation may be waived based on unique site conditions, program performance, and acreage availability. Any condition for renegotiation of the agreement to waive the 100,000-acre limitation will be specified in the Agreement. CREP Proposals should provide acreage targets by practice, and targets or limits by any applicable geographic and/or other targeted criteria.

## 511 Project Requirements (Continued)

### E Conservation Practices

Conservation practices authorized for CREP **must** be consistent with practices authorized for CRP in Exhibit 9 and meet NRCS FOTG standards.

CREP proposals may do either of the following:

- limit the approved practices to 1 or 2 specific practices
- permit a justified variety of CRP practices.

A proposal may request a modification of an existing CRP practice. If such a modification is proposed, sufficient justification and supporting material, and technical details to support the need for the modification **must** be provided in the CREP Proposal. The modification will only be approved if it is technically feasible and necessary to accomplish program objectives.

### F Statute and Regulations

State CREP programs **must** be fully consistent with the statute and regulations governing CRP.

***--Note:** Statutory authority to enroll lands under CRP/CREP follows the statutory authority to enroll lands under CRP subject to the provisions of the CREP agreement and the availability of acres and funds.**--***

**Example:** CCC has no authority to approve any of the following:

- paying C/S in excess of 50 percent
- exceeding the $50,000 payment limitation
- exempting the AGI provisions.

***--Exception:** See paragraph 87.**--***

### G Project Duration

The duration of contracts to be offered under CREP shall be a minimum of 10 years, but not to exceed 15 years.

## 512 Consultation and Coordination

### A Interagency Coordination of CREP Project Proposals

Establishing an interagency team of Federal and State agencies to coordinate developing the CREP proposal is recommended. The State Technical Committee may serve as the core group in developing the proposal. Consideration should be given to involving the following *--Federal and non-federal entities in developing the proposal:

- FSA
- NRCS

  **Note:** NRCS at the State level shall be available to provide the estimated technical assistance cost for all CREP projects.

- CSREES
- Tribal Representative
- Governor's office
- State Water Quality Agency
- administrators of any other technical agency providing technical assistance for water quality projects
- State Conservation District Agency
- Local Soil & Water Conservation District
- U.S. Fish and Wildlife Service
- State Fish and Game Department
- State Department of Agriculture, or equivalent
- State Forestry Department
- EPA
- USGS
- NGO's.--*

## 512 Consultation and Coordination (Continued)

### B Joint Efforts in Conjunction With States on Local Initiatives

Every effort shall be made, both at the State and local levels, to ensure that CREP represents a cooperative effort.

Where there are agricultural conservation projects already existing or planned, CREP ***--**proposals should show that CREP will be part of a coordinated effort.**--***

### C Local Support

It is imperative that CREP proposals reflect strong local support from producers and the public. Consideration should be given to encouraging the following local groups to participate:

- agricultural producers
- soil and water conservation districts
- farm-related organizations
- commodity groups
- outdoor recreation groups
- environmental groups
- forestry organizations
- civic groups
- other public interest groups.

### D Commitments From Other Agencies

Each proposal submitted shall include a description of the extent of financial, personnel, and/or other resource commitments for the project from:

- the Governor, for various State agencies
- the Tribal Representative
- any other non-Federal funding sources.

### E Technical Assistance

***--**The proposal must specify the primary State or Federal agency proposed to perform**--*** technical assistance.

## 513 CREP Development and Approval Process

### A Developing and Approving CREP Proposals

This table outlines the process for developing and approving CREP proposals.

| Item | Action |
|---|---|
| 1 | Establish an interdisciplinary/intergovernmental State planning team to develop a CREP proposal. |
| 2 | Provide members of the planning team a copy of this handbook, if applicable. |
| 3 | Use these guidelines to develop the CREP proposal. Proposals should be clear, concise, and brief, generally not exceeding 30 pages in length. Supplementary material may be submitted, but should be provided as an attachment to the proposal.<br><br>FSA State Office begins drafting EA using an interdisciplinary team consisting of the FSA Conservation Program Specialist, SEC, and other representatives as needed. EA **must** be approved by FSA's National Environmental Compliance Manager and published before approval of the CREP agreement. |
| 4 | Solicit public input on the proposal. In particular, comments should be solicited from affected producers and incorporated into the proposal. |
| 5 | The Governor or Tribal representative shall submit the proposal to the Secretary and provide a copy to the Program Manager. |
| 6 | A national CREP group shall conduct an interagency review of the proposal and submit comments to the Governor or Tribal representative within 60 calendar days. Generally, the CREP Program Manager or CEPD representative will meet to discuss the proposal with State representatives. |
| 7 | The CREP planning team shall revise the proposal, as necessary, based on comments and agreed upon changes. |
| 8 | Following initial approval of a proposal, the Governor shall submit a draft agreement along with the revised CREP proposal to CEPD, attention CREP Program Manager. |
| 9 | FSA State office, working with other Federal and State CREP partners, will develop State-specific CREP procedures. The procedures:<br><br>• are developed and published as a supplement to this handbook<br><br>• **must** be approved by the Program Manager before CREP enrollment begins<br><br>•***--must** reiterate FSA State and County Office compliance with 3-INFO privacy act requirements in CREP signup operations including other CREP partners.**--*** |
| 10 | The Program Manager, in consultation with OGC and CRP managers, and the Governor or Tribal Representative, shall negotiate the final terms for the agreement. |
| 11 | The Secretary of Agriculture and Governor or Tribal Representative, or their designees, as appropriate, shall sign the agreement. |

## 514 CREP Proposal Outline

### A Format

Project proposals shall be prepared according to this paragraph.

- Separate required information into sections as described.
- Be brief and put information in bulleted lists, tables, or short narratives.
- Avoid excessive narrative.
- Submit an electronic copy in MS Word.

### B Cover Sheet

On the cover sheet, enter the following:

- project name
- State
- counties where the project is to be located.

### C Section 1 - Abstract

Provide a brief abstract of the project not to exceed 1 page, which includes the following:

- description of the project purpose and area
- summary of existing conditions and agricultural impacts to be addressed
- brief description of the project
- ***--**CRP practices proposed**--***
- estimated number of acres to be contracted under the CREP project
- estimated cost of the project.

## 514 CREP Proposal Outline (Continued)

### D Section 2 - Existing Conditions

Provide a discussion of existing conditions that includes all of the following:

- why the project area is of State or national significance based on the criteria in this paragraph
- a detailed map outlining the geographic area of the proposal
- a description of the various human activities and land uses within the project boundary, such as cropland, range land, forest, urban, etc., including a summary of all land uses within the watershed/project area
- a description of farm demographics within the project boundary watershed, including number of farms, types of farms, average size of farm by type, etc.
- a brief description of relevant environmental factors, including the following:
    - precipitation
    - soil
    - important geological features
    - vegetation patterns
    - wildlife
    - water resources
    - air quality
    - Federally listed endangered and threatened species.

### E Section 3 - Agriculture-Related Environmental Impacts

This analysis must include the following:

- magnitude of agriculture-related environmental impacts
- past and projected future trends in agricultural impacts
- nature of any health-related agricultural impacts
- past, ongoing, and projected future efforts to address agricultural impacts through State *--and Federal programs, including the number of acres in the project area currently--* under CRP, EQIP, and WRP.

## 514 CREP Proposal Outline (Continued)

### F Section 4 - Project Objectives

CREP proposals shall include specific and measurable project objectives as well as documentation for the derivation of the objectives.

**Example:** Implementation of the project will reduce sediment loading by 2,000 tons per year resulting in a saving of $2 million per year in reduced dredging costs.

### G Section 5 - Project Description

The project description must address each of the following:

- ***--**CRP conservation cropland/marginal pastureland practices to be adopted**--***
- number of acres targeted by practice proposed to be contracted in the CREP agreement
- length of time for project implementation
- an analysis of the likelihood that project objectives will be met
- interagency coordination method that includes how producer eligibility determinations will be made, which agency or agencies will provide technical assistance, how the application process will be coordinated among agencies, and how contract compliance will be monitored
- a flow chart of the application process.

## 514 CREP Proposal Outline (Continued)

### H Section 6 - Cost Analysis

CREP proposals **must** include a thorough discussion of project costs that addresses the following:

- total estimated project costs
- itemization of costs to be funded from non-Federal revenues, including a discussion of the status of these funds
- thorough justification for any incentive payments.

### I Section 7 - Monitoring Program

CREP proposals **must** include a monitoring and evaluation plan that can be used to measure the success of the project. The monitoring plan is to include the following:

- a description of the data to be collected and methods to be used to carry out the monitoring plan
- delineation of responsibilities for carrying out the monitoring plan
- provision of annual reports to describe monitoring results
- provision for project modification if objectives are not being met.

## 514 CREP Proposal Outline (Continued)

### J Section 8 - Public Outreach and Support

CREP proposals **must** provide a discussion of the nature of public support, especially from producers. This **must** include a program for public outreach over the duration of the project.

### K Section 9 - Development of Procedure

Before beginning any CREP, FSA, working with Federal and State CREP partners, shall complete an approved detailed supplement to this handbook for implementing CREP. The ***--**supplements **must**:

- be approved by the Program Manager before the start of signup
- be incorporated into this handbook as a supplement
- include information sharing provisions with State CREP partners consistent with the information provisions of 1-INFO, 2-INFO, and 3-INFO.

**Note:** The supplements **must** ensure that CRP/CREP information subject to the Privacy Act collected by FSA from producers is managed according to 1-INFO, 2-INFO, and 3-INFO. State CREP partners that need information subject to the Privacy Act to administer their portions of the CREP agreement **must** collect this information in their own State forms.**--***

### L Section 10 - Training of Staff

CREP proposals should describe the measures that will be taken to train staff. FSA, working with Federal and State CREP partners, **must** develop and provide training on CREP procedures for Federal and appropriate State, local, and private partner staff.

### M Section 11 - Communication Plan

CREP proposals shall describe the measures that will be taken to develop and implement a communication plan. FSA, working with Federal and State CREP partners, **must** develop a communication plan that will promote outreach activities for CREP. The communication plan **must** include the following:

- goals and objectives
- motivators to enrollment
- barriers to enrollment
- communication tools and materials
- training.

## 515 FSA CREP Responsibilities

### A Partnership

SED is responsible for:

- developing partnerships to assist in ensuring that CREP objectives are achieved
- ensuring that all appropriate parties are informed of CREP activities
- developing and implementing an outreach program
- ensuring that the integrity of the FSA data is used to manage CREP.

**Notes:** Data integrity requires that all data be entered into the appropriate data platform on a timely and accurate basis.

To ensure that all FSA and State obligations are fully met, the data must be loaded in a timely manner.

### B Annual Performance Report

Each agreement will require that the State provide an annual performance report. The date of the performance report will be specified in each agreement. The report is a tool to determine program accomplishments and program changes to ensure that the program goals are achieved in a cost-effective manner. The annual performance report must include, at a ***--**minimum, the annual FY performance for the following:**--***

- acres enrolled by practice
- acres of easement or long-term contract
- acres enrolled by county
- cumulative performance for the following:

  - acres enrolled by practice
  - acres of easement or long-term contract
  - acres enrolled by county

## 515 FSA CREP Responsibilities (Continued)

### B Annual Performance Report (Continued)

- financial report listing by Federal FY and cumulative expenditures for both Federal and ***--**State/private entities as follows:**--***

  - annual rent
  - C/S
  - lump-sum incentive payment
  - in-kind technical assistance cost (State/private only)
  - monitoring and evaluation costs (State only)

- progress in meeting program goals, describing:

  - progress at meeting the goals and objective of the proposals
  - ***--**monitoring and evaluation program and results of their evaluation
  - success stories
  - partnership effort.

Reports must be submitted to the CEPD, attention CREP Program Manager no later**--*** than 15 calendar days from the due date specified in the agreement.

### C FSA Quality Control

SED shall ensure that program implementation is consistent with the statute, regulations at 7 CFR Part 1410, agreements, and procedures of this handbook.

This may require periodic COR reviews, spot checks, and reviews by FSA State Offices. If deficiencies are found, SED shall ensure that appropriate corrective actions are taken.

## Reports, Forms, Abbreviations, and Redelegations of Authority

### Reports

This table lists the required report of this handbook.

| Reports Control Number | Title | Reporting Period | Submission Date | Negative Reports | Reference |
|---|---|---|---|---|---|
| CEP-58R | Status of CRP Research Project Report | Annually | State Offices submit to Director, CEPD by end of FY | Not required | 279 |

### Forms

This table lists all forms referenced in this handbook.

| Number | Title | Display Reference | Reference |
|---|---|---|---|
| AD-245 | Request for Cost Shares | | Text, Ex. 12 |
| AD-862 | Conservation Reporting and Evaluation System | | Text, Ex. 9 |
| AD-893 | Recommendation of Percent of Cropland To Be Enrolled in CRP/WRP | 71 | 69 |
| AD-894 | Request for Cropland Waiver | 70 | 69 |
| AD-1026 | Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification | | 125, 372, 404, 496 |
| CCC-36 | Assignment of Payment | | 375 |
| CCC-37 | Joint Payment Authorization | | 375 |
| CCC-184 | CCC Check | | 498 |
| CCC-502 | Farm Operating Plan | | 496 |
| CCC-505 | Voluntary Permanent CAB/Contract Acreage Reduction | | 225 |
| CCC-674 | Certification for Contracts, Grants, Loans, and Cooperative Agreements | Ex. 4 | 6 |
| CCC-770-CRP1 | CRP Contract Approval Checklist | Ex. 26 | 7, 253 |
| CCC-770-CRP2 | CRP Cost Share Payment Checklist | Ex. 26 | 7, 496 |
| CCC-770-CRP3 | CRP Annual Rental Payment Checklist | Ex. 26 | 7, 372 |
| CCC-770-CRP4 | CRP PIP, CP23, CP23A, CP37 and SIP Payment Checklist | Ex. 26 | 7, 372 |

**Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)**

**Forms (Continued)**

| Number | Title | Display Reference | Reference |
|---|---|---|---|
| CPA-68 | Record of Decisions and Applications | | 335 |
| CRP-1 | Conservation Reserve Program Contract | Ex. 16, 27 | Text and Exhibits |
| CRP-1 Appendix | Appendix to Form CRP-1, Conservation Reserve Program Contract | Ex. 21 | Text |
| CRP-1 Continuation | Continuation to the Conservation Reserve Program (CRP) Contract | | 137 |
| CRP-1E Addendum | Addendum Regarding Possession of Conservation Reserve Program (CRP) Property Held by Federal Agency | Ex. 37 | 340, Ex. 6, 36 |
| CRP-1G Addendum | CRP-1 Modification to Allow Early Land Preparation | 280 | 34 |
| CRP-1L | Emergency Forestry Conservation Reserve Program Contract | 150.7 | Part 6, Section 5, Ex. 9 |
| CRP-2 | Conservation Reserve Program Worksheet | 196 | Text, Ex. 9, 16, 19 |
| CRP-2C | Conservation Reserve Program Worksheet (for Continuous Signup) | 138 | Text, Ex. 12 |
| CRP-2F | Emergency Forestry Conservation Reserve Program Worksheet | 150.5 | 150.3, 150.4, 150.6, 150.7, Ex. 18.5 |
| CRP-15 | Agreement for Reduction of Bases, Allotments, and Quotas | | 141, 198, 335, 339, 391, 428 |
| CRP-15-1 | Allotments and Quotas Extension Agreement | | 428 |
| CRP-20 | Notice of Conservation Reserve Program (CRP) Contract Termination | Ex. 36 | 340 |
| CRP-23 | Notice Regarding Accepted CRP Offers | Ex. 12 | 141, 202 |
| CRP-24 | Notice of Contract Approval | Ex. 12 | 141, 202, 253 |

**Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)**

**Forms (Continued)**

| Number | Title | Display Reference | Reference |
|---|---|---|---|
| CRP-25 | Notice of CRP Waiver of Ownership | Ex. 12 | 85 |
| CRP-26 | Notice of Unacceptable Offer | Ex. 12 | 69, 137, 141, 146, 202 |
| CRP-35 | Notice of Offer Reconsideration | Ex. 12 | 416 |
| CRP-36 | Notice Regarding Late-Filed Offer | Ex. 12 | 194 |
| CRP-37 | Request for Incidental Grazing or Use of Forest Refuse | Ex. 30 | 150.11, 268, 322, Ex. 9 |
| CRP-41 | Conservation Reserve Program Early Termination Agreement | 358 | |
| CRP-42 | County Precipitation and Feed and Forage Loss Report | Ex. 34.5 | 307 |
| CRP-100 | Notice Regarding Acceptable EFCRP Offer | Ex. 17 | 150.8 |
| CRP-101 | Notice of EFCRP Offer Denial | Ex. 17 | 150.8 |
| CRP-102 | Notice of EFCRP Offer Status | Ex. 17 | 150.8 |
| CRP-103 | Notice of EFCRP Offer Approval - Lump Sum Payment | Ex. 17 | 150.8 |
| CRP-104 | Notice of EFCRP Offer Approval - Annual Payment | Ex. 17 | 150.8 |
| CRP-817U | Certification of Compliance for CRP | 404 | |
| DF-21 | Request to Participate in Special Haying and Grazing of CRP Acreage | Ex. 32 | 293, 309 |
| DF-25 | Certification of Participation in Haying and Grazing of CRP Acreage | Ex. 34 | 293, 309 |
| FSA-18 | Applicant’s Agreement to Complete an Uncompleted Practice | Ex. 48 | 497 |
| FSA-321 | Finality Rule and Misaction/Misinformation | | 405 |
| FSA-325 | Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent | | 378 |
| FSA-570 | Waiver of Eligibility for Emergency Assistance | | 88 |
| FSA-578 | Report of Acreage | | 195, 404, 428 |
| FSA-695 | Conservation Annual Payment Statement | Ex. 41 | 374 |
| FSA-850 | Environmental Evaluation Checklist | | 236, 242, 278, 281 |
| IRS-1042 | U.S. Annual Return of Income Tax To Be Paid at Source | | 376 |
| IRS-1042S | U.S. Annual Information | | 376 |

**Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)**

**Forms (Continued)**

| Number | Title | Display Reference | Reference |
|---|---|---|---|
| NRCS-CPA-06 | Con3servation Assistance Notes | | 256 |
| NRCS-CPA-52 | Environmental Evaluation Worksheet | | 242 |
| NRCS-LTP-03 | Conservation Alternatives | | 403 |
| NRCS-LTP-11 1/ | Contract Support Document | | 335 |
| NRCS-LTP-11A 1/ | Conservation Plan of Operation | | 256, 335 |
| NRCS-LTP-11B 1/ | Conservation Plan of Operation | | 256, 335 |
| NRCS-LTP-012 1/ | Revision of Conservation Plan/Schedule of Operations | | 256, 335 |
| NRCS-LTP-013 | Status Review | | 256, 403 |
| SF-424-1 | Application for Federal Assistance (Non-Construction) | | 47 |
| SF-LLL | Disclosure of Lobbying Activities | Ex. 4 | 6 |
| SF-LLL-A | Disclosure of Lobbying Activities Continuation Sheet | Ex. 4 | 6 |

1/ Form also referenced as SCS.

**Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)**

**Abbreviations Not Listed in 1-CM**

This table lists approved abbreviations not listed in 1-CM.

| Approved Abbreviation | Term | Reference |
|---|---|---|
| ADC | Application Development Center | 159 |
| BI | benefits index | 150.3, Ex. 18.5 |
| CAB | crop acreage base | 145 |
| CD | conservation district | 69 |
| COLS | Conservation Online System | 152, 195 |
| CP | conservation practice | 242 |
| CPO | Conservation Plan of Operation | 267, 293.5 |
| CPA | conservation priority area | 97, 236, 242, Ex. 13, 19 |
| C/S | cost share | Text, Ex. 9 |
| CREP | Conservation Reserve Enhancement Program | Text |
| CRP-SIP | CRP-Signing Incentive Payment | 112, 125, 150.10, 355, 371, 372, 375, Ex. 9 |
| CSP | Conservation Security Program | 97 |
| EA | environmental assessment | 242, 282, 510, 513 |
| EBI | environmental benefits index | Text, Ex. 12, 19 |
| EI | erodibility index | 69, 97, 358, Ex. 2, 9, 19 |
| EFCRP | Emergency Forestry Conservation Reserve Program | Text, Ex. 9, 17, 18, 18.5 |
| ESA | Endangered Species Act | 236, 242 |
| EQIP | Environmental Quality Incentives Program | 97, 112, 510.5, 514 |
| EWP | Emergency Watershed Protection Program | 273, 355, 392 |
| EWRP | Emergency Wetlands Reserve Program | 69, 273, 355, 392 |
| FONSI | Finding of No Significant Impact | 510 |
| FOTG | Field Office Technical Guide | Text, Ex. 9, 19 |
| FWP | Farmable Wetlands Pilot Program | Text, Ex. 9, 19 |

**Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)**

**Abbreviations Not Listed in 1-CM (Continued)**

| Approved Abbreviation | Term | Reference |
|---|---|---|
| GIS | Geographic Information System | Text |
| GPCP | Great Plains Conservation Program | 97 |
| HUC | hydrologic unit code | Ex. 19 |
| LTA | long-term agreement | 97 |
| MPL | marginal pastureland | 69, 182 |
| NEPA | National Environmental Policy Act | 236, 242, 510 |
| NHPA | National Historic Preservation Act | 236, 242 |
| NOAA | National Oceanic and Atmospheric Administration | 242 |
| NGO | Non-Government Organization | 509, 510 |
| P&CP | planted and considered planted | 145 |
| PAS | Public Affairs Staff | 510 |
| PIP | practice incentive payment | Text, Ex. 9 |
| PLS | pure live seed | 237, 441 |
| PNIF | private nonindustrial forestland | 150, 150.1, 150.3, 150.6, Ex. 9 |
| PV | present value | 150.5 |
| RA | regional attorney | 86, 198, 213, 335, 343, 359, 360 |
| REX | re-enrollments and extensions | 69, 335 |
| RKLS | Gross Potential Erosion or Potential Erosion | Ex. 19 |
| RUSLE | Revised Universal Soil Loss Equation | 47, 97, Ex. 19 |
| SAFE | State Acres for Wildlife Enhancement | 58, 112 |
| SEC | State Environmental Coordinator | 282, 510 |
| SHPO | State Historic Preservation Officer | 242 |
| SRC | State Resource Conservationist | Ex. 9 |
| SRR | soil rental rate | Text, Ex. 9 |
| THPO | Tribal Historic Preservation Officer | 242 |
| TSP | Technical Service Provider | Text and Exhibits |
| USLE | Universal Soil Loss Equation | 97 |
| WBP | Water Bank Program | 97 |
| WEQ | Wind Erosion Equation | 47, 97 |
| WESL | Wind Erosion Soils List | Ex. 19 |
| WHIP | Wildlife Habitat Incentive Program | 97, 112 |
| WRI | wetland restoration incentive | 372, Ex. 9 |

## Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

### Redelegations of Authority

This table lists redelegations of authority in this handbook.

| Redelegation | Reference |
|---|---|
| STC may delegate an official representative to sign documents | 31 |
| COC may redelegate to CED the following responsibilities: | |
| • approving AD-245 | 34 |
| • approving CRP-1 | 34, 391 |
| • making determinations on signatures, contributions, etc. | 34 |
| • approving CRP-1G Addendum | 280 |
| • reviewing and verifying documentation submitted to determine cropping history | 195 |
| • making marginal pastureland determinations | 112 |
| • approving conservation plan. | 236 |

## Definitions of Terms Used in This Handbook

### Affected Acres

Affected acres are the designated CRP acres, as determined by COC, to be in violation of a term or condition of CRP-1.

### Agricultural Commodity

An agricultural commodity is any crop planted and produced:

- by annual tilling of the soil
- on an annual basis by one-trip planters.

The following are agricultural commodities:

- sugarcane planted or produced in a State

- alfalfa and other multiyear legumes and grasses grown in rotation with another agricultural commodity.

### Annual Rental Payment

***--**Annual rental payment is, unless the context indicates otherwise, the annual payment specified in the CRP contract that, when authorized, is made to a participant to compensate a participant for placing eligible land in CRP, including any incentive payments **that are not specifically cost-shares**.**--***

### Approved Conservation Plan

An approved conservation plan is a plan that contains:

- approved cover

- other required practices necessary for establishing and maintaining cover

- a schedule for installing conservation practices to provide adequate environmental benefits on eligible cropland.

### Arbitrary Holddown

Arbitrary holddown is a predetermined amount that the C/S payment **must** not exceed.

**Definitions of Terms Used in This Handbook (Continued)**

***--Commercial Pond-Raised Aquaculture Facility**

A commercial pond-raised aquaculture facility is, as determined by CCC, any earthen facility from which $1,000 or more of freshwater food fish were sold or normally would have been sold during a calendar year.**--***

**Conservation District**

Conservation District is a subdivision of a State that is organized according to the applicable State conservation district law.

**Conserving Use**

Conserving use means a use of cropland with such rotation requirement, if any, as may be specified by DAFP, for any alfalfa and other multi-year grasses and legumes planted during 1996 through 2001, any summer fallow during 1996 through 2001, and in the case of land previously enrolled in the program where the grass cover required by CRP-1 continues to be maintained as though still enrolled. Where the land use for a year qualifies as a "conserving use", the land for that year shall, for the purposes of eligibility under 7 CFR § 1410.6 (a)(1), be considered to have been planted to an "agricultural commodity."

**C/S Payment**

A C/S payment is a payment provided by USDA to help CRP participants establish approved conservation practices that are required on CRP-1.

**Cropped Wetlands**

Cropped wetlands are farmed wetlands and wetlands farmed under natural conditions.

**CRP Contract or CRP-1**

CRP contract or CRP-1 is the approved agreement, including the approved conservation plan, that:

- is entered into, in writing, between COC and the participant
- sets forth the terms and conditions for participation in CRP.

**Definitions of Terms Used in This Handbook (Continued)**

### Dead or Dry Litter Crop

A dead or dry litter crop:

- provides high tonnage of residue and mulch for erosion control
- conserves moisture until the permanent vegetative cover is established
- is an annual crop established before seeding of a permanent vegetative cover
- is used in arid areas where a lack of moisture prevents establishment of permanent vegetative cover in the normal manner.

### Easement Practice

An easement practice is a practice that requires an easement be filed for a specific period of time that identifies FSA real property interest.

### Erodibility Index (EI)

EI is the revised universal soil loss equation factor used to determine the inherent erodibility of a soil without management by dividing the potential average annual rate of erosion (rainfall factor times soil erodibility times (length of slope and percentage slope factor)) for each soil by the predetermined soil loss tolerance (T) value for the soil.

### Field Windbreak

A field windbreak is a vegetative barrier with a linear configuration composed of:

- trees
- shrubs
- approved perennial vegetation.

### Gleaning

Gleaning is placing livestock on fields after harvesting to use the excess crop residue and grains that remain in the field.

**Definitions of Terms Used in This Handbook (Continued)**

**Infeasible to Farm**

Infeasible to farm means an area that is too small or isolated to be economically farmed.

**Land Permanently Inundated With Water**

Land permanently inundated with water is land that is reasonably expected to be under water through the CRP-1 period.

**Loss of Merchantable Timber (for EFCRP purposes)**

Loss of merchantable timber is defined as the difference between the pre-hurricane economic value of eligible land on the acreage offered for enrollment in EFCRP and the post-hurricane economic value of the entire acreage offered using the spring 2006 Timber Mart-South prices.

**Merchantable Timber**

Merchantable timber is timber on private non-industrial forest land on which the average tree has a trunk diameter of at least 6 inches measured at least 4 ½ feet above the ground.

**Non-C/S Payment**

A non-C/S payment is any CRP payment that is not a C/S payment.

**Participant**

A participant is an owner or operator who has entered into CRP-1.

**Perennial Stream**

Perennial stream is a stream that contains water throughout the year. An on-site field visit may be required to make the determination.

**Definitions of Terms Used in This Handbook (Continued)**

**Private Nonindustrial Forestland (PNIF)**

PNIF is land with existing tree cover that is owned by an individual, group, association, corporation, Indian Tribe, other legal private entity, or person who receives concurrence from the landowner for practice implementation or State school trust land.

**Recharge Area**

A recharge area is the area that contributes ground water and salts to the high water table in the discharge area or saline seep. The saline seep cannot be controlled without lowering the ground water in the recharge area. Recharge areas for seeps less than 5 acres shall not exceed a ratio of 10 acres of recharge area per 1 acre of saline seep.

**Retention**

Retention is the likelihood that the practice established will persist and be maintained beyond the lifespan of CRP-1 and will provide benefits beyond the contract period.

**Riparian Buffer**

Riparian buffer is a strip of vegetation the purpose of which is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, and other processes, thereby reducing pollution and protecting surface water and subsurface water quality, which are also intended to provide shade to reduce water temperature for improved habitat for aquatic organisms and supply large woody debris for aquatic organisms and habitat for wildlife.

**Saline Seep**

A saline seep is an induced temporal (discharge) site with hydro-geologically connected recharge areas that contribute to high concentrations of soluble salts on or near the soil surface, impairing productivity. Discharge areas **must** have a soil electrical conductivity greater than 4 mmhos/cm at 25 degrees Celsius. Other characteristics include:

- ground water usually 4,000 micromhos or greater
- sodium absorption ratio ranges from 0 to 12
- soil pH less than 9
- high water table with electrical conductivity greater than mmhos/cm within 8 feet of the surface some or all of the time (often within 3 feet of the surface).

**Definitions of Terms Used in This Handbook (Continued)**

**Seasonal Stream**

A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. USGS maps shall not be used to determine seasonal streams. An on-site field visit may be required to make the determination.

**Standard Practice**

A standard practice is a practice that did not require that an easement be filed when the CRP offer was originally submitted.

**State School Trust Land**

State school trust land is land that is owned by a State with the explicit purpose of supporting public schools.

***--Technical Assistance**

Technical assistance is assistance in regard to determining the eligibility of land and practices, implementing and certifying practices, ensuring contract performance, and providing annual rental rate surveys. The technical assistance provided in connection with CRP to owners or operators, as approved by CCC, includes technical expertise, information, and tools necessary for the conservation of natural resources on land; technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices; and technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.**--***

**Technical Service Provider (TSP)**

TSP is an individual certified to provide technical assistance on behalf of USDA. Technical assistance includes conservation planning and design, layout, installation, and checkout of approved conservation practices.

**Tenancy**

Tenancy is the maintaining of acreage according to the Conservation Plan of Operation or, as otherwise required on the farm, as determined by COC.

**Definitions of Terms Used in This Handbook (Continued)**

### Tree Planting Plan

The tree planting plan sets forth the silvicultural treatment necessary for planting trees. This plan includes:

- location
- number of acres
- site preparation
- tree species
- specifications
- planting dates
- pre-care and post-care of nursery stock
- maintenance to ensure survival.

### Vegetative Cover

Vegetative cover is planted vegetation that has an expected lifespan to sufficiently protect the land for the life of CRP-1. Vegetative cover includes:

- trees
- perennial grasses
- legumes
- forbs or shrubs.

### Water Cover

Water cover is the flooding of land by water to develop or restore shallow water areas for wildlife enhancement.

**Definitions of Terms Used in This Handbook (Continued)**

### Wellhead Protection Area

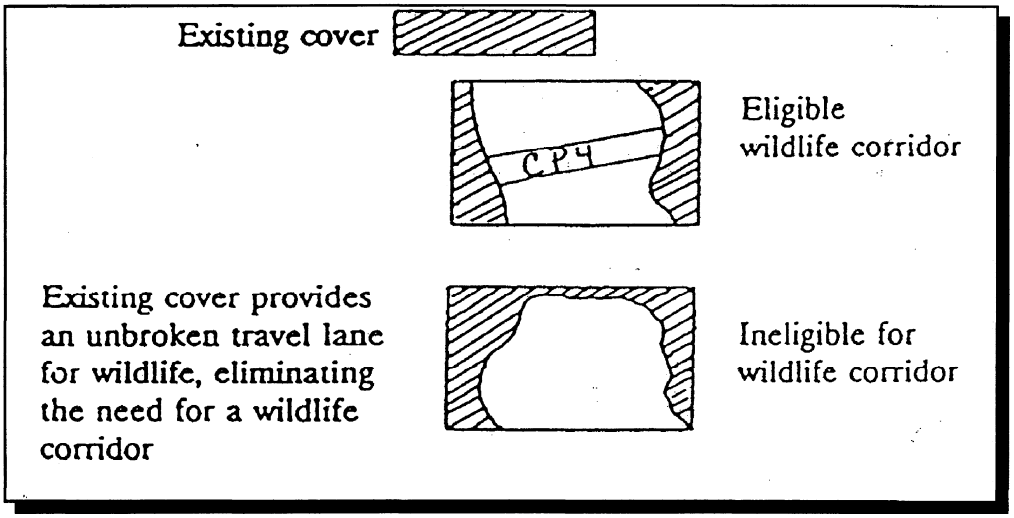
An approved public wellhead protection area is the area designated by the appropriate State agency with an EPA-approved Wellhead Protection Program for water being drawn for public use, as defined for public use by the Safe Drinking Water Act, as amended.

### Wildlife Corridor

A wildlife corridor is a strip of land, 1 to 3 chains in width, which includes woody vegetation as determined by STC, in consultation with the State Technical Committee, that

- connects existing wildlife cover
- provides travel lanes for wildlife through a nonprotective cover area.

The following are examples of eligible and ineligible wildlife corridors.



## A Example of CCC-674

This is an example of CCC-674.

REPRODUCE LOCALLY. *Include form number and date on reproductions.* Form Approved - OMB No. 0348-0046

CCC-674
(05-17-90)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

**CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS**

NAME AND ADDRESS OF RECIPIENT

| TRANSACTION DOCUMENT *(Loan No., Contract No., CCC-6 No(s)., Check No., etc.)* |
|---|
| PROGRAM YEAR |

*To comply with lobbying disclosure requirements (31 U.S.C. 1352), applicants for and recipients of: 1) A Federal loan exceeding $150,000; or 2) A Federal contract, grant, or cooperative agreement payment exceeding $100,000 must file, with the disbursing office:*

*A. If they have not or will not use monies received for lobbying purposes, CCC-674.*
*B. If they have or will use monies received for lobbying purposes, SF-LLL.*

**CERTIFICATION**

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

RECIPIENT SIGNATURE

DATE

Public reporting burden for this collection is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

***This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or handicap.***

Continued on the next page

**B**
**Example of SF-LLL**

This is an example of SF-LLL.

**DISCLOSURE OF LOBBYING ACTIVITIES**

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

| | | |
|---|---|---|
| **1. Type of Federal Action:**<br>☐ a. contract<br>☐ b. grant<br>c. cooperative agreement<br>d. loan<br>e. loan guarantee<br>f. loan insurance | **2. Status of Federal Action:**<br>☐ a. bid/offer/application<br>b. initial award<br>c. post-award | **3. Report Type:**<br>☐ a. initial filing<br>b. material change<br>**For Material Change Only:**<br>year _____ quarter _____<br>date of last report _____ |
| **4. Name and Address of Reporting Entity:**<br>☐ Prime ☐ Subawardee<br>Tier _____, *if known*:<br><br>**Congressional District**, *if known*: | **5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:**<br><br>**Congressional District**, *if known*: | |
| **6. Federal Department/Agency:** | **7. Federal Program Name/Description:**<br><br>CFDA Number, *if applicable*: _____ | |
| **8. Federal Action Number**, *if known*: | **9. Award Amount**, *if known*:<br>$ | |
| **10. a. Name and Address of Lobbying Registrant** (*if individual, last name, first name, MI*): | **b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*): | |
| **11.** Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure. | Signature: _____<br>Print Name: _____<br>Title: _____<br>Telephone No.: _____ Date: _____ | |
| **Federal Use Only:** | | Authorized for Local Reproduction<br>Standard Form LLL (Rev. 7-97) |

Continued on the next page

## C
## Instructions for Completing SF-LLL

These are the instructions for completing SF-LLL.

**INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES**

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Continued on the next page

**D**
**Example of SF-LLL-A**

This is an example of SF-LLL-A.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

Authorized for Local Reproduction
Standard Form - LLL-A

***--Memorandums of Understanding/Agreement**

## A Example of CRP Reservation Memorandum of Understanding Between FSA, FWS, and Participant

The following is an example of the Memorandum of Understanding between FSA, FWS, and the participant.

**CONSERVATION RESERVE PROGRAM RESERVATION**

**Memorandum of Understanding**

Vendor reserves the use of the property for agricultural purposes until _____, 19_. The U.S. Fish and Wildlife Service recognizes that the property is enrolled in the Conservation Reserve Program and the vendor reserves the right to continue in the Conservation Reserve Program and receive such payment, if any, as may be earned for the period ending _____, 19_. It is understood that the vendor is responsible for maintaining the property according to the terms and conditions of the Conservation Reserve Program and that the vendor will continue in the program for the duration of this reservation. The U.S. Fish and Wildlife Service does not warrant or represent that the vendor is entitled to continue participation in the Conservation Reserve Program. The U.S. Fish and Wildlife Service agrees it will not affect the property in any way which will violate the terms and conditions of the Conservation Reserve Program. On _____, 19_, or upon the date the property is no longer enrolled in the Conservation Reserve Program the vendors reserved use of the property and enrollment in the Conservation Reserve Program will terminate and full use and possession of the property shall transfer to the United States.

_____
Vendor (Producer)

_____
U.S. Fish and Wildlife Service

_____
Farm Service Agency County Committee,
_____ County in the
State of _____.

***--Memorandums of Understanding/Agreement (Continued)**

## B Memorandum of Agreement Between CCC, FSA, and FS

The following Memorandum of Agreement was established between CCC, FSA, and FS for administration of CRP.

MEMORANDUM OF AGREEMENT
BETWEEN THE COMMODITY CREDIT CORPORATION, FARM SERVICE AGENCY, AND THE FOREST SERVICE
Executed February 2007

This MEMORANDUM OF AGREEMENT (Agreement) is made and entered into by the Commodity Credit Corporation (CCC), Farm Service Agency (FSA) and the Forest Service (FS) with respect to the administration of the CCC's Conservation Reserve Program (CRP). The purpose of this agreement is to delineate the responsibility of CCC, FSA and FS with respect to CRP forestry practices technical assistance.

Accordingly:

A. FS, acting on behalf of State Foresters, will, subject to the availability of funds:

1. Ensure that a sufficient number of qualified employees (both FS and State Forestry Agency personnel) are available to provide timely silvicultural recommendations for all forestry practice acreage offered for CRP enrollment.

2. Accurately complete and properly document the portion of CRP forms which prescribe forestry practices including proper tree planting recommendations, thinning and mid-contract activities.

3. Ensure site visitations occur and practice plans are developed and provided to participating landowners with forestry practices. Such plans will include proper tree planting procedures, proper site/species selection, site preparation recommendations, erosion control recommendations, post planting care including thinning and mid-contract activities such as prescribed burning. For continuous (CCRP) and Conservation Reserve Enhancement Program (CREP) acreage, all conservation plans shall be completed (including signatures) within 90 calendar days of the time when the producer indicates a desire to complete contract approval but no later than 10 calendar days before the effective date of the contract. For general signup offers that are considered acceptable and where applicants have indicated a desire to complete contract approval, conservation plans shall be completed within 90 calendar days.

4. Provide complete site compliance checks after a practice is completed and furnish verification of proper practice installation to the local FSA office.

5. Ensure that seedlings acquired from State Nurseries come from appropriate seed sources.

6. Provide site inspections and technical assistance if a forestry practice failure occurs.

7. Bill FSA annually within 30 days after final reimbursement figures are calculated according to this Agreement for all technical assistance work done on completed tree practice acreage.

--*

***--Memorandums of Understanding/Agreement (Continued)**

**B Memorandum of Agreement Between CCC, FSA, and FS (Continued)**

8. For the Longleaf Pine CCRP, bill FSA within 30 days of March 31, 2007, June 30, 2007, and January 31, 2008 with a final bill after all contracts have been confirmed, on or about March 30, 2008.

B. FSA will, subject to the availability of funds:

1. Provide photocopies of aerial photography and a copy of the CRP-2 in a timely manner for all forestry practice acreage offered.

2. Provide completed acreage figures for each State for each sign-up in a timely manner based on the March 2008 upload of contract data. This will include General, Continuous, and CREP acreage.

3. Provide accepted acreage figures for each State for the Longleaf Pine CCRP on March 31, 2007, June 30, 2007, and January 31, 2008. Final State-level figures for all accepted Longleaf Pine acres will be provided based on the March 2008 upload of contract data.

4. Provide national estimates for all forestry activities for future years.

C. CCC will, subject to the availability of funds:

1. Reimburse FS for all technical assistance resulting from forestry activities on newly enrolled and re-enrolled acreage at a rate of $22 per acre for all forestry practices. This includes but is not limited to CP3 Tree Planting, CP3A Hardwood Tree Planting, CP11 Vegetative Cover - Trees – Already Established, CP22 Riparian Buffers, CP23 Wetland Restoration (floodplain), CP23A Wetland Restoration (non-floodplain), CP28 Farmable Wetland Pilot (Upland), CP30 Wetland Buffer, CP31 Bottom Land Timber Establishment on Wetlands, CP32 Expired CRP Hardwood Tree Planting on Marginal Pastureland, and CP36 Longleaf Pine. The following procedure will determine the acres of trees planted in wetlands (CP23, CP23A, and CP28) and wetland buffers (CP30):

   a. 95 percent of acres enrolled under CP23, CP23A, CP28, and CP30 in Southeastern and Northeastern States will be considered planted to trees (Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia).

   b. 50 percent of acres enrolled under CP23, CP23A, CP28, and CP30 in Midwestern States will be considered planted to trees (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin).

   This rate is applicable to all CRP activities including general CRP sign-up, Continuous CRP sign-up, and CREP Agreements.

2. Base reimbursement on the data in the CRP accomplishment's report for forestry activities, using the March 2008 upload of contract data and other dates for the Longleaf Pine CCRP.

--*

***--Memorandums of Understanding/Agreement (Continued)**

**B Memorandum of Agreement Between CCC, FSA, and FS (Continued)**

D. Miscellaneous

1. In the event that adequate funding is not made available, FS, FSA, and CCC agree that FS will terminate the responsibilities assigned to FS under this agreement as agreed to under the termination clause of this agreement, and CCC may use a third party to complete the work.

2. It is mutually agreed that this Agreement is effective when signed and shall continue in full force and effect through September 30, 2007. The Agreement may be terminated at any time with thirty days notice by one party. Should this Agreement be terminated, billing will be submitted for services rendered prior to the date of termination for which payment has not been received. This Agreement may be modified by amendment by duly executed officials of CCC, FSA and FS, or their designees. FS and FSA will enter annually into a National Level Reimbursement Agreement (Form AD-672) based on this interagency agreement and any amendments hereto, subject to the availability of funds for CRP Tree Planting and Thinning technical assistance.

The AUTHORITY under which this agreement is entered into is the Food Security Act of 1985, as amended, and the CCC Charter Act, as amended.

IN WITNESS WHEREOF, the parties have executed this agreement as follows:

Teresa C. Lasseter
Teresa C. Lasseter
Administrator
Farm Service Agency and
Executive Vice President
Commodity Credit Corporation

3/7/07
Date

Abigail R. Kimbell
Abigail R. Kimbell
Chief
Forest Service

2/15/07
Date

--*

***--Memorandums of Understanding/Agreement (Continued)**

## C Memorandum of Agreement Between NRCS, FSA, and CCC

The following Memorandum of Agreement was established between NRCS, FSA, and CCC for the implementation, cooperation, expectation, and responsibilities in carrying out CRP.

**Memorandum of Agreement (MOA)**

**Between**

**Natural Resources Conservation Service (NRCS),**

**Farm Service Agency (FSA),**

**And**

**Commodity Credit Corporation (CCC)**

**For Implementation of the Conservation Reserve Program (CRP)**

**Through September 31, 2012**

**I. Purpose**

The purpose of this MOA is to provide for the implementation, cooperation, expectations, and responsibilities between NRCS, FSA, and CCC in carrying out the CRP.

**II. General Provisions**

Technical assistance is needed for the implementation of the CRP and FSA, acting on behalf of CCC, has determined that NRCS has personnel with expertise who can provide the technical assistance needed for the implementation of the CRP.

**III. Authority**

This MOA is authorized by Title XII of the Food Security Act of 1985, as amended (1985 Act). Other authorities may also apply.

**IV. Responsibilities**

NRCS, FSA, and CCC agree, subject to the availability of funds, that:

A. NRCS will:

1. As directed by FSA, provide technical assistance both directly or through NRCS approved Technical Service Providers (TSP) and assure all technical work done will meet NRCS technical requirements, including the National Planning Procedures Handbook for conservation planning and the Field Office Technical Guide (FOTG) requirements for conservation practices and systems.

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**Memorandums of Understanding/Agreement (Continued)**

## C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued)

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2. According to the NRCS Cost of Programs Model, carry out the following tasks for the implementation of CRP, including new general and continuous enrollments, re-enrollments and extensions for general signup, and re-enrollments for continuous signup:

   a. Determine certain program eligibility for the Continuous CRP (CCRP), Conservation Reserve Enhancement Program (CREP), and the Farmable Wetland Program (FWP);

   b. Conservation planning;

   c. Conservation practice design systems implementation and certification of ten percent of all practices;

   d. Provide policy and program support.

3. Provide sufficient information regarding the NRCS Cost of Programs Model for FSA to validate NRCS tasks and costs. This includes providing to FSA the estimated per hour (salary and benefits) labor costs and the actual time expenditure per task. NRCS shall provide separately the overhead cost associated with CRP.

4. Provide FSA with NRCS CRP technical assistance cost estimates as necessary due to program changes according to the NRCS Cost of Programs Model.

5. Comply with the 1985 Act, the regulations at 7 CFR part 1410, procedures in 2-CRP Handbook, paragraphs A13-A15 set forth in this agreement per 2006 Streamlining, and other signed joint agency letters, and other laws pertaining to CRP.

6. Submit to FSA monthly billings by the 10th of each month for direct charge from NRCS time and accounting system information for reimbursement of actual cost of technical assistance provided by NRCS that will be paid within ten days. The monthly billing will include the unit (number of plans and acres) of each NRCS cost of the program's model tasks. NRCS also agrees to provide such other information requested by FSA to verify NRCS costs and that payment is conditioned upon receipt by FSA of this information.

7. In accordance with NRCS's environmental evaluation in planning and cultural resources policies, NRCS, on behalf of FSA, lead agency, is responsible in assisting FSA in complying and adhering to FSA's environmental and cultural resource policy in FSA's Environmental Quality Programs Handbook 1-EQ regarding compliance with the National Environmental Policy Act (NEPA), National Historic

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**Memorandums of Understanding/Agreement (Continued)**

## C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued)

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Preservation Act (NHPA), Endangered Species Act (ESA), Clean Water Act, and all other applicable Federal, State, Tribal, and local environmental laws, regulations, and Executive Orders.

8. Be responsible for completing, and providing to FSA, a copy of the NRCS form CPA-052, Environmental Evaluation (EE) in planning worksheet(s) or State modified version of the CPA-052, to document the potential environmental impacts associated with the proposed CRP contract and associated conservation practices and for recommending further action by FSA, the lead agency, to complete their regulatory responsibilities.

9. In accordance with NRCS General Manual (GM),190, Part 410.5, Environmental Evaluation in Planning and GM 420, 401.11, Cultural Resources administrative responsibilities; provide FSA with copies of associated documentation as feasible, and additional information supporting the recommendations and findings on the NRCS CPA-052, EE planning worksheet or State modified version. FSA will complete required consultation before signing the NRCS CPA-052 form or State modified form and carry out such consultation with the State Historic Preservation Officer (SHPO) and Tribal governments or their Tribal Historic Preservation Officers (THPOs). This will help ensure that FSA will make an informed decision regarding the effects of its proposed action and any alternatives considered.

10. Revise (by making pen and ink changes) and sign conservation plans when the land is sold and the CRP contract is succeeded to, provided the technical assistance was originally performed by NRCS and not a technical service provider.

11. Revise, as appropriate, the conservation plan when the performance is different than the conservation plan, but meets FOTG specifications and NRCS is willing to certify compliance. NRCS will make the revision (pen and ink), provided that the technical assistance was originally performed by NRCS and not a technical service provider.

12. Revise, as appropriate, according to NRCS FOTG and sign the conservation plan, as appropriate, when contracts are modified.

13. Conduct annual status reviews on at least ten percent (includes TSPs) of all CRP contracts as requested by FSA.

14. Conduct practice certifications on approximately ten percent (includes TSPs) of all practice applications (Form AD-862) for all CRP practices nationwide for which NRCS has technical responsibility for the assigned practices identified in the conservation plan. Provide FSA applicable verification of the technical assistance work on Forms CRP-2 and AD-

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## C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued)

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862.

15. For general signup, reduce the hours of work tasks for "second year" tasks from the 2005 level of 7.07 hours to the 2006 streamlined level of 5.85 hours. This reduction reflects a change that practice layout/surveys and practice check outs on second-year contracts be performed on an as-needed basis only. This reduction in hours does not change the overall obligation to perform general signup work, but allows for a reduction of time for field visits.

16. For re-enrollments of expiring contracts, reduce the hours of work tasks for "first year" conservation planning and "second year" implementation from the 2005 streamlined level of 19.12 hours to the 2006 streamlined level of 9.11 hours. These reductions reflect overall time savings associated with performing workload tasks on established practices. Field visits will be conducted on an as-needed basis as determined at the local level. This reduction in hours does not change the overall obligation to perform re-enrollment work, but allows NRCS the opportunity to reduce field time by reviewing FSA compliance field notes.

17. For the Emergency Forestry Conservation Reserve Program (EFCRP), subject to available funding, the reimbursement per contract will be $210 per contract to perform associated workload tasks. These include resource assessment, development of the contract support documents, and contract support documentation review with the Conservation District and participant. NRCS agrees that where there is no State Forestry presence, that said Agency will complete the task assigned to implement the EFCRP, in accordance with the CRP authorizing statute and regulation. The following States are eligible for EFCRP: Alabama, Florida, Louisiana, Mississippi and Texas.

18. For the constructed wetlands practice under the Farmable Wetlands Program (FWP) or state Conservation Reserve Enhancement Programs, and subject to available funding, the reimbursement per contract will be $35,000. This reimbursement is for engineering services related to the constructed wetlands practice.

19. At the State level, conduct quality control reviews and assist FSA in providing training to ensure high levels of customer service through the CRP.

B. FSA has overall program authority and responsibility and will:

1. Administer all CRP contracts, including compliance determinations.

2. Receive apportioned CRP funds directly from Office of Management and

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**Memorandums of Understanding/Agreement (Continued)**

## C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued) *--

Budget (OMB);

3. Subject to terms of an OMB apportionment, reimburse National NRCS office monthly for actual cost of technical assistance according to NRCS time and accounting system information, in accordance with paragraph A-6, A-17, and A-18 of the agreement. Reimbursement will be made within 10 days of receipt of the invoice.

4. Maintain responsibility as the lead agency for purposes of complying with the provisions of the NEPA, NHPA, ESA, and other applicable laws, Executive Orders, and regulations as provided for in FSA's Environmental Quality Programs Handbook 1-EQ.

5. Complete all consultations with the State Historic Preservation Officer, Tribal Historic Preservation Officer, Tribal governments, as required of its status as the lead agency, and all findings of historic property National Register of Historic Places eligibility and effects to these properties, as required by the Advisory Council on Historic Preservation (ACHP) regulations at 36 CFR Part 800. FSA will make the final determination of finding of effects in regards to the potential impacts to the environment, determinations of eligibility and effect and decisions on appropriate treatments regarding cultural resources related to the proposed CRP contract and associated conservation practices according to regulations at 36 CFR part 800.2(a)(2).

6. Be responsible for completing all consultations with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, as required by FSA, or other documentation as indicated and deemed appropriate in order to make and support the determination of finding of effects in regard to the potential impacts to the environment, and effect and decisions on appropriate treatments regarding at-risk species and other natural resource concerns related to the proposed CRP contract and associated conservation practices.

7. Inform NRCS of anticipated general, continuous, CREP, and FWP signups and the targeted enrollment acres at least 12 months in advance of each signup, or as practicable.

8. If it deems appropriate and subject to the availability of funds, pay NRCS $500,000 for the review of soils data for technical determinations, soil rental rate analysis, and technical capabilities of TSPs.

9. Provide to NRCS, within 30 days prior to fiscal year end, the estimated Technical Assistance reimbursable spreadsheet.

C. NRCS, FSA, and CCC agree to:

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## C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued)

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1. Cooperate at all levels to ensure consistent implementation of CRP policies and procedures. When differences occur, the parties will provide information and recommendations to the next level (i.e. county offices will forward information and recommendations to the State offices, State offices will forward information and recommendations to National Office). The Chief, NRCS, and Administrator, FSA, have final authority for ensuring consistent implementation of CRP policies and procedures.

2. Attempt to resolve, expeditiously and informally, any disagreements concerning this MOA. If a resolution cannot be reached at the district/county level, issues shall be elevated first to the State and then, if necessary, to the National level.

3. Maintain current agreements on streamlining technical assistance (such as producer self-certification of non-engineering practices) and continue to pursue further streamlining efforts to gain greater efficiencies, reduce workload, and minimize costs of delivering CRP without loss of conservation benefits while ensuring the conservation technical assistance is a prudent expenditure of government resources.

4. Sixty days prior to budget Mid-Session review, review the actual CRP enrollment estimates to date and update the Cost of Programs model accordingly.

5. Have CCC, FSA, and NRCS enter into a national level reimbursable agreement (Form AD-672) for each fiscal year based on this MOA and any amendments hereto, for CRP technical assistance.

### V. MISCELLANEOUS PROVISIONS

A. All funding commitments of all parties in this MOA are subject to the availability of funds. In the event that adequate funding is not made available, FSA and CCC agree that NRCS may terminate the responsibilities assigned to NRCS under this agreement as agreed to under the termination clause of this agreement.

B. It is mutually agreed that this Agreement is effective when signed by all parties and shall continue in full force and effect through September 30, 2012. The Agreement may be terminated at any time with thirty days notice by one party. Should this Agreement be terminated, billing will be submitted for services rendered prior to the date of termination for which payment has not been received. This Agreement may be modified by amendment duly executed by officials of FSA and NRCS. NRCS and FSA will enter annually into a National Level Reimbursement Agreement (Form AD-672) based on this interagency agreement and any amendments hereto, subject to the availability of funds for NRCS technical assistance.

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**Memorandums of Understanding/Agreement (Continued)**

## C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued)

C. Neither CCC, FSA nor NRCS, shall assign or transfer any rights or obligations under this Agreement without prior written approval of the other party.

D. CCC, FSA and NRCS agree that, to the extent possible under applicable law, each party will be solely responsible for its own acts, omissions, and the results thereof, and shall not be responsible for the results thereof caused by the acts or omissions of the other party.

E. The Deputy Administrator for Farm Programs, Farm Service Agency or the Deputy Administrator designee or successor, is delegated authority to carry out this Agreement for FSA and CCC, and, with the NRCS Chief, or designee, may further amend this Agreement consistent with the provisions of the 1985 Act, as amended, and the regulations at 7 CFR part 1410. The provisions of this Agreement may only be modified by written agreement between the parties.

F. All parties to this MOA will comply fully with the information gathering provisions of section 1619 of the Food, Conservation, and Energy Act of 2008, P.L. 110-246 (a.k.a. the 2008 Farm Bill), as well as section 2004 of the Farm Security and Rural Investment Act of 2002, P.L. 107-171 (a.k.a. the 2002 Farm Bill), the Privacy Act, the Freedom of Information Act, and related acts concerning privacy and the dissemination of records.

NATURAL RESOURCES
CONSERVATION SERVICE

Dave White 6-11-09

Dave White
Chief, NRCS — Date

FARM SERVICE AGENCY/
COMMODITY CREDIT CORPORATION

5-21-09

Douglas J. Caruso
Administrator, FSA, and
Executive Vice President, CCC — Date

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**National CRP Practices**

## CP1 Establishment of Permanent Introduced Grasses and Legumes

### A Purpose

This practice is to establish a vegetative cover of introduced grasses and legumes on eligible cropland that will enhance environmental benefits.

### B Program Policy

Apply this practice to establish permanent introduced grasses and legumes on eligible cropland.

### C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1
- be included in the approved conservation plan.

**Note:** C/S is authorized for development of a permanent water source for wildlife as a component of CP1.

## CP1 Establishment of Permanent Introduced Grasses and Legumes (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals | substantiated as needed by COC | authorized<br>*--using technical practice codes 327, 338, 340, 342, 394, 550, 574, 595, 614, and 645.--* |
| eligible seed | | |
| seedbed preparation | | |
| seeding | | |
| herbicides | specified as necessary in the approved conservation plan | |
| insecticides | | |
| permanent water source for wildlife | | |
| temporary cover | • required in the practice specifications<br>• needed until required seeds or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| herbicides | to maintain vegetative cover | not authorized. |
| insecticides | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| fencing | | |
| minerals | to enhance production | |

## CP1 Establishment of Permanent Introduced Grasses and Legumes (Continued)

### E Requirements

The following are requirements for this practice.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

  **Exceptions:** Managed haying and grazing or emergency haying/grazing if authorized and included in the conservation plan.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Chemicals used in performing the practice must be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### G Environmental Concerns

Consider wildlife and other environmental concerns when establishing the protective measure.

## CP1 Establishment of Permanent Introduced Grasses and Legumes (Continued)

### H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the life of CRP-1
- the cover fails to improve the environmental benefits during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### J Program Development

Follow this subparagraph to develop the county program.

- County programs shall provide the requirements that are conditions for C/S.
- STC may establish these requirements.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP2 Establishment of Permanent Native Grasses

### A Purpose

This practice is to establish a vegetative cover of native grasses on eligible cropland that will enhance environmental benefits.

### B Program Policy

Apply this practice to establish permanent native grass species on eligible cropland.

### C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1
- be included in the approved conservation plan.

**Note:** C/S is authorized for development of a permanent water source for wildlife as a component of CP2.

## CP2 Establishment of Permanent Native Grasses (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals | substantiated as needed by COC | authorized ***--**using technical practice codes 327, 338, 340, 342, 394, 512, 550, 574, 595, 614, 644, and 645.**--*** |
| eligible seed | | |
| seedbed preparation | | |
| seeding, including approved shrubs | substantiated as needed by COC and listed as approved species in the practice specifications | |
| herbicides | specified as necessary in the approved conservation plan | |
| insecticides | | |
| permanent water source for wildlife | | |
| temporary cover | • required in the practice specifications<br>• needed until required seeds or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| herbicides | to maintain vegetative cover | not authorized. |
| insecticides | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| fencing | | |
| minerals | to enhance production | |

## CP2 Establishment of Permanent Native Grasses (Continued)

### E Requirements

The following are requirements for this practice.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

  **Exceptions:** Managed haying and grazing or emergency haying and grazing as authorized.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Chemicals used in performing the practice must be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### G Environmental Concerns

Consider wildlife and other environmental concerns when establishing the protective measure.

## CP2 Establishment of Permanent Native Grasses (Continued)

### H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1. C/S shall be refunded if either of the following applies:

- producer destroys the cover during its lifespan
- cover fails to provide enhancement of environmental benefits during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### J Program Development

County practice shall include the practice lifespan. County programs shall also provide details of any requirements, such as seedbed preparation, seeding dates, eligible seed, etc., that are conditions for C/S for the practice. STC may establish these requirements.

### K Technical Responsibility

NRCS or TSP shall have technical responsibility for this practice.

## CP3 Tree Planting

### A Purpose

This practice is to establish a stand of trees in a timber planting that will enhance environmental benefits.

### B Program Policy

Apply this practice to eligible cropland suitable for growing trees that will provide multipurpose forest benefits.

### C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1
- be included in the approved tree planting plan.

C/S is authorized to plant approved native grass and/or shrub plantings best suited for wildlife in the area within the 10 to 20 percent openings. Open areas **must** be planted to a 50-point cover of approved native grasses and/or shrubs best suited for wildlife in the area.

***--**C/S is not authorized for natural regeneration of native grass vegetation within the 10 to**--***
20 percent open areas.

### D C/S Policy

This table shows C/S policies for this practice.

**Important:** C/S is not authorized for natural regeneration of native grass vegetation within the 10 to 20 percent open areas.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| tree seedlings, seedbed preparation, and seeding/ planting | to establish approved tree species and improve environmental benefits to less than the soil loss tolerance | authorized. |

## CP3 Tree Planting (Continued)

### D C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| temporary cover | • required in the practice specifications<br>• needed until approved plant stock is available<br>• needed because the normal planting period for the approved species has passed<br>• to establish a cover when a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover | authorized ***--**using technical practice codes 327, 338, 340, 394, 550, 595, 612, 644, and 645.<br><br>**Note:** Technical practice codes 327, 644, and 645 are for open areas **only**.**--*** |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| minerals, nutrients, seed, shrub seedlings, seedbed preparation, and seeding | substantiated as needed by COC to establish approved native grasses and/or shrubs best suited for wildlife in the area in the 15 to 20 percent open areas of the tree planting.<br><br>**Important:** Open areas **must** be planted to a 50-point cover of approved native grass and/or shrub plantings best suited for wildlife in the area. Tree plantings within the open areas are not authorized.<br><br>**Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals, **must** be specified in the practice specification, as designated by the designated technician. | |
| herbicides and insecticides | specified as necessary to establish the approved cover and included in the tree planting plan and conservation plan<br><br>**Note:** This does not include herbicides or pesticides used as part of the maintenance of the practice. | |
| fencing | | not authorized. |
| roads | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| minerals, nutrients, herbicides, and insecticides | to maintain vegetative cover, including trees, or enhance production | |
| clean tilling | for firebreaks, fuelbreaks, or firelanes | |
| to establish a tree species | for ornamental purposes and Christmas tree production | |

## CP3 Tree Planting (Continued)

### E Requirements

The following are requirements for this practice.

- Plantings must be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.
- Chemicals used in performing the practice must be:
  - Federally, State, and locally registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

## CP3 Tree Planting (Continued)

### H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1. C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1
- the cover fails to adequately improve environmental benefits during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### J Program Development

Follow this subparagraph to develop the county program.

- County practice shall identify the eligible species and provide any requirements, such as spacing, minimum plantings per acre, site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

### K Technical Responsibility

***--**Technical responsibility for this practice shall be assigned to FS. If an FS representative is not available, this responsibility may be redelegated to NRCS or TSP.**--***

**National CRP Practices (Continued)**

## CP3A Hardwood Tree Planting

### A Purpose

This practice is to establish a stand of predominantly hardwood trees in a timber planting that will enhance environmental benefits.

**Note:** For CRP purposes, Longleaf Pine and Atlantic White Cedar shall be treated as hardwood trees, if planted at rates appropriate for the site index.

### B Program Policy

Apply this practice to eligible cropland suitable for growing hardwood trees that will provide multipurpose forest benefits.

Predominant hardwood may include softwood trees:

- not to exceed 50 percent of the total number of trees planted
- **only** to provide wildlife habitat diversity to the area
- where used as nurse trees for no economic use.

**Note:** If more than 50 percent of the trees planted are softwoods, the participant shall be limited to a 10-year contract.

### C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1
- be included in the approved tree planting plan.

**National CRP Practices (Continued)**

## CP3A Hardwood Tree Planting (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the purpose is... | THEN C/S is... |
|---|---|---|
| to establish suitable hardwood tree species | to improve environmental benefits to an acceptable level | ***--**authorized using technical practice codes 327, 338, 340, 394, 550, 595, 612, 644, and 645.<br><br>**Note:** Technical practice codes 327, 644, and 645 are for open areas **only**.**--*** |
| temporary cover | • required in the practice specifications, including softwood trees, to ensure survivability of hardwoods<br><br>• needed until required plant stock is available<br><br>• needed because the normal planting period for the species has passed<br><br>• to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides | specified as necessary in the approved tree planting plan to establish the cover | |
| insecticides | | |
| ***--**tree shelters, netting, plastic tubes, or other animal control damage devices | approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where using these measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441. | authorized not to exceed an average cost, as determined by STC.**--*** |

**National CRP Practices (Continued)**

**CP3A Hardwood Tree Planting (Continued)**

**D C/S Policy (Continued)**

| IF the component is... | AND the purpose is... | THEN C/S is... |
|---|---|---|
| clean tilling | for firebreaks, fuelbreaks, or firelanes | not authorized. |
| fencing | | |
| roads | | |
| to establish a hardwood tree species | for ornamental purposes<br><br>for Christmas tree production | |
| herbicides | to maintain the vegetative cover, including trees | |
| insecticides | | |
| temporary cover | softwood trees that serve as trainers to produce high-value hardwoods<br><br>**Note:** Where silviculturally appropriate, as determined by the service forester, softwoods may be planted as trainers, not to exceed 50 percent of the number of trees planted to optimize hardwood quality if no commercial use is made of the softwoods. | |

## CP3A Hardwood Tree Planting (Continued)

### E Requirements

The following are requirements for this practice.

- Approval must be obtained from the State Forester certifying that planting up to 50 percent softwoods is an appropriate silvicultural practice for the State.

- Planting in excess of 50 percent must receive prior approval from the FS and FSA National Office.

- Planting of softwoods may be for **only** nurse trees or as wildlife habitat in a pattern appropriate for that purpose.

- Plantings must be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.

- Chemicals used in performing the practice must be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### F Planting Timespan

Planting of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

CRP participants may be allowed to plant hardwood trees over 3 years if:

- 10.0 acres or more are scheduled to be established
- at least one-third of the trees are planted the first and second years
- hardwood tree planting is included in the tree planting plan.

### G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

**National CRP Practices (Continued)**

## CP3A Hardwood Tree Planting (Continued)

### H Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1 as designated by participant.

C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1
- the cover fails to adequately improve environmental benefits during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### J Program Development

Follow this subparagraph to develop the county program.

- County practice shall:
  - identify the eligible species
  - provide requirements, such as spacing, minimum plantings per acre, including softwoods for cover (to be a minimum amount necessary), site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

### K Technical Responsibility

***--**Technical responsibility for this practice shall be assigned to FS. If an FS representative is not available, this responsibility may be redelegated to NRCS or TSP.**--***

## CP4B Permanent Wildlife Habitat (Corridors), Noneasement

### A Purpose

The purpose of this practice is to do both of the following:

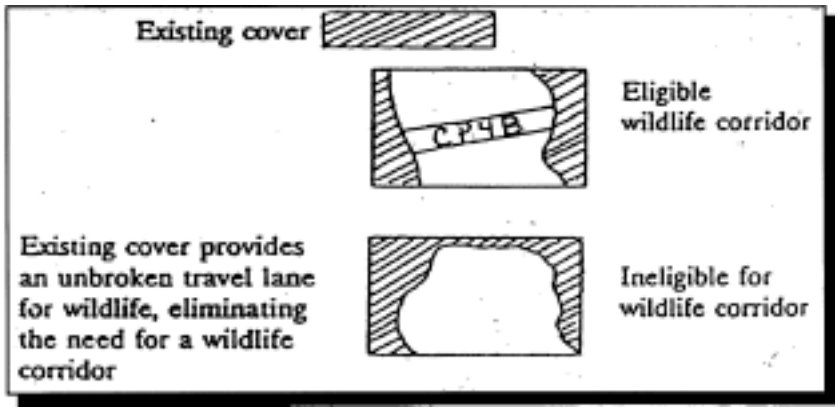
- establish a permanent wildlife corridor between 2 existing wildlife habitat areas that are not connected by a suitable corridor for environmental benefits
- enhance the wildlife in the designated or surrounding area.

### B Program Policy

Apply this practice to eligible cropland, 66 to 200 feet in width, that is suitably located and adapted to the establishment of permanent wildlife habitat.

A wildlife conservation plan must be developed for acreage under CRP-1 devoted to CP4B.

The following are examples of eligible and ineligible wildlife corridors.




### C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period
- be included in the approved conservation plan
- include woody vegetation as determined appropriate by STC in consultation with the State Technical Committee.

## CP4B Permanent Wildlife Habitat (Corridors), Noneasement (Continued)

### D C/S Policies

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals | substantiated as needed by COC | authorized ***--**using technical practice codes 327, 340, 342, 394, 595, 612, 614, 644, and 645.**--*** |
| eligible seed | | |
| seedbed preparation | | |
| approved shrubs and trees | substantiated as needed by COC and listed as approved species in the practice specifications | |
| seeding/planting | substantiated as needed by COC | |
| herbicides | specified as necessary in the approved conservation plan | |
| insecticides | | |
| temporary cover | • required in the practice specifications<br>• needed until required seeds or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| herbicides | to maintain vegetative cover | not authorized. |
| insecticides | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| roads | | |
| fencing | | |
| minerals | to enhance production | |

## CP4B Permanent Wildlife Habitat (Corridors), Noneasement (Continued)

### E Requirements

The following are requirements for this practice.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover for permanent wildlife habitat.

- Plantings **must** be protected from destructive fire and shall not be harvested or grazed by domestic livestock for the life of CRP-1.

***--Exceptions:** Managed haying and grazing or emergency haying/grazing if authorized and included in the conservation plan.**--***

- Chemicals used in performing CP4B **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled.

- A wildlife conservation plan **must** be developed for acreage under CRP-1 devoted to CP4B.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

## CP4B Permanent Wildlife Habitat (Corridors), Noneasement (Continued)

### G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

### H Practice Maintenance

This practice shall be maintained without additional C/S for the CRP-1 period.

C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to provide enhancement of environmental benefits during the practice lifespan, unless caused by circumstances beyond the producer's control.

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### J Program Development

County programs shall provide for any specifications and requirements that are conditions for C/S. Technical specifications may be incorporated by reference.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP4D Permanent Wildlife Habitat, Noneasement

### A Purpose

The purpose of this practice is to establish a permanent wildlife habitat cover to enhance environmental benefits for the wildlife habitat of the designated or surrounding areas.

### B Program Policy

Apply this practice to eligible cropland that is suitably located and adapted to the establishment of permanent wildlife habitat.

A wildlife conservation plan must be developed for acreage under CRP-1 devoted to CP4D.

### C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period
- be included in the approved conservation plan
- include woody vegetation as determined appropriate by STC in consultation with the State Technical Committee.

## CP4D Permanent Wildlife Habitat, Noneasement (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals | substantiated as needed by COC | authorized *--using technical practice codes 327, 340, 342, 394, 595, 612, 614, 644, and 645.--* |
| eligible seed | | |
| seedbed preparation | | |
| seeding, including approved shrubs, and trees | substantiated as needed by COC and listed as approved species in the practice specifications | |
| seeding/planting | substantiated as needed by COC | |
| herbicides | specified as necessary in the approved conservation plan | |
| insecticides | | |
| permanent water source for wildlife | | |
| temporary cover | • required in the practice specifications<br>• needed until required seeds or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| herbicides | to maintain vegetative cover | not authorized. |
| insecticides | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| roads | | |
| fencing | | |
| minerals | to enhance production | |

## CP4D Permanent Wildlife Habitat, Noneasement (Continued)

### E Requirements

The following are requirements for this practice.

- Limit C/S to the minimum minerals and seeds necessary to establish an adequate cover for permanent wildlife habitat.

- Plantings **must** be protected from destructive fire and shall not be harvested or grazed by domestic livestock for the life of CRP-1.

***--Exceptions:** Managed haying and grazing or emergency haying/grazing if authorized and included in the conservation plan.**--***

- Chemicals used in performing CP4D **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- A wildlife conservation plan **must** be developed for acreage under CRP-1 devoted to CP4D.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

## CP4D Permanent Wildlife Habitat, Noneasement (Continued)

### H Practice Maintenance

The practice shall be maintained without additional C/S for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to provide enhancement of environmental benefits during the practice lifespan, unless caused by circumstances beyond the producer's control.

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### J Program Development

County programs shall provide for any specifications and requirements that are conditions for C/S. Technical specifications may be incorporated by reference.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP5A Field Windbreak Establishment, Noneasement

### A Purpose

The purpose of this practice is to establish windbreaks to improve the environmental benefits on a farm or ranch to:

- reduce cropland erosion below soil loss tolerance
- enhance the wildlife habitat on the designated area.

### B Program Policy

Apply this practice to eligible cropland needing protection against serious wind erosion and to enhance the wildlife habitat on the designated area.

### C Size Requirement

Field windbreaks shall be installed to the design standard in FOTG, established to reduce cropland erosion regardless of the purpose of the field windbreak. The maximum width of a field windbreak shall not exceed the design standard established to reduce cropland erosion.

### D Eligibility

To be eligible for C/S, this cover practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring after establishment
- be maintained for the CRP-1 period
- be included in the approved conservation plan.

## CP5A Field Windbreak Establishment, Noneasement (Continued)

### E C/S Policy

This table shows C/S policies for this practice.

| **IF the component is...** | **THEN C/S is...** |
|---|---|
| trees or shrubs planted as field windbreaks that will improve the cropland wind erosion and environmental benefits on a farm or ranch | ***--**authorized using technical practice codes 327, 340, 380, 441, 484, 550, 595, 612, and 645.**--*** |
| temporary cover and the justification is:<br>• required in the practice specifications<br>• needed until required seed or plant stock is available<br>• needed because the normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| plastic mulch or supplemental drip irrigation | |
| tree shelters, netting, plastic tubes, or other animal control damage devices, and the purpose is approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where using these measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441. | authorized not to exceed an average cost, as determined by STC. |
| planting orchard trees | not authorized. |
| ornamental planting | |
| Christmas tree production | |
| Fences | |

## CP5A Field Windbreak Establishment, Noneasement (Continued)

### F Requirements

The following are requirements for this practice.

- When supplemental drip irrigation or plastic mulch is applied and the average annual precipitation for the area is 25 inches or less.

- Planting **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.

- Chemicals used in performing CP5A **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

## CP5A Field Windbreak Establishment, Noneasement (Continued)

### H Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the protective measure.

### I Practice Maintenance

The practice shall be maintained for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to improve environmental benefits during the practice lifespan unless the failure is caused by circumstances beyond the producer's control.

### J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### K Program Development

Follow this subparagraph to develop State/county program.

- Consider wildlife and environmental protection when designing this practice.
- State/county practice shall identify the eligible species and provide any requirements, such as spacing, minimum planting per acre, site preparation, etc., that are conditions for C/S. Technical specifications may be incorporated by reference.

### L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

**National CRP Practices (Continued)**

## CP8A Grass Waterways, Noneasement

### A Purpose

The purpose of this practice is to:

- convey runoff from terraces, diversions, or other water concentrations without causing erosion or flooding
- improve water quality.

### B Program Policy

Apply this practice to establish grass waterways on eligible cropland. *** * ***

### C Size Requirements

Grass waterways shall always be installed to meet the minimum criteria to convey water off a field. A grass waterway may be constructed to a width up to 2 times the minimum design standard if requested by the producer to meet the producer's objectives, not to exceed a width of 100 feet.

**Note:** A grass waterway shall not exceed a maximum width of 100 feet.

### D Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period.

## CP8A Grass Waterways, Noneasement (Continued)

### E C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | THEN C/S is... |
|---|---|
| site preparation | *--authorized using technical practice codes 340, 410, 412, 468, 587, 606, and 620.--* |
| eligible seed and seeding | |
| earth moving | |
| herbicides | |
| insecticides | |
| grading, shaping, and filling | |
| temporary cover until permanent vegetative cover is established | |
| subsurface drains where necessary for proper functioning of the waterway | |
| outlet structure as a component of CP8A | |
| subsurface drains as the sole component of the practice | not authorized. |
| subsurface drains that serve as mains to laterals elsewhere in field | |
| fencing | |

### F Requirements

The following are requirements for this practice.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The seeded acreage shall not be harvested or grazed by domestic livestock for the life of CRP-1 unless grazing is incidental to the normal gleaning of the crop residue in the field according to subparagraph 332 C.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

**National CRP Practices (Continued)**

## CP8A Grass Waterways, Noneasement (Continued)

### G Environmental Concerns

Consider wildlife and other environmental concerns when establishing the protective measure.

### H Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 210 for exceptions.

### I Practice Maintenance

The practice shall be maintained for the CRP-1 period. C/S shall be refunded if:

- producer destroys the practice during the CRP-1 period
- producer does not maintain the practice during the practice lifespan.

### J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### K Program Development

County programs shall provide for any specifications and requirements that are conditions for C/S. Technical specifications may be incorporated by reference.

### L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP9 Shallow Water Areas for Wildlife

### A Purpose

The purpose of this practice is to develop or restore shallow water areas to an average depth of 6 to 18 inches for wildlife. The shallow water area must provide a source of water for wildlife for the majority of the year.

**Exception:** For areas west of the 100th meridian that receive less than 25 inches of annual precipitation, the shallow water area must provide a source of water for wildlife for a minimum of 4 months of the year.

**Note:** This is not a pond development or wetland restoration practice. However, this practice may be constructed on suitable hydric and nonhydric soils.

### B Program Policy

Apply this practice to eligible cropland that is suitably located and adapted to the development or restoration of a shallow water area for wildlife that will provide a source of water for the majority of the year.

**Exception:** For areas west of the 100th meridian that receive less than 25 inches of annual precipitation, the shallow water area must provide a source of water for wildlife for a minimum of 4 months of the year.

The practice must include an adequate buffer area of perennial vegetation to protect the water quality and provide wildlife habitat. The soil types, slope, and conservation practices applied on the field shall determine the width of the buffer. However, the buffer width shall not:

- be less than 20 feet
- exceed an average maximum width of 120 feet.

## CP9 Shallow Water Areas for Wildlife (Continued)

### B Program Policy (Continued)

The practice, including the buffer area, shall not exceed 10 acres per tract. The total acres enrolled in CRP devoted to CP9 shall not exceed 10 acres per tract. Multiple CRP-1's to enroll land to be devoted to CP9 on the same tract are **not** authorized. All acres to be devoted to CP9 must be included on one CRP-1 per tract.

**Example 1:** Producer offers to enroll 3 separate shallow water areas on the same tract. Each shallow water area will be located in a separate field on the tract. One shallow water area, including the required buffer area, will be 4 acres in size and the other 2 shallow water areas will be 1 acre each, including the required buffer area. All acres to be devoted to CP9 must be included on one CRP-1 for the tract. Therefore, the producer would complete one CRP-2 and one CRP-1 for the 6 total acres to be devoted to CP9 on the tract. Only 1 conservation plan would be developed for the 6 acres of CP9. No additional acres on the tract can be enrolled to be devoted to CP9.

**Example 2:** Producer offers to enroll 2 adjoining 10 acre shallow water areas on the same tract. Shallow water areas shall not exceed 10 acres per tract. Accordingly, the offer would be rejected.

**Example 3:** On May 1, 2000, Jane Smith enrolls 6 acres to be devoted to CP9. On February 1, 2001, Jane Smith offers to enroll 4 acres to be devoted to CP9 on the same tract as the 6 acres enrolled in May 2000. Multiple CRP-1's to enroll land to be devoted to CP9 on the same tract are **not** authorized. Accordingly, the offer would be rejected.

CP21's are not eligible to be used in conjunction with CP9's because acreage devoted to CP9 must include an adequate buffer to protect the shallow water area.

## CP9 Shallow Water Areas for Wildlife (Continued)

### C Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan
- improve environmental benefits to an acceptable level
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1
- be protected by an adequate buffer to protect the shallow water area
- provide a source of water for wildlife for the majority of the year.

**Exception:** For areas west of the 100$^{th}$ meridian that receive less than 25 inches of annual precipitation, the shallow water area **must** provide a source of water for wildlife for a minimum of 4 months of the year.

## CP9 Shallow Water Areas for Wildlife (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| earthmoving | to construct dams, levees, dugouts, or dikes, if needed to develop or restore the shallow water areas | authorized ***--**using technical practice codes 356, 587, 644, and 646.**--*** |
| eligible and suitable plantings | for permanent habitat cover and serve as a buffer to protect shallow water area | |
| seedbed preparation | substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded | |
| structures, such as pipe, chutes, and outlets | to regulate flow necessary to install an effective practice, as determined by NRCS | |
| temporary cover | • required in the practice specifications<br>• needed until the required seeds or plant stock is available<br>• needed because the normal planting period for the permanent cover crop has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides, pesticides, and insecticides | specified as necessary in the approved conservation plan to establish the cover but not for use as part of the maintenance of the cover | |
| mineral or nutrient | substantiated as needed by COC | |

## CP9 Shallow Water Areas for Wildlife (Continued)

### D C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| temporary food plots and fencing | | not authorized. |
| installing a structure | to benefit land not designated for CRP purposes | |
| fencing or roads | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| clean tilling of firebreaks, fuelbreaks, or firelanes | | |
| tree or grass species | establishment for ornamental purposes | |
| herbicides, pesticides, and insecticides | to maintain cover | |
| mineral or nutrient | to maintain cover or enhance production | |

### E Requirements

The following are requirements for this practice.

- The practice must provide a source of water for wildlife for the majority of the year.

  **Exception:** For areas west of the 100th meridian that receive less than 25 inches of annual precipitation, the shallow water area must provide a source of water for wildlife for a minimum of 4 months of the year.

- The water area shall be an average of 6 to 18 inches in depth.

## CP9 Shallow Water Areas for Wildlife (Continued)

### E Requirements (Continued)

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- The practice, including the buffer area, shall not exceed 10 acres per tract. The total acres enrolled in CRP devoted to CP9 shall not exceed 10 acres per tract.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.

- Limit C/S to the minimum work and materials necessary to develop or restore the shallow water area for wildlife and establish an adequate cover to improve environmental benefits.

- The practice must be established and maintained according to the practice standards in FOTG.

- Planting or sowing of the approved cover shall be completed within 12 months if the effective date of CRP-1. See paragraph 237 for exceptions.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### F Environmental Concerns

Consider wildlife and other environmental concerns when establishing this practice.

### G Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG. C/S shall be refunded if:

- producer destroys the practice during the life of CRP-1

- producer fails to maintain the practice during the life of CRP-1

- the cover fails to provide adequate protection during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

**National CRP Practices (Continued)**

## CP9 Shallow Water Areas for Wildlife (Continued)

### H Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### I Program Development

County programs shall provide for any specifications and requirements that are conditions for C/S. Technical specifications may be incorporated by reference.

### J Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP10 Vegetative Cover - Grass - Already Established

### A Program Policy

This practice code is used to identify land:

- under CRP-1, if a grass cover approved for the applicable signup is already established

  **Note:** Contract management activity may be required as determined by COC, according to paragraph 239.

- not under CRP-1, with a grass cover approved for the applicable signup already established.

  **Note:** Contract management activity may be required as determined by COC, according to paragraph 239.

C/S is authorized for performance of required management activity.

**Example:** Producer wants to re-offer 200 acres of land currently enrolled in CRP. Producer wants to develop a permanent water source for wildlife on 1 acre of the offered acreage. The producer's offer would be for 199 acres of CP10 and 1 acre of CP1. C/S is authorized for the 1 acre of CP1. C/S is not authorized for the 199 acres of CP10.

***--**Technical practice codes 327, 338, 340, 342, 394, 512, 548, 595, 614, 644, 645, and 647 may be used for CP10.**--***

## CP11 Vegetative Cover - Trees - Already Established

### A Program Policy

This practice code is used to identify land established to trees that is under CRP-1 at the time the acreage is offered and the producer elects to reoffer the acreage to be devoted to trees. *** * ***

**Important:** Existing tree stands shall **not** be offered as CP3 or CP3A.

Thinning and/or creating open areas in eligible existing tree stands are not a separate practice. The open areas shall be considered CP11.

**Example:** Jane Smith offers 100 acres of existing trees under CRP-1 at the time of signup. Mrs. Smith offers to thin the existing trees and create 15 acres of openings of native grass and shrub plantings best suited for wildlife in the area. All 100 acres **must** be offered as CP11.

**Notes:** See subparagraph B for C/S policy for this practice.

Not applicable to signups 10 through 13 and continuous signup.

## CP11 Vegetative Cover - Trees - Already Established (Continued)

### B C/S Policy

This table shows C/S policies for planting of approved native grasses and/or shrubs within the 10 to 20 percent open areas created within the existing tree stand.

C/S is only authorized for the planting of approved cover within the open areas. C/S is **not** authorized for any component not listed in the following table.

**Important:** C/S is **not** authorized for natural regeneration of native grass vegetation within the 10 to 20 percent openings.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals, nutrients, herbicide, insecticide, seed, shrub seedlings, seedbed preparation, and seeding | substantiated as needed by COC to establish approved native grasses and/or shrubs best suited for wildlife in the area in the 10 to 20 percent open areas created within the existing tree stand.<br><br>**Important:** Open areas **must** be planted to a 50-point cover of approved native grasses and/or shrub plantings best suited for wildlife in the area. Tree plantings within the open areas are **not** authorized.<br><br>**Notes:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals, **must** be specified in the practice specification, as designated by the designated technician.<br><br>This does not include herbicides or insecticides used as part of the maintenance of the cover. | authorized using technical practice codes 327, 338, 394, 550, 595, 644, 645, 647, and 666.<br><br>**Note:** Technical practice codes 327, 644, 645, and 647 are authorized for open areas **only**. |
| ***--**tree thinning | | authorized using technical practice code 666.**--*** |

### C Technical Responsibility

Technical responsibility for the practice shall be assigned to FS. If an FS representative is not available, this responsibility may be redelegated to NRCS or TSP.

## CP12 Wildlife Food Plot

### A Purpose

This practice is to establish annual or perennial wildlife food plots that will enhance:

- wildlife
- wildlife habitat.

### B Program Policy

Apply this practice to CRP land that is suitably located and adapted to the establishment of annual or perennial wildlife food plots.

### C Objectives

This practice shall:

- enhance wildlife, wildlife habitat, or both
- improve environmental benefits below the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be included in the approved conservation plan
- be carried out as specified in the approved conservation plan.

### D C/S Policy

C/S is **not** authorized for this practice.

## CP12 Wildlife Food Plot (Continued)

### E Requirements

The following are requirements for this practice.

- Use the NRCS standards and specifications for wildlife upland or wetland habitat management for the desired wildlife species to:

  - establish suitable plant species for food plots
  - determine food plot location
  - determine total acres to be devoted to food plots.

- Individual food plots shall **not** exceed 5 acres in size and shall **not** be immediately adjacent.

- Food plots **must** be separated by a sufficient distance to maximize wildlife benefits and accessibility.

- This practice may be used in conjunction with the following practices only:

  - CP1
  - CP2
  - CP3
  - CP3A
  - CP4D
  - CP10
  - CP11
  - ***--**CP25.**--***

  **Note:** The practice used in conjunction with CP12 determines the length of CRP-1. CP12's **must** be the same length of the practice used in conjunction with CP12.

- Food plots may be at 1 location throughout the life of CRP-1 or may be relocated each year. If relocated, the previous food plot **must** be seeded to an approved permanent vegetative cover at the producer's expense.

- Minerals necessary to ensure establishment of a successful food plot shall be applied.

## CP12 Wildlife Food Plot (Continued)

### E Requirements (Continued)

- During installation, degradation of environmental benefits shall be kept on an acceptable level.

  **Example:** Using no-till seeding if appropriate.

- Food plots shall be planted in the areas of CRP acreage that:

  - minimize adversity to environmental benefits
  - maximize wildlife benefits and accessibility.

- Chemicals used in performing this practice **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

### F CRP-1 Revisions

Existing CRP-1's may be revised to include planting wildlife food plots if:

- determined necessary and feasible by TSP
- included in the approved conservation plan.

**Note:** Adding a food plot to an existing CRP-1 does **not** extend the length of CRP-1.

### G Program Development

The county practice shall identify the eligible species and provide any requirements, such as:

- spacing
- minimum planting per acres
- site preparation
- cultivation.

Approved planting methods may be included or incorporated by reference to published technical standards.

### H Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement

### A Purpose

The purpose of this practice is to establish strips of permanent vegetative cover generally following the contour on eligible cropland alternated with **wider cultivated strips** farmed on the contour that will reduce erosion and control runoff.

**Note:** The purpose of this practice is not to develop or establish wildlife habitat.

Field border areas may be included in the contour buffer provided they are needed to drain water from the field as an integral part of the contour buffer system.

**Important:** NRCS or TSP must document, in writing, that the field border area is needed as an integral part of the contour buffer system to drain water from the field and for the contour buffer system to function properly.

**Note:** NRCS or TSP will determine the documentation needed to support the need for field borders consistent with FOTG standards. The documentation must be in the case file.

### B Program Policy

Apply this practice on eligible cropland to establish permanent vegetative cover for contour grass strips alternated with wider cultivated strips that are farmed on the contour. Contour grass strips that are not alternated with **wider cultivated strips** are not eligible for enrollment.

Contour grass strips shall be installed to the minimum design standard to reduce erosion and control runoff.

**Important:** Contour grass strips are not eligible to be installed on terraces. Contour grass strips may be used in conjunction with terraces as an overall conservation management system (contour grass strips installed between terraces) if needed to control erosion and runoff on eligible cropland.

## CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement (Continued)

### C Size Requirements

Minimum standards for the width of a contour buffer strip and the number of strips needed in a field will depend on:

- soil types
- percent slope and slope lengths
- conservation practices applied on the field.

The lower most contour buffer strip in a field may be up to 2 times the minimum width recommended for the practice. The minimum acceptable width for a contour buffer strip:

- designed for soil erosion control purposes is 15 feet
- seeded to grass or a grass/legume mixture is 15 feet
- seeded to legumes only is 30 feet.

**Note:** Legumes are unlikely to persist for the duration of CRP-1. Therefore, reseeding, at the producers expense, may be necessary.

**A contour buffer strip may be applied up to a maximum width of 30 feet, if needed to accomplish the purpose of the practice. When the minimum design specification exceeds 30 feet, the minimum design specification is the maximum average width that may be enrolled**.

**Note:** The lower most contour buffer strip in a field may be a maximum of 60 feet wide.

The maximum width of field border areas that may be enrolled is 15 feet. Field border areas may be included in the contour buffer only if they are needed to drain water from the field as an integral part of the contour buffer system.

Contour buffer strips must be installed to meet the minimum standards to reduce erosion and control runoff.

## CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement (Continued)

### D Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period
- be required by the approved conservation plan.

## CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement (Continued)

### E C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals | substantiated as needed by COC | authorized<br>*--using technical practice codes 327, 332, 340, and 595.--* |
| eligible seed | | |
| seedbed preparation | | |
| seeding | | |
| herbicides | specified as necessary in the approved conservation plan | |
| insecticides | | |
| temporary cover | • required in the practice specifications<br>• needed until required seed or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| herbicides | to maintain vegetative cover | not authorized. |
| insecticides | | |
| earthmoving | to establish the contour grass strips | |
| clearing rocks or other obstructions from the area to be seeded | | |
| fencing | | |
| minerals | to enhance production | |

## CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement (Continued)

### F Requirements

The following are requirements for this practice.

- Must be for the purpose of erosion and runoff control.
- Must be alternated with **wider** cultivated strips that are farmed on the contour.
- Not eligible to be installed on terraces.
- Limit C/S to the minimum minerals and seed necessary to establish adequate cover to improve environmental benefits.
- The acreage seeded shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Chemicals used in performing the practice must be:
  - Federally, State, and locally registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The seeded acreage shall not be harvested or grazed by domestic livestock for the life of CRP-1, unless grazing is incidental to the normal gleaning of the crop residue in the field according to subparagraph 267 D.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

## CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement (Continued)

### H Environmental Concerns

Consider wildlife concerns when making determinations about seed varieties and other practice specifications.

### I Practice Maintenance

The practice shall be maintained without additional C/S for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to provide enhancement of environmental benefits during the practice lifespan unless caused by circumstances beyond the producer's control.

### J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### K Program Development

County practice shall include the practice lifespan. County programs shall also provide details of any requirements, such as seedbed preparation, seeding dates, eligible seed, etc., that are conditions for C/S for the practice. STC may establish these requirements.

### L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces

### A Purpose

This practice is to establish vegetative cover on terraces to enhance water quality and reduce soil erosion. This practice is only applicable on terraces that are no longer under practice lifespan to ensure that the long-term functions of the terrace are maintained.

**Notes:** This practice is **not** to develop or establish wildlife habitat. Wildlife concerns may be considered when making determinations about seed varieties.

**Important:** NRCS or TSP **must** document that CP15B is needed and feasible on AD-862 and CRP-2. This practice is only available on existing terraces that are no longer under the practice lifespan or other agreement to maintain the terrace practice.

NRCS or TSP shall determine the documentation needed to support the need for CP15B consistent with FOTG standards. The documentation **must** be in the case file.

**Example:** A terrace was installed under ACP in 1985. The practice lifespan was 10 years. The terrace is not in a vegetative cover and is functional. NRCS or TSP determines grass seeding is needed and feasible to enhance water quality and reduce soil erosion. This terrace is eligible to be enrolled in CRP as CP15B.

***--**This practice is **not** eligible for PIP or CRP-SIP.**--***

### B Program Policy

Apply this practice on eligible cropland on which a terrace, which is not planted to a vegetative cover, is no longer under the practice lifespan, but seeding is needed and feasible consistent with the purposes of the practice. The area to be included is the actual terrace itself and an adequate buffer. See subparagraph C for size requirements of the buffer area.

Contour grass strips on terraces shall be installed to the minimum design standard to ensure long-term viability of the terraces to reduce erosion and enhance water quality.

## CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

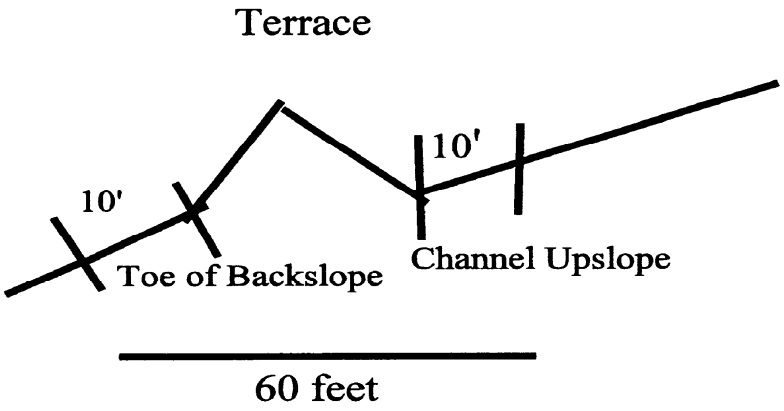
### C Size Requirements

Minimum size standard for a contour buffer strip on terraces shall be the minimum size necessary to protect the terraces. It may require a buffer not to exceed 10 feet on the upslope and downslope portion of the terrace. The maximum width of CP15B **must** not exceed 60 feet, including the buffer areas.

The practice shall be designed to control soil erosion consistent with NRCS FOTG.

The following diagrams provide examples of the maximum width for CP15B.

**Example 1 Grassed-Back Terrace**

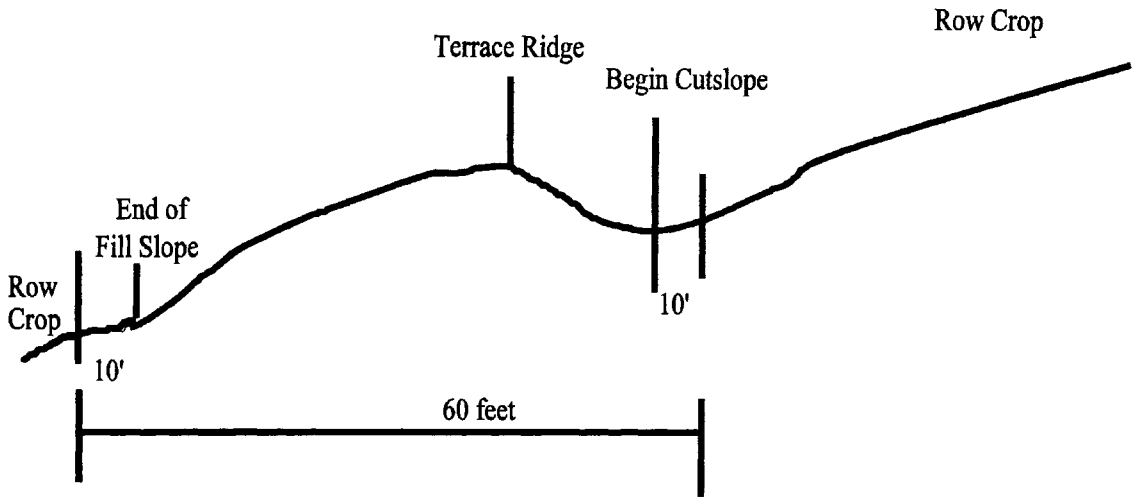



**Note:** The area of CP15B **must** not exceed 60 feet from the toe of the backslope side of the terrace to the channel upslope, including the 10-foot buffer area on either side of the terrace.

## CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

### C Size Requirements (Continued)

**Example 2 Broad-Based Terraces**




**Note:** The area of CP15B is measured from the beginning of the cutslope to the end of the fill slope. A 10-foot buffer may be included on either side of the terrace. In no case shall CP15B exceed 60 feet wide, including the 10-foot buffer area on either side of the terrace.

## CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

### D Eligibility

To be eligible for C/S, this practice shall:

- be on eligible cropland
- be installed on terraces that NRCS or TSP determines are properly functioning and are no longer protected by practice lifespan or other agreement to maintain the terrace practice

  **Note:** An adjacent buffer, not to exceed 10 feet on the upslope and downslope, may be installed provided NRCS or TSP determines it is needed and feasible.

- not be installed on terraces that are currently in a vegetative cover
- be applicable only where seeding is needed and feasible
- be maintained for the CRP-1 period
- be included in the approved conservation plan.

**Examples:** A producer would like to enroll into CRP an existing terrace that has been in grass cover for the past 5 years. The terrace would **not** be eligible.

A producer would like to enroll into CRP a terrace. The terrace, as determined by NRCS or TSP, is not functioning properly. The terrace would **not** be eligible unless it is repaired.

## CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

### E C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals | substantiated as needed by COC | authorized<br>*--using technical practice codes 327, 332, 340, and 595.--* |
| eligible seed | | |
| seedbed preparation | | |
| seeding | | |
| herbicides | specified as necessary in the approved conservation plan | |
| insecticides | | |
| temporary cover | • required in the practice specifications<br>• needed until required seed or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| herbicides | to maintain vegetative cover | not authorized. |
| insecticides | | |
| earthmoving | to establish the contour grass strips | |
| clearing rocks or other obstructions from the area to be seeded | | |
| fencing | | |
| minerals | to enhance production | |

## CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

### F Requirements

The following are requirements for this practice.

- **Must** meet cropping history.
- **Must** not be under a practice lifespan or other agreement to maintain the terrace system, as determined by COC.
- Seeding the terrace **must** be needed and feasible to accomplish the purposes of the practice.
- **Must** be installed on a terrace that NRCS or TSP determines is properly functioning.
- **Must** only be for the actual terrace and a buffer not to exceed 10 feet on the upslope and downslope side of the structure.

  **Note:** CP15B **must** not exceed a maximum width of 60 feet, including the buffer areas.

- Limit C/S to the minimum minerals and seed necessary to establish adequate cover consistent with NRCS FOTG.
- The acreage shall not be hayed or grazed for the life of CRP-1.
- Chemicals used in performing this practice **must** be:
  - Federally, State, and locally registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The seeded acreage shall not be harvested or grazed by domestic livestock for the life of CRP-1, unless grazing is incidental to the normal gleaning of the crop residue in the field according to subparagraph 267 D.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

## CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

### G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1.

### H Environmental Concerns

Although the purpose of the practice is not to establish wildlife habitat, consider wildlife concerns when making determinations about seed varieties and other practice specifications.

### I Practice Maintenance

The practice shall be maintained without additional C/S for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to provide enhancement of environmental benefits during the practice lifespan unless caused by circumstances beyond the producer's control.

### J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### K Program Development

County practice language shall include the practice lifespan. County program language shall also provide details of any requirements, such as seedbed preparation, seeding dates, eligible seed, etc., that are conditions for C/S for the practice. STC may establish these requirements.

### L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP16A Shelterbelt Establishment, Noneasement

### A Purpose

The purpose of this practice is to establish shelterbelts on a farm or ranch to:

- enhance the wildlife habitat on the designated area
- save energy
- protect farmsteads or livestock areas.

### B Program Policy

Apply this practice to eligible cropland to protect farmsteads or livestock areas against serious wind and to save energy.

### C Size Requirements

Shelterbelts shall be installed to design standards in FOTG, established to protect farmsteads or livestock areas regardless of the purpose of the shelterbelt. A shelterbelt may be applied up to a maximum width of up to 2 times the design standard for protecting farmsteads or livestock areas, if requested by the producer to accomplish the purpose of protecting farmsteads or livestock areas.

### D Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to an acceptable level
- prevent degradation of environmental benefits from recurring after establishment
- be maintained for the CRP-1 period
- be included in the approved conservation plan.

## CP16A Shelterbelt Establishment, Noneasement (Continued)

### E C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | THEN C/S is... |
|---|---|
| trees or shrubs planted as shelterbelts that will improve the environmental benefits on a farm or ranch | ***--**authorized using technical practice codes 327, 340, 380, 441, 484, 550, 595, 612, and 645.**--*** |
| temporary cover and the justification is:<br>• required in the practice specifications<br>• needed until required seed or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| plastic mulch or supplemental drip irrigation | |
| tree shelters, netting, plastic tubes, or other animal control damage devices, and the purpose is approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where using these measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441. | authorized not to exceed an average cost, as determined by STC. |
| planting orchard trees | not authorized. |
| ornamental planting | |
| Christmas tree production | |
| fences | |

## CP16A Shelterbelt Establishment, Noneasement (Continued)

### F Requirements

The following are requirements for this practice.

- When supplemental drip irrigation or plastic mulch is applied and the average precipitation for the area is 25 inches or less.

- Planting **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.

- Chemicals used in performing this practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

## CP16A Shelterbelt Establishment, Noneasement (Continued)

### H Practice Maintenance

The practice shall be maintained for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to improve environmental benefits during the practice lifespan unless the failure is caused by circumstances beyond the producer's control.

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### J Program Development

The following should be considered when developing this practice.

- Consider wildlife and environmental protection when designing this practice.
- State/county practice shall identify the eligible species and provide any requirements, such as spacing, minimum planting per acre, site preparation, etc., that are conditions for C/S. Technical specifications may be incorporated by reference.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP17A Living Snow Fences, Noneasement

### A Purpose

The purpose of this practice is to establish living snow fences on a farm or ranch to:

- manage snow
- provide living screen
- enhance the wildlife habitat on the designated area.

### B Program Policy

Apply this practice to eligible cropland to protect against drifting snow on:

- lanes
- roads
- railroads
- public facilities.

### C Size Requirements

Living snow fences shall be installed to the design standard in FOTG, established for snow management regardless of the purpose of the living snow fence. The maximum width, including the snow catch area, of a field windbreak shall not exceed the design standard for snow management.

### D Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to below the soil loss tolerance
- prevent degradation of environmental benefits from recurring after establishment
- be maintained for the CRP-1 period
- be included in the approved conservation plan.

## CP17A Living Snow Fences, Noneasement (Continued)

### E C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | THEN C/S is... |
|---|---|
| trees or shrubs planted as living snow fences to improve the environmental benefits on a farm or ranch | authorized. |
| temporary cover and the justification is:<br>• required in the practice specifications<br>• needed until required seed or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| plastic mulch or supplemental drip irrigation | |
| planting orchard trees | not authorized. |
| ornamental planting | |
| Christmas tree production | |
| fences | |

## CP17A Living Snow Fences, Noneasement (Continued)

### F Requirements

The following are requirements for this practice.

- When supplemental drip irrigation or plastic mulch is applied and the average annual precipitation for the area is 25 inches or less.
- Planting must be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.
- Chemicals used in performing this practice must be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

## CP17A Living Snow Fences, Noneasement (Continued)

### H Practice Maintenance

The practice shall be maintained for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to improve environmental benefits during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### J Program Development

Follow this subparagraph to develop State/county program.

- Consider wildlife and environmental protection when designing this practice.
- State/county practice shall identify the eligible species and provide any requirements, such as spacing, minimum planting per acre, site preparation, etc., that are conditions for C/S. Technical specifications may be incorporated by reference.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP18A Establishment of Permanent Salt Tolerant Vegetative Cover

### A Purpose

The purpose of this practice is to establish permanent salt tolerant vegetative cover on eligible cropland with existing high water tables that will improve the environmental benefits of a farm or ranch.

### B Program Policy

Apply this practice to establish permanent salt tolerant vegetative cover on eligible cropland.

### C Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- improve environmental benefits to an acceptable level
- have an easement filed with the land records for 15 years on areas with existing high water tables
- be maintained for the useful life of the easement
- prevent degradation of environmental benefits from recurring after establishment.

## CP17A Living Snow Fences, Noneasement (Continued)

### E C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | THEN C/S is... |
|---|---|
| trees or shrubs planted as living snow fences to improve the environmental benefits on a farm or ranch | *--authorized using technical practice codes 327, 340, 380, 441, 484, 550, 595, 612, and 645.--* |
| temporary cover and the justification is:<br>• required in the practice specifications<br>• needed until required seed or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| plastic mulch or supplemental drip irrigation | |
| planting orchard trees | not authorized. |
| ornamental planting | |
| Christmas tree production | |
| fences | |

## CP17A Living Snow Fences, Noneasement (Continued)

### F Requirements

The following are requirements for this practice.

- When supplemental drip irrigation or plastic mulch is applied and the average annual precipitation for the area is 25 inches or less.

- Planting **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.

- Chemicals used in performing this practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

**National CRP Practices (Continued)**

## CP17A Living Snow Fences, Noneasement (Continued)

### H Practice Maintenance

The practice shall be maintained for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to improve environmental benefits during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### J Program Development

Follow this subparagraph to develop State/county program.

- Consider wildlife and environmental protection when designing this practice.
- State/county practice shall identify the eligible species and provide any requirements, such as spacing, minimum planting per acre, site preparation, etc., that are conditions for C/S. Technical specifications may be incorporated by reference.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

* * *

## CP18B Establishment of Permanent Vegetation to Reduce Salinity, Noneasement

### A Purpose

This practice is to either establish permanent salt tolerant vegetative cover within saline seep areas or establish permanent vegetative cover in areas causing seeps, including trees or shrubs, on eligible cropland that will improve the environmental benefits of a farm or ranch.

The cover **must** address the resource problem with the minimum acreage needed to control the saline seep.

### B Program Policy

Apply this practice to establish either of the following on eligible cropland:

- permanent salt tolerant vegetative cover
- permanent vegetative cover.

The use of this practice is only permitted if the technical recommendations are based on a sound ***--**technical basis that will address the resource problem. Only the minimum number of acres**--*** needed to control the saline seep formation may be enrolled.

**Example:** A technician recommends that a 40-acre field be enrolled in CRP to control a 1-acre saline seep. The technician is recommending enrollment of excessive acreage. The technician **must** focus the recharge area to only the portion of the field associated to the saline seep development.

### C Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- improve environmental benefits to less than the soil loss tolerance
- be maintained for the CRP-1 period on areas causing seeps or the seep areas
- prevent degradation of environmental benefits from recurring after establishment.

## CP18B Establishment of Permanent Vegetation to Reduce Salinity, Noneasement (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals | substantiated as needed by COC | authorized *****--using technical practice codes 327, 342, 512, 550, 595, 610, and 645.--***** |
| eligible seed | | |
| seedbed preparation | | |
| seeding | | |
| herbicides | specified as necessary in the approved conservation plan | |
| insecticides | | |
| temporary cover | • required in the practice specifications<br>• needed until required seed or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| herbicides | to maintain vegetative cover | not authorized. |
| insecticides | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| fencing | | |
| earthmoving | | |
| minerals | to enhance production | |

## CP18B Establishment of Permanent Vegetation to Reduce Salinity, Noneasement (Continued)

### E Requirements

The following are requirements for this practice.

- The saline seep and recharge area **must** meet the definitions in Exhibit 2.

***--Note:** For re-enrolled acreage, NRCS or TSP has flexibility on the characteristics of the saline seep, including soil electrical conductivity, sodium absorption rate, pH, and water level. NRCS or TSP should evaluate the potential that the saline seep would occur without vegetative cover in the discharge and/or recharge area.**--***

- TSP **must** use the best available data to define the recharge area to solve the resource problem with the minimum amount of acres.

- For seeps less than 5 acres, the recharge area cannot exceed a ratio of 10 acres of recharge to 1 acre of seep, which meets the definition in Exhibit 2.

- A map **must** be clearly marked with the saline seep, the exact acreage of the saline seep, and the recharge area.

- Acreage shall not exceed 50 acres, unless NRCS SRC or designee and at least 1 independent technical peer with extensive knowledge in saline seeps review the practice before approval. For States with no independent technical peer, SRC or designee shall serve that role.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid adverse impacts to surrounding lands.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

## CP18B Establishment of Permanent Vegetation to Reduce Salinity, Noneasement (Continued)

### F Environmental Concerns

Consider wildlife and other environmental concerns when establishing the protective measure.

### G Practice Maintenance

The practice shall be maintained for the CRP-1 period.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the CRP-1 period
- the cover fails to improve the environmental benefits during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

### H Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### I Program Development

Follow this subparagraph to develop the county program.

- County programs shall provide the requirements that are conditions for C/S.
- STC may establish these requirements.

### J Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP18C Establishment of Permanent Salt Tolerant Vegetative Cover, Noneasement

### A Purpose

The purpose of this practice is to establish permanent salt tolerant vegetative cover on eligible cropland with existing high water tables that will improve the environmental benefits of a farm or ranch.

The cover must address the resource problem with the minimum acreage needed to control the saline seep.

### B Program Policy

Apply this practice to establish permanent salt tolerant vegetative cover on eligible cropland.

The use of this practice is only permitted if the technical recommendations are based on a sound technical basis that will solve the resource problem. Only the minimum number of acres needed to control the saline seep formation may be enrolled.

**Example:** A technician recommends that a 40-acre field be enrolled in CRP to control a 1-acre saline seep. The technician is recommending enrollment of excessive acreage. The technician must focus the recharge area to only the portion of the field associated to the saline seep development.

### C Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- improve environmental benefits to less than the soil loss tolerance
- be maintained for the CRP-1 period on areas with existing highwater tables
- prevent degradation of environmental benefits from recurring after establishment.

## CP18C Establishment of Permanent Salt Tolerant Vegetative Cover, Noneasement (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals | substantiated as needed by COC | authorized<br>***--**using technical practice codes 327, 342, 512, 550, 595, 610, and 645.**--*** |
| eligible seed | | |
| seedbed preparation | | |
| seeding | | |
| herbicides | specified as necessary in the approved conservation plan | |
| insecticides | | |
| temporary cover | • required in the practice specifications<br>• needed until required seed or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| herbicides | to maintain vegetative cover | not authorized. |
| insecticides | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| fencing | | |
| earthmoving | | |
| minerals | to enhance production | |

## CP18C Establishment of Permanent Salt Tolerant Vegetative Cover, Noneasement (Continued)

### E Requirements

The following are requirements for this practice.

- The saline seep **must** meet the definition according to Exhibit 2.

***--Note:** For re-enrolled acreage, NRCS or TSP has flexibility on the characteristics of the saline seep, including soil electrical conductivity, sodium absorption rate, pH, and water level. NRCS or TSP should evaluate the potential that the saline seep would occur without vegetative cover in the discharge and/or recharge area.**--***

- NRCS or TSP **must** use the best available data to define the recharge area to solve the resource problem with the minimum amount of acres.

- For seeps less than 5 acres, the recharge area cannot exceed a ratio of 10 acres of recharge to 1 acre of seep, which meets the definition in Exhibit 2.

- A map **must** be clearly marked with the saline seep, the exact acreage of the saline seep, and the recharge area.

- Acreage shall not exceed 50 acres, unless NRCS SRC or designee and at least 1 independent technical peer with extensive knowledge in saline seeps review the practice before approval. For States with no independent technical peer, SRC or designee shall serve that role.

- NRCS will issue guidance on technical assistance job approval authority for the practice.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid adverse impacts on surrounding lands.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

## CP18C Establishment of Permanent Salt Tolerant Vegetative Cover, Noneasement (Continued)

### F Environmental Concerns

Consider wildlife and other environmental concerns when establishing the protective measure.

### G Practice Maintenance

The practice shall be maintained without additional C/S for the useful life of the practice.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the CRP-1 period
- the cover fails to improve the environmental benefits during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

### H Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### I Program Development

Follow this subparagraph to develop the county program.

- County programs shall provide the requirements that are conditions for C/S.
- STC may establish these requirements.

### J Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP21 Filter Strips

### A Purpose

The purpose of this practice is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body.

### B Program Policy

For cropland to be eligible to be enrolled in CRP to be devoted to CP21, both of the following must be met:

- COC determines both of the following:
  - all cropland eligibility requirements in subparagraph 112 A are met
  - the cropland offered is immediately adjacent and parallel to 1 of the following:
    - stream having perennial flow
    - seasonal stream

      **Important:** USGS maps shall **not** be solely used to determine seasonal streams. A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. Seasonal streams do **not** include:

      - wetlands of any type
      - land devoted to CP9
      - terrace channels
      - grass or sod waterways
      - gullies
      - narrow or wide wash
      - roadside ditches
      - well, spring, or seep
      - marsh or swamp
      - center pivot irrigation corners
      - irrigation canals
      - tail water recovery pit/system.

      **Note:** See paragraph 112 for more information about seasonal and perennial streams.

**CP21 Filter Strips (Continued)**

**B Program Policy (Continued)**

- sinkholes and karst areas

- wetlands with water areas capable of reducing damages by sedimentation and associated pollutants that meet 1 of the following:

  - Permanently Flooded - water covers the land surface throughout the year in all years

  - Intermittently Exposed - surface water is present throughout the year except in years of **extreme** drought

  - Semipermanently Flooded - surface water is present throughout the growing season in most years

    **Note:** When surface water is absent, the water table is at or very near the land surface.

  - Seasonally Flooded - surface water is present for extended periods of not less than 21 calendar days especially early in the growing season, but is absent by the end of the growing season in most years

    **Note:** When surface water is absent, the water table is at or very near the land surface.

- ***--**other **permanent** water bodies, such as lakes and ponds if **both** of the following are met:

  - provides water cover **throughout the year in all years**
  - flows from the water body off the farm.

  **Exception:** A pond that is less than 5.0 acres and does **not** flow from the water body off the farm is **not** eligible to be enrolled in CP21.**--***

  **Note:** Water bodies that do **not** provide permanent water cover throughout the year in all years are **not** eligible.

## CP21 Filter Strips (Continued)

### B Program Policy (Continued)

- NRCS determines, based on a site visit, all of the following:
  - the cropland is suitable to be devoted to a filter strip
  - the filter strip is needed and feasible to solve the resource concern
  - the cropland is capable, after the filter strip is established, of substantially reducing pollutants in the nearby eligible stream or other water body.

CP21's are not eligible to be used in conjunction with the following practices:

- ***--**CP22, because, if needed, a grass buffer is included in CP22**--***
- CP23, because acreage devoted to CP23 may include up to a 3 to 1 ratio of uplands to ensure the functions and values of the cropped wetland are restored
- CP9, because acreage devoted to CP9 **must** include an adequate buffer to protect the shallow water area.

### C Size Requirements

The minimum acceptable width of a filter strip is 20 feet. A filter strip may be applied up to a maximum average width of 120 feet, if needed to accomplish the purpose of the practice.

**Notes:** The maximum average width of filter strips established for any purpose other than protection and enhancement of water quality, shall not exceed 120 feet.

Infeasible-to-farm provisions may apply to CP21.

When the minimum design specification for water quality exceeds 120 feet, the minimum design specification is the maximum average width that may be enrolled. NRCS **must** document the need for a minimum design specification in excess of 120 feet in writing.

**Note:** NRCS will determine the documentation needed to support an additional average width for water quality purposes consistent with FOTG standards. The documentation **must** be in the case file.

## CP21 Filter Strips (Continued)

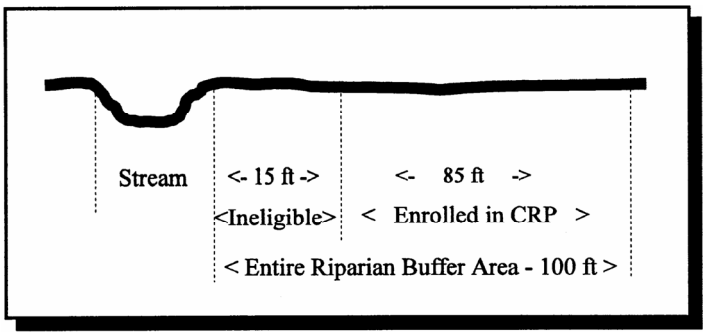
### C Size Requirements (Continued)

**Example:** Producer offers to enroll land to be devoted to a 120 foot wide filter strip to protect the adjacent eligible stream. Based on the soils, slope, and other site conditions, NRCS documents that to address the water quality resource problem and to function properly, the filter strip **must** be a minimum of 145 feet in width. Because the purpose of the filter strip is the protection and enhancement of water quality, the minimum of width 145 feet may be enrolled. The 145 foot minimum width is the maximum acreage that may be enrolled.

The filter strip shall begin at the top of the stream bank. In some cases there may be land that is adjacent to the stream that does **not** meet the eligibility criteria to be enrolled in CRP. **This land shall not be enrolled in CRP**. However, if the eligible land is enrolled in CRP as a filter strip, the ineligible land **shall be** included:

- in the area used as a filter strip
- in the conservation plan
- when determining the width of the filter strip.

This diagram provides an example of a filter strip adjacent to a stream that includes land **not** enrolled in CRP. The first 15 feet adjacent to the stream (starting at the top of the stream bank) does **not** meet the eligibility criteria to be enrolled in CRP.




The filter strip is 100 feet wide. Only the eligible land (85 feet width) is enrolled in CRP. The conservation plan is for the entire filter strip (100 feet). The producer is responsible for maintaining the entire practice (100 feet) according to the plan. Failure to maintain the entire 100 feet may result in CRP payment reductions or termination.

## CP21 Filter Strips (Continued)

### D C/S Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- meet the cropland history criteria
- improve environmental benefits to an acceptable level
- reduce additional sediment or pollutants that are being delivered to areas identified in subparagraph B
- be maintained for the contract payment period
- prevent degradation of environmental benefits from recurring.

### E C/S Policy

This table contains C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| mineral or nutrient | substantiated as needed by COC | authorized ***--**using technical practice codes 327, 382, 390, 393, 410, 516, 574, 595, 614, 642, and 645.**--*** |
| site preparation | | |
| eligible seed and seeding | **Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals **must** be specified in the practice specification as designated by the designated technician. | |
| herbicide | specified as necessary in the approved conservation plan | |
| insecticide | | |

**National CRP Practices (Continued)**

**CP21 Filter Strips (Continued)**

**E C/S Policy (Continued)**

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| temporary cover | • required in the practice specification<br>• needed until required seed or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of the cover immediately | authorized. |
| pipelines and watering facilities constructed outside of the filter strip | providing a water source for livestock away from the filter strip and the adjacent stream or water body<br><br>**Note:** See paragraph 483. | |
| fencing | permanent fencing needed to exclude livestock from the filter strip<br><br>**Note:** See paragraph 483.<br><br>**Important:** A single strand electric fence shall not be considered a permanent fence for CRP. | |
| construction of structures where concentrated flow continues to degrade water quality | to meet the requirements of the conservation plan | |
| grading, leveling, and filling | to control concentrated flow and site preparation.<br><br>**Important:** Grading, leveling, and filling does not include shaping or manipulation of the stream bank. | |

## CP21 Filter Strips (Continued)

### E C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| herbicide | to maintain vegetative cover | not authorized. |
| insecticide | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| stream bank stabilization | | |
| mineral or nutrient | to enhance production | |

### F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1 unless grazing is incidental to the normal gleaning of the crop residue in the field according *--to subparagraph 322 C.--*

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Practice shall reduce nutrients, sediment, organic matter, pesticides, and other pollutants that are being delivered to the areas identified in subparagraph B.

- Chemicals used in performing the practice must be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

## CP21 Filter Strips (Continued)

### F Practice Requirements (Continued)

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The filter strip must be established and maintained according to the practice standards in FOTG.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### H Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the protective measure.

### I Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the contract period

- the cover fails to provide adequate protection of water quality during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

**National CRP Practices (Continued)**

## CP21 Filter Strips (Continued)

### J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### K Technical Responsibility

NRCS shall have technical responsibility for this practice.

## CP22 Riparian Buffer

### A Purposes

The purposes of this practice are to:

- remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body

- create shade to lower water temperature to improve habitat for aquatic organisms

- provide a source of detritus and large woody debris for aquatic organisms and habitat for wildlife.

### B Program Policy

For **cropland** to be eligible to be enrolled in CRP to be devoted to CP22, **all** of the following must be met:

- COC determines both of the following:

  - all cropland eligibility requirements in subparagraph 112 A are met

**National CRP Practices (Continued)**

**CP22 Riparian Buffer (Continued)**

**B Program Policy (Continued)**

- the cropland offered is immediately adjacent and parallel to 1 of the following:

  - stream having perennial flow

  - seasonal stream

    **Important:** USGS maps shall **not** be solely used to determine seasonal streams. A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. Seasonal streams do **not** include:

    - wetlands of any type
    - land devoted to CP9
    - terrace channels
    - grass or sod waterways
    - gullies
    - narrow or wide wash
    - roadside ditches
    - well, spring, or seep
    - marsh or swamp
    - center pivot irrigation corners
    - irrigation canals
    - tail water recovery pit/system.

    **Note:** See paragraph 112 for more information about seasonal and perennial streams.

  - sinkholes and karst areas

  - wetlands with water areas capable of reducing damages by sedimentation and associated pollutants that meet 1 of the following:

    - Permanently Flooded - water covers the land surface throughout the year in all years

    - Intermittently Exposed - surface water is present throughout the year except in years of **extreme** drought

**CP22 Riparian Buffer (Continued)**

**B Program Policy (Continued)**

- Semipermanently Flooded - surface water is present throughout the growing season in most years

  **Note:** When surface water is absent, the water table is at or very near the land surface.

- Seasonally Flooded - surface water is present for extended periods of not less than 21 calendar days especially early in the growing season, but is absent by the end of the growing season in most years

  **Note:** When surface water is absent, the water table is at or very near the land surface.

•***--**other **permanent** water bodies, such as lakes and ponds if **both** of the following are met:

- provides water cover **throughout the year in all years**
- flows from the water body off the farm.

**Exception:** A pond that is less than 5.0 acres and does **not** flow from the water body off the farm is **not** eligible to be enrolled in CP22.**--***

**Note:** Water bodies that do **not** provide permanent water cover throughout the year in all years are **not** eligible.

- NRCS or TSP determines, based on a site visit, **all** of the following:

  - the cropland is suitable to be devoted to a riparian buffer

  - the riparian buffer is needed and feasible to solve the resource concern

  - the cropland is capable, after the riparian buffer is established, of meeting the purposes in subparagraph A

- *** * *** the riparian buffer is devoted (planted or natural regeneration) to trees.

  **Note:** Land that is not suitable for tree plantings, as determined by NRCS or TSP, is not eligible to be enrolled in CRP as a riparian buffer.

## CP22 Riparian Buffer (Continued)

### B Program Policy (Continued)

For **marginal pastureland** to be eligible to be enrolled in CRP to be devoted to CP22, **all** of the following **must** be met:

- COC determines both of the following:
  - all marginal pastureland eligibility requirements in subparagraphs 112 C and D are met
  - the marginal pastureland offered is immediately adjacent and parallel to 1 of the following:
    - ***--permanent** water bodies, such as lakes and ponds that provides at least a seasonal flow of surface water from the water body off the farm

      **Exception:** A pond that is less than 5.0 acres and does **not** provide at least a seasonal flow of surface water from the water body off the farm is **not** eligible to be enrolled in CP22.**--***

      **Note:** Water bodies that do **not** provide a permanent water cover throughout the year in all years are **not** eligible.

    - stream having perennial flow
    - seasonal stream
    - sinkholes and karst area.

      **Important:** USGS maps shall **not** be solely used to determine seasonal streams. A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. Seasonal streams do **not** include:

      - wetlands of any type
      - land devoted to CP9
      - terrace channels
      - grass or sod waterways
      - gullies
      - narrow or wide wash
      - roadside ditches
      - well, spring, or seep
      - marsh or swamp

**CP22 Riparian Buffer (Continued)**

**B Program Policy (Continued)**

- center pivot irrigation corners
- irrigation canals
- tail water recovery pit/system.

**Note:** See paragraph 112 for more information about seasonal and perennial streams.

- NRCS TSP determines, based on a site visit, all of the following:

  - the marginal pastureland is suitable to be devoted to a riparian buffer devoted (planted or natural regeneration) to trees

    **Note:** Marginal pastureland to be devoted to wildlife habitat buffers should be enrolled as CP29.

  - the riparian buffer is needed and feasible to solve the resource concern

  - trees established on the land, if applicable, are not functioning as a riparian buffer

  - the marginal pastureland is capable, after the riparian buffer is established, of meeting the purposes in subparagraph A

  **Important:** Marginal pastureland **must** be devoted (planted or natural regeneration) to trees. If trees are already established on the land and functioning as a riparian buffer, the land is ineligible for CRP. See paragraph 112.

- the riparian buffer is devoted (planted or natural regeneration) to trees.

  **Note:** Land that is not suitable for tree plantings, as determined by NRCS or TSP, is not eligible to be enrolled in CRP as a riparian buffer.

CP22's are not eligible to be used in conjunction with the following practices:

- CP21, because, if needed, a grass buffer is included in CP22

- CP23, because acreage devoted to CP23 may include up to a 3 to 1 ratio of uplands to ensure that the functions and values of the cropped wetland are restored

- CP9, because acreage devoted to CP9 **must** include an adequate buffer to protect the shallow water area.

This practice is not applicable to CRP offers accepted before signup 14.

**National CRP Practices (Continued)**

## CP22 Riparian Buffers (Continued)

### C Size Requirements

***--**A riparian buffer shall not be less than 35 feet in width. The maximum width of a riparian buffer is the lessor of 100 feet or 30 percent of the geomorphic floodplain. An area of native grasses**--***
and forbs may be added, if otherwise eligible, only for concentrated flow conditions dependent on the site.

***--**Excessive sheet-rill and concentrated flow will be controlled in areas immediately adjacent and up-gradient of the buffer. This area should be the minimum necessary to control excessive sheet-rill erosion and/or concentrated flow.**--***

*** * ***

A riparian buffer *** * *** may be applied up to a maximum average width of 180 feet, if needed to accomplish the purpose of the practice.

**Notes:** The maximum average width of riparian buffers *** * ***established for any purpose other than protection and enhancement of water quality shall not exceed 180 feet.

Infeasible-to-farm provisions may apply to riparian buffers on cropland.

When the minimum design specification for water quality exceeds 180 feet, the minimum design specification is the maximum average width that may be enrolled. NRCS or TSP **must** document the need for a minimum design specification in excess of 180 feet in writing.

**Note:** NRCS will determine the documentation needed to support an additional average width for water quality purposes consistent with FOTG standards. The documentation **must** be in the case file.

**Example:** Producer offers to enroll cropland to be devoted to a 180 foot wide riparian buffer to protect the adjacent eligible stream. Based on the soils, slope, and other site conditions, NRCS documents that to address the water quality resource problem and to function properly, the riparian buffer needs to be a minimum of 200 feet in width. Because the purpose of the riparian buffer is the protection and enhancement of water quality, the minimum width of 200 feet may be enrolled. The 200 foot minimum width is the maximum acreage that may be enrolled.

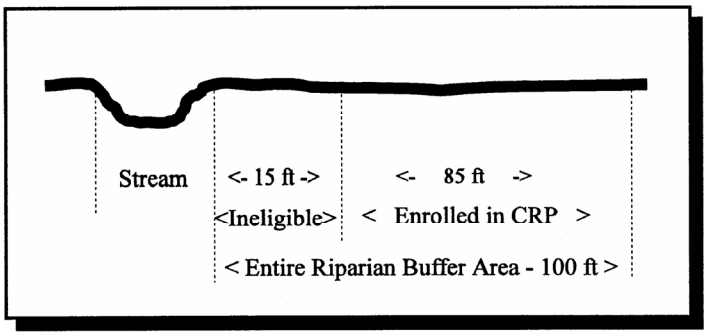
## CP22 Riparian Buffer (Continued)

### C Size Requirements (Continued)

The riparian buffer shall begin at the top of the stream bank. In some cases there may be land that is adjacent to the stream that does **not** meet the eligibility criteria to be enrolled in CRP. **This land shall not be enrolled in CRP**. However, if the eligible land is enrolled in CRP as a riparian buffer, the ineligible land **shall be** included:

- in the area used as a riparian buffer
- in the conservation plan
- when determining the width of the riparian buffer.

This diagram provides an example of a riparian buffer adjacent to a stream that includes land not enrolled in CRP. The first 15 feet adjacent to the stream (starting at the top of the stream bank) does **not** meet the eligibility criteria to be enrolled in CRP.




The riparian buffer is 100 feet wide. Only the eligible land (85 feet width) is enrolled in CRP. The conservation plan is for the entire riparian buffer (100 feet). The producer is responsible for maintaining the entire practice (100 feet) according to the plan. Failure to maintain the entire 100 feet may result in CRP payment reductions or termination.

**National CRP Practices (Continued)**

## CP22 Riparian Buffer (Continued)

### C Size Requirements (Continued)

***--**The riparian forest buffer shall be positioned appropriately and designed to achieve sufficient width, length, and vertical structural-density to accomplish the intended purposes.

Dominant vegetation will consist of naturally regenerated or seeded/planted trees and shrubs suited to the soil and hydrology of the site to achieve the intended purposes.

Excessive sheet-rill and concentrated flow will be controlled. Concentrated flow and/or excessive sheet flow may be controlled through the use of a grass strip. The width of the strip should be the minimum necessary to achieve the intended purposes.**--***

*** * ***

## CP22 Riparian Buffer (Continued)

### D C/S Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- be implemented on land that meets the cropland history criteria or marginal pastureland
- improve environmental benefits to less than the soil loss tolerance
- reduce additional nutrients, sediment, organic matter, or other pollutants that are being delivered to areas identified in subparagraph B
- be maintained for the contract payment period
- prevent degradation of environmental benefits from recurring.

***--Note:** Use tree species that are native and non-invasive. Substitution with improved and locally accepted cultivars is permitted. Use high quality and adapted plant material.**--***

See subparagraphs E and H for eligible C/S when producer elects natural regeneration.

## CP22 Riparian Buffer (Continued)

### E C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals, nutrients, seed, tree and shrub seedlings, seedbed preparation, and seeding, except when natural regeneration is selected by the producer | substantiated as needed by COC<br><br>**Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals **must** be specified in the practice specification, as designated by the designated technician. | authorized ***--**using technical practice codes 327, 382, 390, 391, 410, 441, 516, 548, 550, 574, 578, 595, 612, 614, 642, 645, and 647.**--*** |
| herbicides and pesticides | specified as necessary to establish the vegetation and included in the conservation plan<br><br>**Note:** This does not include herbicides or pesticides used as part of the maintenance of the practice. | |
| temporary supplemental irrigation systems or plastic mulch, except when natural regeneration is selected by the producer | in arid areas where the average annual precipitation is 25 inches or less and determined needed by both COC and designated technician | |
| rock-filled infiltration trenches to induce subsurface flow | specified as necessary to establish the vegetation and included in the conservation plan<br><br>**Note:** The potential for groundwater contamination **must** be considered during planting and design. | |
| grading, leveling, and filling | to control concentrated flow and site preparation | |
| permanent fencing | fencing needed to exclude livestock from the riparian buffer<br><br>**Important:** A single strand electric fence shall not be considered a permanent fence for CRP. | |

## CP22 Riparian Buffer (Continued)

### E C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| water gaps, bridges, or other livestock crossing facilities on small streams | specified as necessary to prevent sedimentation and pollution in the stream and included in the conservation plan<br><br>**Note:** See subparagraph 483 I. | authorized. |
| pipelines and water facilities constructed outside of the riparian buffer strip | substantiated as needed by COC for the purpose of providing a water source for livestock<br><br>**Note:** COC shall only approve the minimum number of water sources needed. See paragraph 483. | |
| ***--**plugging, removing, or replacing with perforated pipe | to filter pollutants from underground drains through the riparian forest areas | |
| a regulating valve or structure may be installed to control drainage outflow | to reduce nitrogen or other pollutant loading**--*** | |

**National CRP Practices (Continued)**

**CP22 Riparian Buffer (Continued)**

**E C/S Policy (Continued)**

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| tree shelters, netting, plastic tubes, or other animal damage control devices, except when natural regeneration is selected by the producer | approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC must designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441. | authorized not to exceed an average cost, as determined by STC. |
| streambank stabilization | | not authorized. |
| minerals, nutrients, herbicides, and insecticides | to maintain vegetative cover or enhance production | |
| seed, tree and shrub seedlings, seedbed preparation and seeding | for use with natural regeneration | |
| minerals and nutrients | | |
| temporary supplemental irrigation systems or plastic mulch | | |
| clearing rocks or other obstructions from the area to be seeded | | |

## CP22 Riparian Buffer (Continued)

### F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The buffer shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Limit C/S to the minimum materials necessary to establish an adequate cover to improve environmental benefits.
- Acreage shall reduce nutrients, sediment, organic matter, pesticides, and other pollutants that are being delivered to the areas identified in subparagraph B.
- Chemicals used in performing the practice must be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled.
- The riparian buffer must be established and maintained according to the practice standards in FOTG.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1.

**Exceptions:** See paragraph 238 for exceptions to 12-month plaining requirement.

See subparagraph H for natural regeneration.

## CP22 Riparian Buffer (Continued)

### H Natural Regeneration

Producers may elect to allow natural regeneration of the riparian buffer if **all** of the following are met:

- NRCS or TSP determines both of the following:
  - an adequate seed source of approved tree, shrub, and grass species is present in the soil at the site

    ***--Note:** Grass is an acceptable cover in the riparian buffer only if determined needed to control concentrated flow and an excessive sheet flow.**--***

  - under normal conditions, the **appropriate cover** will be established within 2 years of CRP-1 effective date
- erosion and runoff will be controlled during the establishment period
- weeds, including noxious weeds, and other non-approved plant species will be controlled during the establishment period
- the conservation plan signed by the producer requires **all** of the following:
  - **no** C/S shall be paid for the practice

    **Exceptions:** See subparagraph E.

  - the producer will plant the approved cover at no cost to FSA or CCC according to a revised conservation plan if the riparian buffer is not established through natural regeneration within 2 years of CRP-1 effective date
  - conservation practice code 647, Early Successional Habitat Development/Management, is used to identify natural regeneration
  - NRCS or TSP shall spot check the site at the end of the second year to determine whether the riparian buffer is established and meets the standards **and** specifications for NRCS conservation practice code 391A, Riparian Forest Buffer

    **Note:** FSA **must** immediately notify COC and the participant:

    - of the result of the spot check
    - that the participant **must** plant the approved cover with no C/S according to a revised conservation plan, if applicable.

## CP22 Riparian Buffer (Continued)

### H Natural Regeneration (Continued)

COC shall **not** approve CRP-1 until **all** of the preceding requirements are met. COC shall ensure the producer is fully informed that:

- no C/S will be paid for natural regeneration

  **Exceptions:** See subparagraph E.

- the producer will be required to plant the approved cover with no C/S if the approved cover is not established within 2-years of CRP-1 effective date.

### I Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the protective measure.

### J Practice Maintenance

This practice shall be maintained without additional C/S for the life of the practice according to the practice standards in FOTG.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the contract period

- the cover fails to provide adequate protection of water quality during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

### K Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### L Technical Responsibility

***--**Technical responsibility for this practice shall be assigned to FS and NRCS, or TSP.**--***

## CP23 Wetland Restoration

### A Purpose

The purpose of this practice is to restore the functions and values of wetland ecosystems that have been devoted to agricultural use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or TSP.

### *--B Program Policy--*

Apply this practice to eligible wetlands and associated acreage that are suitably located and adapted to the restoration of wetland functions and values. The restoration of wetland hydrology is only required to the extent specified by the producer.

***--Note:** Cottonwoods may be planted to enhance the viability of other hardwood trees (oaks, etc.).

Selection of cottonwood as a component must be silviculturally and ecologically appropriate for the long-term health and production of the stand. Hydrologic and soil characteristics must be appropriate for the planting of cottonwood species.**--***

### C Total Eligible Cropland Limit

Total eligible cropland for wetland restorations is limited to cropland:

- according to 2-CRP, paragraph 97
- within the 100-year floodplain of a permanent river or stream
- that includes a minimum of 51 percent hydric soils for the acreage offered (nonbuffer areas).

**Note:** An offer that includes a buffer outside the 100-year floodplain may be enrolled if otherwise eligible, needed, and feasible for the practice.

### D Size Requirements

The amount of adjacent upland acreage to be enrolled shall be determined by NRCS. The amount of adjacent upland acres:

- is limited to the minimum number of acres required to provide a protective buffer to the cropped wetland and to enhance wildlife habitat

- may be less than the 3 to 1 ratio

- shall not exceed the 3 to 1 ratio.

## CP23 Wetland Restoration (Continued)

### E C/S Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan
- be maintained for the life of CRP-1
- restore the functional capability and values of the wetland ecosystem to a level determined by the participant in consultation with NRCS or TSP, including the following:
    - preventing degradation of the wetland area and surrounding upland area from recurring
    - increasing sediment trapping efficiencies
    - improving surface and ground water quality
    - preventing excessive erosion from recurring
    - providing waterfowl and other wildlife habitat
    - reducing flood flows.

### F C/S Policy

This table provides C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| earthmoving | to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site | authorized ***--**using technical practice codes 327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 657, 658, and 659.**--*** |
| eligible seeding for grassland ecosystem | for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for:<br>• establishment of permanent native grass species<br>• establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat<br>• planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established | |

**National CRP Practices (Continued)**

**CP23 Wetland Restoration (Continued)**

**F C/S Policy (Continued)**

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| eligible seeding for woodland ecosystem | for soils that are developed under a woodland ecosystem, except in areas that will be covered by water during no less than 60 calendar days of the normal growing season, and substantiated as needed by COC for:<br><br>• establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits<br><br>•*--establishment of native and permanent--* introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat<br><br>• planting annual grasses, legumes, perennial native grass species, and softwoods, not to exceed 50 percent of the total number of trees planted, to serve as a nurse crop to prevent erosion while permanent cover is becoming established | authorized. |
| seedbed preparation | substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded | |
| breaking tile | restore natural water flow | |
| structures, like pipe, chutes, and outlets | to regulate flow necessary to install an effective practice, as determined by NRCS or TSP | |

## CP23 Wetland Restoration (Continued)

### F C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| temporary cover | • required in the practice specifications<br>• needed until the required seeds or plant stock is available<br>• needed because the normal planting period for the permanent cover crop has passed<br>• that a soil condition, like chemical residue, will not allow establishment of the permanent cover immediately | authorized. |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides, pesticides, and insecticides | specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover | |
| mineral or nutrient | substantiated as needed by COC to establish the approved cover | |
| tree shelters, netting, plastic tubes, or other animal damage control devices | approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441 | authorized not to exceed an average cost, as determined by STC. |

## CP23 Wetland Restoration (Continued)

### F C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| fencing or roads | | not authorized. |
| clearing rocks or other obstructions from the area to be seeded | | |
| clean tilling of firebreaks, fuelbreaks, or firelanes | | |
| tree or grass species | establishment for ornamental purposes | |
| herbicides, pesticides, and insecticides | to maintain cover | |
| mineral or nutrient | to maintain cover or enhance production | |
| ***--**cottonwoods planted to serve as a nurse crop for other hardwoods**--*** | | |

### G Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits.

- The wetland ecosystem shall be restored to the extent identified according to subparagraph B.

  **Note:** The level of restoration shall be determined by the producer in consultation with NRCS or TSP.

- ***--**Approval must be obtained from the State Forester and State Wildlife Agency certifying that planting of cottonwood as a nurse crop is appropriate for the State.

- Planting of cottonwood trees may only be for nurse trees in a pattern appropriate for that purpose.**--***

## CP23 Wetland Restoration (Continued)

### G Practice Requirements (Continued)

- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### H Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### I Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

### J Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

***--**Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. C/S for tree thinning is authorized.**--***

## CP23 Wetland Restoration (Continued)

### J Practice Maintenance (Continued)

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### K Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### *--L Incentive to Restore Hydrology for CRP-1's Approved Before November 3, 2008

A 1-time WRI payment equal to 25 percent of the cost of restoring the hydrology of the site is available to encourage the restoration of cropped wetlands only for CRP-1's approved before November 3, 2008. WRI payment shall be:**--***

- a separate payment from any applicable C/S
- issued according to 1-FI using program code "XXCRPWRI"
- issued upon certification of completion of practice
- equal to 25 percent of the cost of restoring the hydrology of the site.

**Exception:** WRI is **not** authorized for re-enrolled practices under continuous or FWP.

**Note:** Do **not** include the cost associated with establishing any associated acreage when calculating the 1-time WRI payment.

Producers do **not** have to receive C/S to be eligible for the 1-time WRI payment.

*** * ***

## CP23 Wetland Restoration (Continued)

### M Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP. For areas to be established to trees, FS or State Forestry Agency shall have technical responsibility. The State Forester has responsibility for determining if selection of a cottonwood species component is silviculturally and ecologically appropriate.**--***

## CP23 Wetland Restoration (Continued)

### N CP23 Acreage Allocations

***--**The following provides the 2009 allocations to CP23 by State.

| State | State Acre Allocation |
|---|---|
| Alabama | 500 |
| Alaska | 0 |
| Arizona | 0 |
| Arkansas | 20,000 |
| California | 1,000 |
| Colorado | 150 |
| Connecticut | 0 |
| Delaware | 75 |
| Florida | 112 |
| Georgia | 500 |
| Hawaii | 0 |
| Idaho | 0 |
| Illinois | 6,500 |
| Indiana | 3,000 |
| Iowa | 68,000 |
| Kansas | 12,500 |
| Kentucky | 300 |
| Louisiana | 28,000 |
| Maine | 50 |
| Maryland | 0 |
| Massachusetts | 50 |
| Michigan | 1,300 |
| Minnesota | 21,000 |
| Mississippi | 45,000 |
| Missouri | 71,000 |
| Montana | 700 |
| Nebraska | 10,000 |

| State | State Acre Allocation |
|---|---|
| Nevada | 0 |
| New Hampshire | 0 |
| New Jersey | 0 |
| New Mexico | 0 |
| New York | 200 |
| North Carolina | 3,000 |
| North Dakota | 5,500 |
| Ohio | 3,000 |
| Oklahoma | 0 |
| Oregon | 100 |
| Pennsylvania | 1,000 |
| Puerto Rico | 0 |
| Rhode Island | 0 |
| South Carolina | 0 |
| South Dakota | 15,700 |
| Tennessee | 1,000 |
| Texas | 221 |
| Utah | 0 |
| Vermont | 50 |
| Virginia | 600 |
| Washington | 0 |
| West Virginia | 0 |
| Wisconsin | 5,000 |
| Wyoming | 0 |
| **CEPD Reserve** | 174,842 |
| **Total** | **500,000** |

**--***

## *--CP23A Wetland Restoration, Non-Floodplain

### A Purpose

The purpose of this practice is to restore the functions and values of wetland ecosystems that have been devoted to agricultural use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or TSP.

### *--B Program Policy--*

Apply this practice to eligible wetlands and associated acreage that are any of the following:

- located outside the 100-year floodplain
- playa lakes
- land that is not eligible for enrollment in FWP.

The land **must** be suitable and adapted to the restoration of wetland functions and values. The restoration of wetland hydrology is only required to the extent specified by the producer.

***--Note:** Cottonwoods may be planted to enhance the viability of other hardwood trees (oaks, etc.).

Selection of cottonwood as a component must be silviculturally and ecologically appropriate for the long-term health and production of the stand. Hydrologic and soil characteristics must be appropriate for the planting of cottonwood species.**--***

### C Size Requirements

The amount of adjacent upland acreage to be enrolled shall be determined by NRCS. The amount of adjacent upland acres:

- is limited to the minimum number of acres required to provide a protective buffer to the cropped wetland and to enhance wildlife habitat

- may be less than the 4 to 1 ratio

- shall not exceed the 4 to 1 ratio.

## CP23A Wetland Restoration, Non-Floodplain

### D Acreage Allocations

Total enrollment under CP23A shall not exceed 250,000 acres nationwide.

***--**States **must** not exceed allocations in the following. The following provides the 2009 allocations to CP23A by State.

| State | State Acre Allocation |
|---|---|
| Alabama | 100 |
| Alaska | 0 |
| Arizona | 0 |
| Arkansas | 2,000 |
| California | 1,000 |
| Colorado | 850 |
| Connecticut | 0 |
| Delaware | 50 |
| Florida | 250 |
| Georgia | 0 |
| Hawaii | 0 |
| Idaho | 0 |
| Illinois | 1,800 |
| Indiana | 2,000 |
| Iowa | 6,000 |
| Kansas | 7,500 |
| Kentucky | 150 |
| Louisiana | 3,800 |
| Maine | 50 |
| Maryland | 200 |
| Massachusetts | 50 |
| Michigan | 1,545 |
| Minnesota | 18,464 |
| Mississippi | 1,500 |
| Missouri | 1,400 |
| Montana | 200 |
| Nebraska | 14,000 |

| State | State Acre Allocation |
|---|---|
| Nevada | 0 |
| New Hampshire | 0 |
| New Jersey | 0 |
| New Mexico | 1,000 |
| New York | 1,000 |
| North Carolina | 200 |
| North Dakota | 16,000 |
| Ohio | 1,100 |
| Oklahoma | 900 |
| Oregon | 200 |
| Pennsylvania | 0 |
| Puerto Rico | 0 |
| Rhode Island | 0 |
| South Carolina | 0 |
| South Dakota | 18,000 |
| Tennessee | 25 |
| Texas | 5,205 |
| Utah | 0 |
| Vermont | 100 |
| Virginia | 150 |
| Washington | 0 |
| West Virginia | 0 |
| Wisconsin | 4,700 |
| Wyoming | 0 |
| **Reserve** | 138,511 |
| **Total** | **250,000** |

**--***

***--CP23A Wetland Restoration, Non-Floodplain (Continued)**

**E C/S Eligibility**

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan
- be maintained for the life of CRP-1
- restore the functional capability and values of the wetland ecosystem to a level determined by the participant in consultation with NRCS or TSP, including the following:
    - preventing degradation of the wetland area and surrounding upland area from recurring
    - increasing sediment trapping efficiencies
    - improving surface and ground water quality
    - preventing excessive erosion from recurring
    - providing waterfowl and other wildlife habitat
    - reducing flood flows.

**F C/S Policy**

This table provides C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| earthmoving | to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site | authorized. |
| eligible seeding for grassland ecosystem | for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for:<br>• establishment of permanent native grass species<br>• establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat<br>• planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established | |

**--***

**National CRP Practices (Continued)**

**CP23A Wetland Restoration, Non-Floodplain (Continued)**

**F C/S Policy (Continued)**

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| eligible seeding for woodland ecosystem | for soils that are developed under a woodland ecosystem, except in areas that will be covered by water during no less than 60 calendar days of the normal growing season, and substantiated as needed by COC for:<br><br>• establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits<br><br>•*--establishment of native and permanent--* introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat<br><br>• planting annual grasses, legumes, perennial native grass species, and softwoods, not to exceed 50 percent of the total number of trees planted, to serve as a nurse crop to prevent erosion while permanent cover is becoming established | authorized. |
| seedbed preparation | substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded | |
| breaking tile | restore natural water flow | |
| structures, like pipe, chutes, and outlets | to regulate flow necessary to install an effective practice, as determined by NRCS or TSP | |

**National CRP Practices (Continued)**

**CP23A Wetland Restoration, Non-Floodplain (Continued)**

**F C/S Policy (Continued)**

| **IF the component is...** | **AND the justification is...** | **THEN C/S is...** |
|---|---|---|
| temporary cover | • required in the practice specifications<br>• needed until the required seeds or plant stock is available<br>• needed because the normal planting period for the permanent cover crop has passed<br>• that a soil condition, like chemical residue, will not allow establishment of the permanent cover immediately | authorized ***--**using technical practice codes 327, 338, 340, 548, 550, 587, 612, 638, 644, 645, 657, 658, and 659.**--*** |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides, pesticides, and insecticides | specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover | |
| mineral or nutrient | substantiated as needed by COC to establish the approved cover | |
| tree shelters, netting, plastic tubes, or other animal damage control devices | approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441 | authorized not to exceed an average cost, as determined by STC. |

## CP23A Wetland Restoration, Non-Floodplain (Continued)

### F C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| fencing or roads | | not authorized. |
| clearing rocks or other obstructions from the area to be seeded | | |
| clean tilling of firebreaks, fuelbreaks, or firelanes | | |
| tree or grass species | establishment for ornamental purposes | |
| herbicides, pesticides, and insecticides | to maintain cover | |
| mineral or nutrient | to maintain cover or enhance production | |
| ***--**cottonwoods planted to serve as a nurse crop for other hardwoods**--*** | | |

### G Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits.

- The wetland ecosystem shall be restored to the extent identified according to subparagraph B.

  **Note:** The level of restoration shall be determined by the producer in consultation with NRCS or TSP.

- ***--**Approval must be obtained from the State Forester and State Wildlife Agency certifying that planting of cottonwood as a nurse crop is appropriate for the State.

- Planting for cottonwood trees may only be for nurse trees in a pattern appropriate for that purpose.**--***

## CP23A Wetland Restoration, Non-Floodplain (Continued)

### G Practice Requirements (Continued)

- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### H Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### I Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

### J Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

***--**Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. C/S for tree thinning is authorized.**--***

## CP23A Wetland Restoration, Non-Floodplain (Continued)

### J Practice Maintenance (Continued)

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### K Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### *--L Incentive to Restore Hydrology for CRP-1's Approved Before November 3, 2008

A one-time WRI payment equal to 25 percent of the cost of restoring the hydrology of the site is available to encourage the restoration of cropped wetlands only for CRP-1's approved before November 3, 2008. WRI payment shall be:**--***

- a separate payment from any applicable C/S
- issued according to 1-FI using program code "XXCRPWRI"
- issued upon certification of completion of practice
- equal to 25 percent of the cost of restoring the hydrology of the site.

**Note:** Do not include the cost associated with establishing any associated acreage when calculating the one-time WRI payment.

Producers do not have to receive C/S to be eligible for the one-time WRI payment.

### M Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP. For areas to be *--established to trees, FS or State Forestry Agency shall have technical responsibility. The State Forester has responsibility for determining if selection of a cottonwood species component is silviculturally and ecologically appropriate.**--***

## CP24 Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips

### A Purpose

The purpose of this practice is to establish 1 or more strips, varying in size, of permanent vegetative cover resistant to wind erosion perpendicular to the prevailing wind direction on eligible cropland with a wind erosion EI greater than or equal to 4 (EI ≥ 4) that will:

- reduce on-farm wind erosion
- trap wind-borne sediments and sediment borne contaminants
- help protect public health and safety.

### B Program Policy

Apply this practice to permanent vegetative cover for cross wind trap strips on eligible cropland perpendicular to the prevailing wind direction.

This practice shall:

- consist of at least 2 strips each that meet the size requirements in subparagraph D
- not exceed, in aggregate, 10 percent of the total field acreage
- only be devoted to eligible cropland with a wind erosion EI greater than or equal to 4 (EI ≥ 4).

### C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period
- be required by the approved conservation plan
- not exceed the size requirements in subparagraph D
- only be devoted to eligible cropland with a wind erosion EI greater than or equal to 4 (EI ≥ 4).

## CP24 Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips (Continued)

### D Size Requirements

Cross wind trap strips shall:

- be a minimum of 15 feet in width
- not exceed 25 feet in width
- consist of permanent vegetation that is a minimum of 12 inches in height
- not exceed, in aggregate, 10 percent of the total acreage in the field.

### E C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals | substantiated as needed by COC | authorized *--using technical practice codes 327, 338, 340, 342, 548, 550, 589C, 590, and 595.--* |
| eligible seed | | |
| seedbed preparation | | |
| seeding | | |
| herbicides | specified as necessary during practice establishment in the approved conservation plan | |
| insecticides | | |
| temporary cover | • required in the practice specifications<br>• needed until required seed or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| herbicides | to maintain vegetative cover | not authorized. |
| insecticides | | |
| earthmoving | to establish the contour grass strips | |

## CP24 Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips (Continued)

### E C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| clearing rocks or other obstructions from the area to be seeded | | not authorized. |
| fencing | | |
| minerals | to enhance production | |

### F Requirements

The following are requirements for this practice.

- Limit C/S to the minimum minerals and seed necessary to establish adequate cover to improve environmental benefits.
- The acreage seeded shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Chemicals used in performing the practice **must** be:
  - Federally, State, and locally registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- Designed width of strips **must** be maintained for the life of CRP-1.
- Deposition of soil materials shall be removed when the accumulated sediment in the cross wind trap strip exceeds 6 inches in depth.

  **Note:** Cover shall be reseeded, at producer's expense, after accumulated sediment is removed.

## CP24 Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips (Continued)

### F Requirements (Continued)

- Vegetative cover height of at least 12 inches shall be maintained for the life of CRP-1.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### H Environmental Concerns

Consider wildlife concerns when making determinations about seed varieties and other practice specifications.

### I Practice Maintenance

The practice shall be maintained without additional C/S for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- width of the strips are not maintained
- minimum height of vegetative cover is not maintained
- sediment deposition is not removed, when required, and acreage reseeded
- cover fails to provide enhancement of environmental benefits during the practice lifespan unless caused by circumstances beyond the producer's control.

### J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

## CP24 Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips (Continued)

### K Program Development

County practice shall include the practice lifespan. County programs shall also provide details of any requirements, such as seedbed preparation, seeding dates, eligible seed, etc., that are conditions for C/S for the practice. STC may establish these requirements.

### L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

## CP25 Rare and Declining Habitat

### A Purpose

The purpose of this practice is to restore the functions and values of critically endangered, endangered, and threatened habitats. The extent of the restoration is determined by the specifications developed at the State level.

**Note:** All State specifications must be reviewed and approved by DAFP.

Habitats eligible for restoration include:

- Critically endangered, endangered, and threatened ecosystems listed in Appendix B of the U.S. Department of the Interior, National Biological Service, Biological Report 28, "Endangered Ecosystems of the United States: A Preliminary Assessment of Loss and Degradation."

  **Note:** See subparagraph K.

- Other specifically identified habitats within a State with documented losses of greater than 70 percent since European settlement.

  **Notes:** Documentation of 70 percent or greater loss must be provided for all habitats not listed in subparagraph K.

  All habitats not listed in subparagraph K must be approved by DAFP.

## CP25 Rare and Declining Habitat (Continued)

### B Program Policy

Apply this practice to eligible lands where a specified habitat can be restored and maintained, as determined by NRCS technical specifications, in a cost-effective manner through enrollment in CRP.

**Notes:** NRCS technical restoration specifications shall be developed in consultation with the State Technical Committee.

Technical expertise from other Federal and State agencies and/or private organizations is encouraged to assist with habitat establishment and long-term management of the restored habitats.

State NRCS Offices shall submit **all** specifications developed to NRCS National Headquarters for review. To be an eligible practice, specifications **must** be approved by DAFP before implementation.

### C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period
- be required by the approved conservation plan
- be implemented on eligible lands where the rare and declining habitat can be restored in a cost-effective manner through enrollment in CRP
- restore the native vegetative components and functions, and values of rare and declining wildlife habitats to a level determined by the specifications developed at the State level and approved by DAFP.

**Note:** C/S shall not exceed 50 percent of the price at which the land placed in CRP could be sold for use as farmland at the time at which CRP-1 is signed by the producer. See paragraph 58.

## CP25 Rare and Declining Habitat (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals | substantiated as needed by COC<br><br>**Notes:** The requirements of this practice, including eligible seed mixtures and minerals **must** be specified in the practice specification, as developed by the designated technician.<br><br>Only seed that meets the purpose of the practice shall be eligible for C/S. | authorized *****--using technical practice codes 327, 338, 340, 342, 362, 394, 441, 550, 574, 595, 600, 612, 614, 643, 645, 657, and 658.--***** |
| eligible seed, including grasses, trees, shrubs, legumes and forbs | | |
| seedbed preparation | | |
| seeding | | |
| herbicides | specified as necessary during practice establishment in the approved conservation plan | |
| insecticides | | |
| temporary cover | • required in the practice specifications<br>• needed until required seed or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of cover immediately | |
| Structures, such as pipe, flashboard risers, gates, chutes, and outlets | to restore hydrology, when applicable, for an effective practice, as determined by the designated technician and stated as needed in the technical specifications submitted for review and in the approved conservation plan | |

## CP25 Rare and Declining Habitat (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| Tree tubes, plastic mulch, and temporary irrigation systems | in arid areas where needed to establish a tree planting, as determined by the designated technician and stated as needed in the technical specifications submitted for review and in the approved conservation plan | authorized. |
| earthmoving | to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site and specified as necessary during practice establishment in the approved conservation plan | |
| herbicides | to maintain vegetative cover | not authorized. |
| insecticides | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| roads | | |
| fencing | | |
| minerals | to enhance production | |

## CP25 Rare and Declining Habitat (Continued)

### E Requirements

States shall develop detailed:

- specifications to accomplish the successful restoration of the critically endangered, endangered, and threatened habitats within the State
- maps of the area where the approved practice specifications will be implemented.

All specifications must be reviewed and approved by DAFP.

The following are requirements for this practice.

- The approved critically endangered, endangered, or threatened habitat shall be restored according to specifications developed by the State and approved by DAFP.
- Limit C/S to the minimum minerals and seed necessary to restore the rare and declining habitat vegetative characteristics, as provided by the State specific restoration specifications.
- Acreage must be maintained according to the conservation plan for the life of CRP-1.
- The acreage enrolled shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- The size of the acreage established should be of sufficient size and location on the landscape as to meet the purpose of the practice.
- Chemicals used in performing the practice must be:
    - Federally, State, and locally registered
    - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

## CP25 Rare and Declining Habitat (Continued)

### E Requirements (Continued)

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### G Environmental Concerns

Restoration of critically endangered, endangered, and threatened habitats is the primary consideration when making determinations about types of plantings, spacing, and other practice specifications. Consider preserving and improving the surrounding environment when making determinations about seed varieties and other practice specifications.

### H Practice Maintenance

The practice shall be maintained without additional C/S for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period

- restoration fails to meet the goals of the practice during the practice lifespan, unless caused by circumstances beyond the producer's control

- cover fails, unless caused by circumstances beyond the producer's control.

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

## CP25 Rare and Declining Habitat (Continued)

### J Program Development

State-specific specifications shall be developed for this practice and must be reviewed and approved by DAFP.

**County Offices are not authorized to modify established specifications or develop county practices for CP25.**

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

### L Approved Critically Endangered and Endangered Ecosystems

**Critically Endangered (>98 Percent Decline) Ecosystems**

Old-growth and other virgin stands in the eastern deciduous forest biome.

Spruce-fir (*Picea rubens-Abies fraseri*) forest in the southern Appalachians.

Red pine (*Pinus resinosa*) and white pine (*Pinus strobus*) forests (mature and old-growth) in Michigan.

Longleaf pine (*Pinus palustris*) forests and savannas in the southeastern coastal plain.

Slash pine (*Pinus elliottii*) rockland habitat in South Florida.

Loblolly pine-shortleaf pine (*Pinus taeda-Pinus echinata*) hardwood forests in the West Gulf Coastal Plain.

*Arundinaria gigantea* canebrakes in the Southeast.

Tallgrass prairie east of the Missouri River and on mesic sites across range.

Bluegrass savanna-woodland and prairies in Kentucky.

Black Belt prairies in Alabama and Mississippi and in the Jackson Prairie in Mississippi.

## CP25 Rare and Declining Habitat (Continued)

### L Approved Critically Endangered and Endangered Ecosystems (Continued)

Ungrazed dry prairie in Florida.

Oak (*Quercus* spp.) savanna in the Midwest.

Wet and mesic coastal prairies in Louisiana.

Lakeplain wet prairie in Michigan.

Sedge (*Carex* spp. and others) meadows in Wisconsin.

Hempstead Plains grasslands on Long Island.

Lake sand beaches in Vermont.

Serpentine barrens, maritime heathland, and pitch pine (*Pinus* rigida)-heath barrens in New York.

Prairies (all types) and oak savannas in the Willamette Valley and in the foothills of the Coast Range, Oregon.

Palouse prairie (Idaho, Oregon, and Washington and in similar communities in Montana).

Native grasslands (all types) in California.

Alkali sink scrub in southern California.

Coastal strand in southern California.

Ungrazed sagebrush steppe in the Intermountain West.

Basin big sagebrush (*Artenisia tridentata*) in the Snake River Plain of Idaho.

Atlantic white-cedar (*Chamaecyparis thyoides*) stands in the Great Dismal Swamp of Virginia and in North Carolina and possibly across the entire range.

Streams in the Mississippi Alluvial Plain.

## CP25 Rare and Declining Habitat (Continued)

### L Approved Critically Endangered and Endangered Ecosystems (Continued)

**Endangered (85-98 Percent Decline)**

Old-growth and other virgin forests in regions and in States other than in those already listed, except in Alaska.

Mesic limestone forest and barrier island beaches in Maryland.

Coastal plain Atlantic white-cedar swamp, maritime oak-holly (*Quercus spp.-Ilex* spp.) forest, maritime redcedar (*Juniperus virginiana*) forest, marl fen, marl pond shore, and oak openings in New York.

Coastal heathland in southern New England and on Long Island.

Pine-oak-heath sandplain woods and lake sand beach in Vermont.

Floodplain forests in New Hampshire.

Red spruce (*Picea rubens*) forests in the central Appalachians (West Virginia).

Lowland forest in southeastern Missouri.

High-quality oak-hickory (*Quercus spp.-Carya* spp.) forest on the Cumberland Plateau and on the Highland Rim of Tennessee.

Limestone redcedar (*Juniperus virgintanus*) glades in Tennessee.

Wet longleaf pine savanna and eastern upland longleaf pine forest in Louisiana.

Calcareous prairie, Fleming glade, shortleaf pine/oak-hickory forest, mixed hardwood-loblolly pine forest, eastern xeric sandhill woodland, and stream terrace sandy woodland/savanna in Louisiana.

Slash pine (*Pinus elliottii*) forests in southwestern Florida.

Red pine and white pine forests in Minnesota.

Coastal redwood (*Sequoia sempervirens*) forests in California.

## CP25 Rare and Declining Habitat (Continued)

### L Approved Critically Endangered and Endangered Ecosystems (Continued)

Old-growth ponderosa pine (*Pinus ponderosa*) forests in the northern Rocky Mountains, Intermountain West, and eastside Cascades Mountains.

Riparian forests in California, Arizona, and New Mexico.

Coastal sage scrub (especially maritime) and coastal mixed chaparral in southern California.

Dry forest on main islands of Hawaii.

All types of native habitats in the lower delta of the Rio Grande River, Texas.

Tallgrass prairie (all types combined).

Native shrub and grassland steppe in Oregon and in Washington.

Low elevation grasslands in Montana.

Gulf Coast pitcher plant (*Sarracenia* spp.) bogs.

Upland hardwoods in the Coastal Plain of Tennessee.

Pocosins (evergreen shrub bogs) and ultramafic soligenous wetlands in Virginia.

Mountain bogs (southern Appalachian bogs and swamp forest-bog complex) in Tennessee and in North Carolina.

Upland wetlands on the Highland Rim of Tennessee.

Saline wetlands in eastern Nebraska.

Wetlands (all types combined) in south-central California, Illinois, Indiana, Iowa, Missouri, Neraska, and Ohio.

Marshes in the Carson-Truckee area of western Nevada.

Low-elevation wetlands in Idaho.

## CP25 Rare and Declining Habitat (Continued)

### L Approved Critically Endangered and Endangered Ecosystems (Continued)

Woody hardwood draws, glacial pothole ponds, and peatlands in Montana.

Vernal pools in the Central Valley and in southern California.

Marshes in the Coos Bay area of Oregon.

Freshwater marsh and coastal salt marsh in Southern California.

Seasonal wetlands of the San Francisco Bay, California.

Large streams and rivers in all major regions.

Aquatic mussel (Unionidae) beds in Tennessee.

Submersed aquatic vegetation in the Chesapeake Bay, in Maryland, and in Virginia.

Mangrove swamps and salt marsh along the Indian River lagoon, Florida.

Seagrass meadows in Galveston Bay, Texas.

## CP25 Rare and Declining Habitat (Continued)

### L Approved Critically Endangered and Endangered Ecosystems (Continued)

**Threatened (70 - 84 Percent Decline)**

Nationwide riparian forests (other than in already listed regions), including southern bottomland hardwood forests.

Xeric habitats (scrub, scrubby flatwoods, sandhills) on the Lake Wales Ridge, Florida.

Tropical hardwood hammocks on the central Florida keys.

Northern hardwood forest, aspen (*Populus* spp.) parkland, and jack pine (*Pinus banksiana*) forests in Minnesota.

Saline prairie, western upland longleaf pine forest, live oak-pine-magnolia (*Quercus virginiana-Pinus* spp.-*Magnolia* spp.) forest, western xeric sandhill woodland, slash pine-pond baldcypress-hardwood (*Pinus elliottii-Taxodium ascendens*) forest, wet and mesic spruce-pine (P. glabra)-hardwood flatwoods, wet mixed hardwood-loblolly pine (*Pinus taeda*) flatwoods, and flatwoods ponds in Louisiana.

Alvar grassland, calcareous pavement barrens, dwarf pine ridges, mountain spruce-fir forest, inland Atlantic whitecedar swamp, freshwater tidal swamp, inland salt marsh, patterned peatland, perched bog, pitch pine-blueberry (*Pinus rigida-Vaccinium* spp.) peat swamp, coastal plain poor fens, rich graminiod fen, rich slopping fen, and riverside ice meadow in New York.

Maritime-like forests in the Clearwater Basin of Idaho.

Woodland and chaparral on Santa Catalina Island.

Southern tamarack (*Larix laricina*) swamp in Michigan.

Wetlands (all kinds) in Arkansas, Connecticut, Kentucky, and Maryland.

Marshes in the Puget Sound region, Washington.

Cienegas (marshes) in Arizona.

Coastal wetlands in California.

## CP27 Farmable Wetlands Pilot Wetland

### A Purpose

The purpose of this practice is to restore the functions and values of wetlands that have been devoted to agricultural use. Hydrology and vegetation **must** be restored to the maximum extent possible, as determined by USDA.

### B Program Policy

Apply this practice to eligible wetlands that are suitably located and adapted to the restoration of wetland functions and values. The restoration of the wetland hydrology and vegetation is required to the maximum extent possible.

For cropland to be eligible to be enrolled in CRP under FWP and be devoted to CP27, all of the following **must** be met:

- COC determines both of the following:
  - cropland meets cropping history requirements
  - an associated buffer (CP28) is offered
- NRCS or TSP determines whether the cropped or prior converted wetland, or land in a floodplain is identified on:
  - the Final National Inventory Map
  - a 1- to 24,000-scale USGS map, if no area is delineated on the final wetland inventory map.

Any cropped or prior converted wetland, or land in a floodplain, that is identified on the Final National Inventory Map, or 1- to 24,000 scale USGS map, is not eligible for enrollment in CRP under FWP.

### C Size Requirements

***--**The maximum acceptable size of any 1 CP27 is 40 acres. Wetlands greater than 40 acres in size are not eligible for enrollment in CRP under FWP.

**Note:** The total of all wetlands may exceed 10 acres.

**Example:** A producer offers a 41 acre wetland. Because the total wetland is greater than 40 acres in size, the entire 40 acre wetland is ineligible for enrollment in CRP**--***under FWP.

## CP27 Farmable Wetlands Pilot Wetland (Continued)

### D C/S Eligibility

To be eligible for C/S, this practice shall:

- only be enrolled under FWP
- only be enrolled with an eligible associated buffer (CP28)
- meet the cropping history requirements
- be included in the approved conservation plan
- be maintained for the life of CRP-1
- restore the functional capability and values of the wetland.

### E Authorized Payment * * *

***--**Payments, including annual rental, CRP-SIP, PIP, 20 percent SRR incentive, and C/S are authorized for CP27.**--***

*** * ***

### F C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| earthmoving | to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site | authorized using technical practice codes 327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 657, 658, and 659. |
| eligible seed and seeding | for soils that are developed under a wetland ecosystem and substantiated as needed by COC for:<br>• establishment of permanent introduced grasses, forbs, and legumes, trees, and native shrub species, where determined necessary to restore the functions and values of the wetland<br>• planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established | |

## CP27 Farmable Wetlands Pilot Wetland (Continued)

### F C/S Policy (Continued)

| If the component is... | And the justification is... | Then C/S is... |
|---|---|---|
| seedbed preparation | substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded | authorized |
| structures, such as pipe, chutes, and outlets | to regulate flow necessary to install an effective practice, as determined by NRCS | |
| temporary cover | • required in the practice specifications<br>• needed until the required seeds or plant stock is available<br>• needed because the normal planting period for the permanent cover crop has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately | |
| herbicides, pesticides, and insecticides | specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover | |
| mineral or nutrient | substantiated as needed by COC to establish the approved cover | |
| tree shelters, netting, plastic tubes, or other animal control devices | approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where using such measures is warranted and cost-effective to protect seedlings. | ***--**authorized not to exceed an average cost, as determined by STC.**--*** |

**National CRP Practices (Continued)**

## CP27 Farmable Wetlands Pilot Wetland (Continued)

### E C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| fencing or roads | | not authorized. |
| clearing rocks or other obstructions from the area to be seeded | | |
| clean tilling of firebreaks, fuelbreaks, or firelines | | |
| tree or grass species | establishment for ornamental purposes | |
| herbicides, pesticides, and insecticides | to maintain cover | |
| mineral or nutrient | to maintain cover or enhance production | |

## CP27 Farmable Wetlands Pilot Wetland (Continued)

### F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits.
- The wetland shall be restored to the extent identified according to subparagraph B.
- Chemicals used in establishing the practice must be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice must be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland must be maintained according to the operation and maintenance requirements for the practice standard.

### G Planting Timespan

Planting or sowing of the approved permanent cover shall be completed within 12 months of the effective date of CRP-1. See 2-CRP for exceptions.

### H Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

## CP27 Farmable Wetlands Pilot Wetland (Continued)

### J Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### K Associated Practice

This practice is only authorized with the associated practice CP28, Farmable Wetland Pilot Buffer, to ensure that the functions and values of the wetland are maintained for the length of the contract.

### L Technical Responsibility

NRCS or TSP shall have the technical responsibility for this practice, except in those areas established to trees, the Forest Service or State Forestry Agency shall have the technical responsibility.

### *--M Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.**--***

## CP28 Farmable Wetlands Pilot Buffer

### A Purpose

Te purpose of this practice is to provide a vegetative buffer around wetlands (CP27) to remove sediment, nutrients, and pollutants from impacting the wetland and to provide wildlife habitat for the associated wetland.

### B Program Policy

For cropland to be eligible to be enrolled in CRP under FWP and to be devoted to CP28, COC must determine both of the following:

- cropland meets cropping history requirements
- the cropland offered is adjacent to an eligible wetland (CP27).

CP28 is not eligible to be enrolled without CP27.

### C Size Requirements

The minimum acceptable width of the associated buffer (CP28) is 30 feet surrounding the wetland. CP28 may not exceed the larger of a maximum average width of 150 feet surrounding the eligible wetland, or 3 times the size of the eligible wetland.

**Example:** A producer offers a 3 acre eligible wetland (CP27) for enrollment in CRP under FWP. NRCS or TSP determines that the associated buffer (CP28) necessary to protect the wetland is 6 acres (2 to 1 ratio). CP27 and CP28 are both eligible for enrollment in CRP under FWP provided all other eligibility requirements are met.

The number of acres enrolled for any buffer (CP28) may be less than the maximum 3 to 1 ratio, or the average maximum width may be less than 150 feet.

### D C/S Eligibility

To be eligible for C/S, this practice shall:

- be enrolled under FWP
- be enrolled with the associated CP27 practice
- be required by the approved conservation plan
- meet the cropping history requirements
- improve environmental benefits to an acceptable level
- be maintained for the life of CRP-1
- prevent degradation of environmental benefits from recurring
- maintain and enhance the functions and values of the wetland system.

## CP28 Farmable Wetlands Pilot Buffer (Continued)

### E C/S Policy

The following table provides C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| eligible seed | for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for:<br>• establishing permanent native grass species<br>• establishing permanent introduced grasses, legumes, and native shrub species, where determined necessary to improve wildlife habitat<br>• planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established | authorized ***--**using technical practice codes 327, 382, 390, 393, 410, 516, 574, 595, 614, 642, and 645.**--*** |
| eligible seeding | for soils that are developed under a woodland ecosystem, except in areas that will be covered by water during no less than 60 calendar days of the normal growing season, and substantiated as needed by COC for:<br>• establishing hard mast-producing hardwoods adapted for living in wet conditions that will provide multi-purpose forest and wildlife benefits<br>• establishing permanent introduced grasses, legumes, and native shrub species, where determined necessary to improve wildlife habitat<br>• planting annual grasses, legumes, perennial native grass species, and softwoods, not to exceed 50 percent of the total number of trees planted, to serve as a nurse crop to prevent erosion while permanent cover is becoming established | |
| seedbed preparation | substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded | |

## CP28 Farmable Wetlands Pilot Buffer (Continued)

### E C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| temporary cover | • required in the practice specifications<br>• needed until the required seeds or plant stock is available<br>• needed because the normal planting period for the permanent cover crop has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately | authorized. |
| herbicides, pesticides, and insecticides | specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover | |
| mineral or nutrient | substantiated as needed by COC to establish the approved cover | |
| grading, leveling, and filling | to control concentrated flow and site preparation.<br><br>**Important:** Grading, leveling, and filling does not include shaping or manipulation of the streambank. | |
| tree shelters, netting, plastic tubes, or other animal control devices | approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where using such measures is warranted and cost-effective to protect seedlings. | ***--**authorized not to exceed an average cost, as determined by STC.**--*** |
| herbicide, pesticides, and insecticides | to maintain vegetative cover | not authorized. |
| clearing rocks or other obstructions from the area to be seeded | | |
| streambank stabilization | | |
| mineral or nutrient | to maintain cover or enhance production | |

## CP28 Farmable Wetlands Pilot Buffer (Continued)

### F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Limit C/S to the minimum work and materials necessary to establish an adequate cover to improve environmental benefits.
- Practice shall reduce nutrients, sediment, organic matter, pesticides, and other pollutants that are being delivered to the associated wetland (CP27).
- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.

### G Planting Timespan

Planting or sowing of the approved permanent cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### H Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

## CP28 Farmable Wetlands Pilot Buffer (Continued)

### I Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### J Associated Practice

This practice is only authorized with the associated practice CP27, Farmable Wetland Pilot Wetland, to ensure that the functions and values of the wetland are maintained for the length of the contract.

### K Technical Responsibility

NRCS or TSP shall have the technical responsibility for this practice.

### *--L Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.**--***

## CP29 Marginal Pastureland Wildlife Habitat Buffer

### A Purpose

The purpose of this practice is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body. By restoring native plant communities, characteristics for the site will assist in stabilizing stream banks, reducing flood damage impacts, and restoring and enhancing wildlife habitat.

### B Program Policy

For marginal pastureland to be eligible to be enrolled in CRP to be devoted to CP29, both of the following **must** be met:

- COC determines all of the following:

  •***--**all marginal pastureland eligibility requirements in subparagraph 112 C are met**--***

  - the natural vegetation for the site is primarily a mix of grasses, shrubs, and forbs

    **Note:** The practice will enhance the primarily grass, shrub, and forb community and provide water quality improvement and wildlife habitat benefits.

  - the marginal pastureland offered is immediately adjacent and parallel to 1 of the following:

    - stream having perennial flow

## CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

### B Program Policy (Continued)

- seasonal stream

  **Important:** USGS maps shall **not** be solely used to determine seasonal streams. A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. Seasonal streams do **not** include:

  - wetlands of any type
  - land devoted to CP9
  - terrace channels
  - grass or sod waterways
  - gullies
  - narrow or wide wash
  - roadside ditches
  - well, spring, or seep
  - marsh or swamp
  - center pivot irrigation corners
  - irrigation canals
  - tail water recovery pit/system.

  **Note:** See paragraph 112 for more information about seasonal and perennial streams.

- sinkholes and karst areas

- ***--**other **permanent** water bodies, such as lakes and ponds if **both** of the following are met:

  - provides water cover **throughout the year in all years**
  - flows from the water body off the farm.

  **Exception:** A pond that is less than 5.0 acres and does **not** flow from the water body off the farm is **not** eligible to be enrolled in CP29.**--***

  **Note:** Water bodies that do **not** provide **permanent water cover throughout the year in all years** are **not** eligible.

## CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

### B Program Policy (Continued)

- NRCS or TSP determines, based on a site visit, all of the following:

  - the marginal pastureland is suitable to be devoted to a wildlife habitat buffer

    **Note:** Marginal pastureland to be devoted to trees should be enrolled as CP22.

  - the wildlife habitat buffer is needed and feasible to solve the resource concern

  - the marginal pastureland is capable, after the wildlife habitat buffer is established, of substantially reducing pollutants in the nearby eligible stream or other water body.

CP29's are not eligible to be used in conjunction with the following practices:

•***--**CP22, because, if needed, CP22's include a grass buffer**--***

- CP23, because acreage devoted to CP23 may include up to a 3 to 1 ratio of uplands to ensure that the functions and values of the cropped wetland are restored

- CP30

- CP9, because acreage devoted to CP9 **must** include an adequate buffer to protect the shallow water area.

### C Size Requirements

The minimum acceptable width of a wildlife habitat buffer is 20 feet. A wetland habitat buffer may be applied up to a maximum average width of 120 feet, if needed to accomplish the purpose of the practice.

**Note:** The maximum average width of wildlife habitat buffers established for any purpose other than protection and enhancement of water quality, shall not exceed 120 feet.

## CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

### C Size Requirements (Continued)

When the minimum design specification for water quality exceeds 120 feet, the minimum design specification is the maximum average width that may be enrolled. NRCS or TSP **must** document the need for a minimum design specification in excess of 120 feet in writing.

**Note:** NRCS or TSP will determine the documentation needed to support an additional average width for water quality purposes consistent with FOTG standards. The documentation **must** be in the case file.

**Example:** Producer offers to enroll land to be devoted to a 120 foot wide wildlife habitat buffer to protect the adjacent eligible stream. Based on the soils, slope, and other site conditions, NRCS or TSP documents that to address the water quality resource problem and to function properly, the wildlife habitat buffer **must** be a minimum of 145 feet in width. Because the purpose of the wildlife habitat buffer is the protection and enhancement of water quality, the minimum of width 145 feet may be enrolled. The 145 foot minimum width is the maximum acreage that may be enrolled.

The wildlife habitat buffer shall begin at the top of the stream bank. In some cases there may be land that is adjacent to the stream that does **not** meet the eligibility criteria to be enrolled in CRP. **This land shall not be enrolled in CRP**. However, if the eligible land is enrolled in CRP as a wildlife habitat buffer, the ineligible land **shall be** included:

- in the area used as a wildlife habitat buffer
- in the conservation plan
- when determining the width of the wildlife habitat buffer.

A wildlife habitat buffer adjacent to a stream that includes land **not** enrolled in CRP. The first 15 feet adjacent to the stream (starting at the top of the stream bank) does **not** meet the eligibility criteria to be enrolled in CRP.

The wildlife habitat buffer is 100 feet wide. Only the eligible land (85 feet width) is enrolled in CRP. The conservation plan is for the entire wildlife habitat buffer (100 feet). The producer is responsible for maintaining the entire practice (100 feet) according to the plan. Failure to maintain the entire 100 feet may result in CRP payment reductions or termination.

## CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

### D C/S Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- meet the marginal pastureland criteria
- improve environmental benefits to an acceptable level
- reduce additional sediment or pollutants that are being delivered to areas identified in subparagraph B
- be maintained for the contract payment period
- prevent degradation of environmental benefits from recurring.

### E C/S Policy

This table contains C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| mineral or nutrient | substantiated as needed by COC | authorized ***--**using technical practices 338, 382, 390, 512, 516, 550, 574, 595, 612, 614, 645, and 645.**--*** |
| site preparation | | |
| eligible seed and seeding | **Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals **must** be specified in the practice specification as designated by the designated technician. | |
| herbicide | specified as necessary in the approved conservation plan | |
| insecticide | | |

## CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

### E C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| temporary cover | required in the practice specification<br><br>needed until required seed or plant stock is available<br><br>needed because normal planting period for the species has passed<br><br>that a soil condition, like chemical residue, will not allow establishment of the cover immediately | authorized. |
| pipelines and watering facilities constructed outside of the wildlife habitat buffer | providing a water source for livestock away from the wildlife habitat buffer and the adjacent stream or water body<br><br>**Note:** See paragraph 483. | |
| fencing | permanent fencing needed to exclude livestock from the filter strip<br><br>**Note:** See paragraph 483.<br><br>**Important:** A single strand electric fence shall not be considered a permanent fence for CRP. | |
| ***--**water gaps, bridges, or other livestock crossing facilities on small streams | specified as necessary to prevent sedimentation and pollution in the stream and included in the conservation plan.<br><br>**Note:** See paragraph 483 I.**--*** | |
| construction of structures where concentrated flow continues to degrade water quality | to meet the requirements of the conservation plan | |

## CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

### E C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| herbicide | to maintain vegetative cover | not authorized. |
| insecticide | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| stream bank stabilization | | |
| mineral or nutrient | to enhance production | |

### F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

*** * ***

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Practice shall reduce nutrients, sediment, organic matter, pesticides, and other pollutants that are being delivered to the areas identified in subparagraph B.

- Chemicals used in performing the practice must be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

## CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

### F Practice Requirements (Continued)

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The wildlife habitat buffer must be established and maintained according to the practice standards in FOTG.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### H Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the protective measure.

### I Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the contract period

- the cover fails to provide adequate protection of water quality during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

## CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

### J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### K Technical Responsibility

NRCS or TSP shall have technical responsibility for this practice.

## CP30 Marginal Pastureland Wetland Buffer

### A Purpose

The purpose of this practice is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body. The practice will enhance and/or restore hydrology and plant communities associated with existing or degraded wetland complexes. The goal is to enhance water quality, reduce nutrient and pollutant levels, and improve wildlife habitat.

### B Program Policy

For marginal pastureland to be eligible to be enrolled in CRP to be devoted to CP30, both of the following must be met:

- COC determines both of the following:

  - ***--**all marginal pastureland eligibility requirements in subparagraph 112 C are met**--***

  - the marginal pastureland offered is immediately adjacent and parallel to 1 of the following:

    - stream having perennial flow

    - seasonal stream

      **Important:** USGS maps shall **not** be solely used to determine seasonal streams. A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. Seasonal streams do **not** include:

      - wetlands of any type
      - land devoted to CP9
      - terrace channels
      - grass or sod waterways
      - gullies
      - narrow or wide wash
      - roadside ditches

**CP30 Marginal Pastureland Wetland Buffer (Continued)**

**B Program Policy (Continued)**

- well, spring, or seep
- marsh or swamp
- center pivot irrigation corners
- irrigation canals
- tail water recovery pit/system.

**Note:** See paragraph 112 for more information about seasonal and perennial streams.

- sinkholes and karst areas

- wetlands with water areas capable of reducing damages by sedimentation and associated pollutants that meet 1 of the following:

  - Permanently Flooded - water covers the land surface throughout the year in all years

  - Intermittently Exposed - surface water is present throughout the year except in years of **extreme** drought

  - Semipermanently Flooded - surface water is present throughout the growing season in most years

    **Note:** When surface water is absent, the water table is at or very near the land surface.

  - Seasonally Flooded - surface water is present for extended periods of not less than 21 calendar days especially early in the growing season, but is absent by the end of the growing season in most years

    **Note:** When surface water is absent, the water table is at or very near the land surface.

## CP30 Marginal Pastureland Wetland Buffer (Continued)

### B Program Policy (Continued)

- ***--**other **permanent** water bodies, such as lakes and ponds if **both** of the following are met:

  - provides water cover **throughout the year in all years**
  - flows from the water body off the farm.

  **Exception:** A pond that is less than 5.0 acres and does **not** flow from the water body off the farm is **not** eligible to be enrolled in CP30.**--***

  **Note:** Water bodies that do **not** provide **permanent water cover throughout the year in all years** are **not** eligible.

- NRCS or TSP determines, based on a site visit, all of the following:

  - the marginal pastureland is suitable to be devoted to a wetland buffer

  - the wetland buffer is needed and feasible to solve the resource concern

  - the marginal pastureland is capable, after the wetland buffer is established, of substantially reducing pollutants in the nearby eligible stream or other water body.

CP30's are not eligible to be used in conjunction with the following practices:

- CP22, because, if needed, CP22's include a grass buffer

- CP23, because acreage devoted to CP23 may include up to a 3 to 1 ratio of uplands to ensure the functions and values of the cropped wetland are restored

- CP9, because acreage devoted to CP9 **must** include an adequate buffer to protect the shallow water area.

### C Size Requirements

The minimum acceptable width of a wetland buffer is 20 feet. A wetland buffer may be applied up to a maximum average width of 120 feet, if needed to accomplish the purpose of the practice.

**Note:** The maximum average width of wetland buffers established for any purpose other than protection and enhancement of water quality, shall not exceed 120 feet.

## CP30 Marginal Pastureland Wetland Buffer (Continued)

### C Size Requirements (Continued)

When the minimum design specification for water quality exceeds 120 feet, the minimum design specification is the maximum average width that may be enrolled. NRCS or TSP **must** document the need for a minimum design specification in excess of 120 feet in writing.

**Note:** NRCS or TSP will determine the documentation needed to support an additional average width for water quality purposes consistent with FOTG standards. The documentation **must** be in the case file.

**Example:** Producer offers to enroll land to be devoted to a 120 foot wide wetland buffer to protect the adjacent eligible stream. Based on the soils, slope, and other site conditions, NRCS or TSP documents that to address the water quality resource problem and to function properly, the wetland buffer **must** be a minimum of 145 feet in width. Because the purpose of the wetland buffer is the protection and enhancement of water quality, the minimum of width 145 feet may be enrolled. The 145 foot minimum width is the maximum acreage that may be enrolled.

The wetland buffer shall begin at the top of the stream bank. In some cases there may be land that is adjacent to the stream that does **not** meet the eligibility criteria to be enrolled in CRP. **This land shall not be enrolled in CRP**. However, if the eligible land is enrolled in CRP as a wetland buffer, the ineligible land **shall be** included:

- in the area used as a wetland buffer
- in the conservation plan
- when determining the width of the wetland buffer.

A wetland buffer adjacent to a stream that includes land **not** enrolled in CRP. The first 15 feet adjacent to the stream (starting at the top of the stream bank) does **not** meet the eligibility criteria to be enrolled in CRP.

The wetland buffer is 100 feet wide. Only the eligible land (85 feet width) is enrolled in CRP. The conservation plan is for the entire wetland buffer (100 feet). The producer is responsible for maintaining the entire practice (100 feet) according to the plan. Failure to maintain the entire 100 feet may result in CRP payment reductions or termination.

## CP30 Marginal Pastureland Wetland Buffer (Continued)

### D C/S Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- meet the marginal pastureland eligibility criteria
- improve environmental benefits to an acceptable level
- reduce additional sediment or pollutants that are being delivered to areas identified in subparagraph B
- be maintained for the contract payment period
- prevent degradation of environmental benefits from recurring.

### E C/S Policy

This table contains C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| mineral or nutrient | substantiated as needed by COC | authorized ***--**using technical practice codes 338, 342, 382, 390, 512, 550, 595, 612, 614, 644, 645, 647, 657, and 658.**--*** |
| site preparation | | |
| eligible seed and seeding | **Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals **must** be specified in the practice specification as designated by the designated technician. | |
| herbicide | specified as necessary in the approved conservation plan | |
| insecticide | | |
| earthmoving | to restore the hydrology of the site | |

**National CRP Practices (Continued)**

**CP30 Marginal Pastureland Wetland Buffer (Continued)**

**E C/S Policy (Continued)**

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| temporary cover | • required in the practice specification<br>• needed until required seed or plant stock is available<br>• needed because normal planting period for the species has passed<br>• that a soil condition, like chemical residue, will not allow establishment of the cover immediately | authorized. |
| pipelines and watering facilities constructed outside of the wetland buffer | providing a water source for livestock away from the wetland buffer and the adjacent stream or water body<br><br>**Note:** See paragraph 483. | |
| fencing | permanent fencing needed to exclude livestock from the filter strip<br><br>**Note:** See paragraph 483.<br><br>**Important:** A single strand electric fence shall not be considered a permanent fence for CRP. | |
| ***--**water gaps, bridges, or other livestock crossing facilities on small streams | specified as necessary to prevent sedimentation and pollution in the stream and included in the conservation plan.<br><br>**Note:** See paragraph 483 I.**--*** | |
| construction of structures where concentrated flow continues to degrade water quality | to meet the requirements of the conservation plan | |
| tree shelters, netting, plastic tubes, or other animal control devices | approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing. | authorized not to exceed an average cost determined by STC. |

## CP30 Marginal Pastureland Wetland Buffer (Continued)

### E C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| herbicide | to maintain vegetative cover | not authorized. |
| insecticide | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| stream bank stabilization | | |
| mineral or nutrient | to enhance production | |

### F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

*** * ***

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Practice shall reduce nutrients, sediment, organic matter, pesticides, and other pollutants that are being delivered to the areas identified in subparagraph B.

- Chemicals used in performing the practice must be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

## CP30 Marginal Pastureland Wetland Buffer (Continued)

### F Practice Requirements (Continued)

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The wetland buffer must be established and maintained according to the practice standards in FOTG.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### H Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the protective measure.

### I Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the contract period

- the cover fails to provide adequate protection of water quality during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

## CP30 Marginal Pastureland Wetland Buffer (Continued)

### J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

### K Technical Responsibility

NRCS shall have technical responsibility for this practice.

## CP31 Bottomland Timber Establishment on Wetlands

### A Purpose

The purpose of this practice is to establish and provide for the long-term viability of a bottomland hardwood stand of trees that will:

- control sheet, rill, scour, and other erosion
- reduce water, air, or land pollution
- restore and enhance the natural and beneficial functions of wetlands
- promote carbon sequestration
- restore and connect wildlife habitat.

### B Program Policy

Apply this practice to eligible lands suitable for growing bottomland hardwood trees or adapted shrubs that will provide multipurpose forest and wildlife benefits.

**Note:** Cottonwoods may be planted to enhance the viability of other hardwood trees (oaks, etc.)

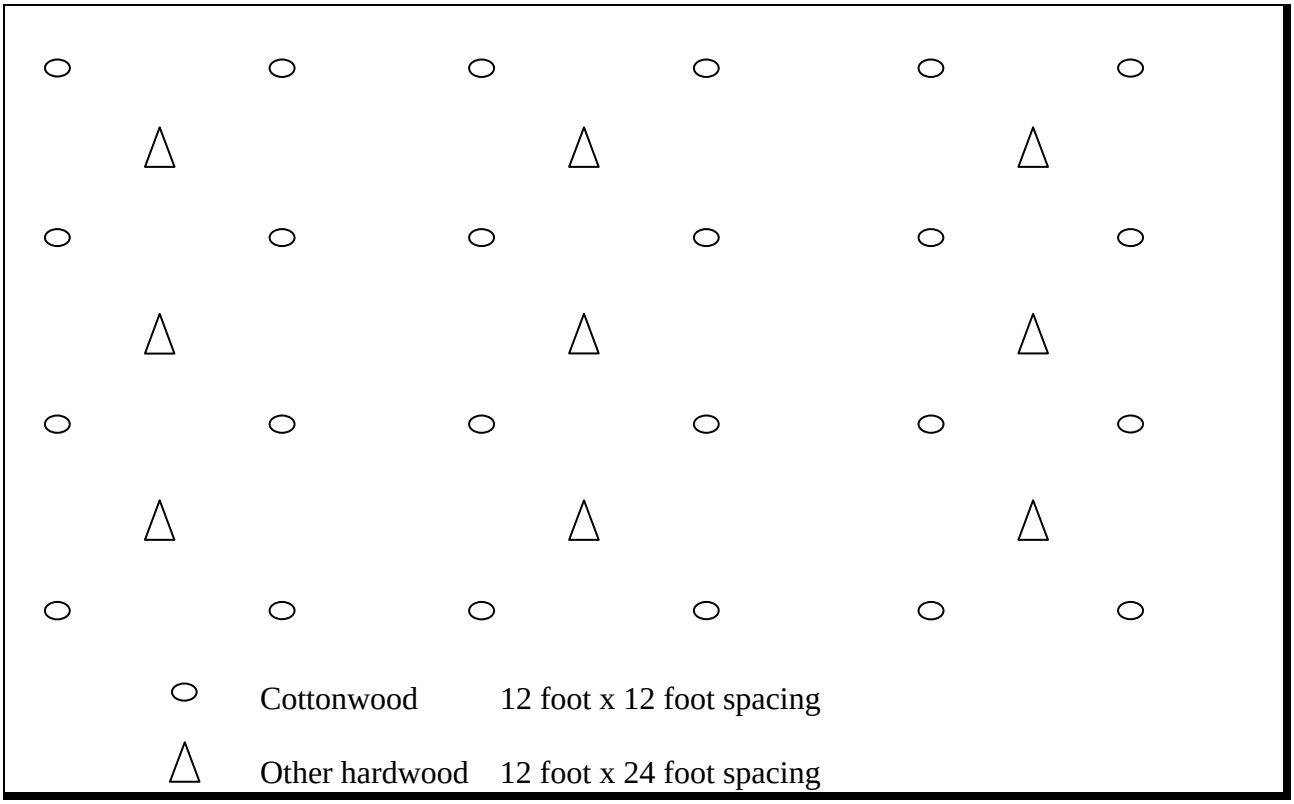
***--**Selection of cottonwood as a component **must** be silviculturally and ecologically appropriate**--*** for the long-term health and production of the stand. Hydrologic and soil characteristics **must** be appropriate for the planting of cottonwood species.

**Example:** Participant A enrolls 100 acres as CP31 who, working with a State Forester, selects cottonwood and 3 other silviculturally appropriate hardwood species. The cottonwoods are planted on 12’ x 12’ spacing and the other hardwoods are planted on 12’ x 24’ spacing. The plan calls for weed and insect control during year 1 and cottonwood thinning during year 15. The cottonwood serves as a nurse crop for the other hardwood species in the neighboring rows. In year 2, Participant A may be eligible to enter into an agreement with a carbon company where Participant A sells greenhouse gas credits provided the terms and conditions of the CRP contract are not impacted. This agreement is solely between Participant A and the carbon company.

## CP31 Bottomland Timber Establishment on Wetlands (Continued)

### *--B Program Policy (Continued)

The following diagram illustrates a typical cottonwood/other hardwood planting.

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## CP31 Bottomland Timber Establishment on Wetlands (Continued)

### C Eligibility

To be eligible for C/S, this practice shall:

- do either of the following:
  - reduce excessive erosion to an acceptable level and increase sediment trapping efficiencies
  - improve surface or ground water quality
- reduce scour, gully, stream bank, sheet, or rill erosion
- prevent excessive erosion from occurring
- enhance food and cover for wildlife
- be maintained for the life of CRP-1
- be included in the approved conservation plan
- be within the recognized 100-year flood plain for a river or stream with permanent flow.

**Note:** A wetland designation, if needed, **must** be made by NRCS.

## CP31 Bottomland Timber Establishment on Wetlands (Continued)

### D C/S Policy

The following table provides C/S policies for this practice.

| IF the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| to establish a minimum of 3 different varieties of mast producing hardwood tree and shrub species<br><br>**Notes:** The hardwood species may include cottonwoods planted between the rows of hardwood. The cotton woods serve as a nurse crop for the other hardwoods and ***--**may be thinned after year 9 of**--*** the CRP contract. | • to reduce erosion from wind or water<br>• provide food and cover for waterfowl and other wildlife<br>• improve surface or ground water quality | authorized ***--**using technical practice codes 338, 340, 391, 394, 550, 587, 595, 612, 644, 657, 658, and 659.**--*** |
| to establish no more than 25 percent of the silviculturally appropriate softwood species, as determined by STC and determined appropriate by State Forester | to enhance 1 of the following:<br>• wetland development<br>• wildlife habitat<br>• hardwood stand health and vigor | |
| temporary cover | • required in the practice specification<br>• needed until required planting stock is available<br>• needed because normal planting period for the species has passed<br>• to establish a cover where a solid condition, such as chemical residue, will not immediately allow establishment of permanent cover | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides or insecticides | specified as necessary in the approved tree planting plan to establish the cover | |
| minerals or nutrients | substantiated as needed by COC to establish the approved cover | |
| tree shelters, netting, plastic tubes, or other animal control devices | approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where using such measures is warranted and cost-effective to protect seedlings. | authorized not to exceed an average cost, as determined by STC. |

## CP31 Bottomland Timber Establishment on Wetlands (Continued)

### D C/S Policy (Continued)

| IF the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| *--tree thinning | | authorized using technical practice code 666.--* |
| clean tiling | for firebreaks, fuelbreaks, or firelanes | not authorized. |
| fencing | | |
| roads | | |
| annual food plots | | |
| to establish a hardwood tree species | • for ornamental purposes<br>• for Christmas trees<br>• nursery tree production<br>• production of commercial nuts, other than species customarily planted for forestry purposes | |
| herbicides or insecticides | to maintain the vegetative cover including trees | |

### E Requirements

The following are requirements for this practice:

- approval **must** be obtained from the State Forester and State Wildlife Agency certifying that planting of cottonwood as a nurse crop is appropriate for the State
- planting of cottonwood trees may only be for nurse trees in a pattern appropriate for that purpose
- plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.
- chemicals used in performing the practice **must** be:
  - Federally, State, and locally registered
  - applied according to authorized uses, directions on the label, and other Federal and State policies and requirements.

## CP31 Bottomland Timber Establishment on Wetlands (Continued)

### F Planting

Planting after CRP-1 is approved by COC shall be completed by the end of the next normal planting period, unless the producer can provide acceptable documentation that seed or tree stock is not available.

### G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about:

- types of plantings
- spacing
- water management structures
- other practice specifications.

### H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP ***--**contract appropriate for the stand as determined by the State Forester. C/S is authorized for tree thinning.**--***

### I Technical Responsibility

NRCS, State Forester, or TSP shall have technical responsibility for this practice. The State Forester has responsibility for determining if selection of a cottonwood species component is silviculturally appropriate.

### J Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.

- The practice **must** be established and maintained according to the practice standards in FOTG.

## CP31 Bottomland Timber Establishment on Wetlands (Continued)

### K Planting Timespan

Planting or sowing of the approved permanent cover shall be completed within 12 months of the effective date of CRP-1. See 2-CRP, paragraph 237, for exceptions.

### L Natural Regeneration

Natural regeneration by nuts or seed is not permitted under this practice.

### M Management Activities

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

Cost share is authorized for management activities.

## CP31 Bottomland Timber Establishment on Wetlands (Continued)

### *--N CP31 Acreage Allocations

This table provides the acres allocated to CP31 by State.

| State | State Acre Allocation |
|---|---|
| Alabama | 5,000 |
| Alaska | 0 |
| Arizona | 0 |
| Arkansas | 20,000 |
| California | 4,000 |
| Colorado | 150 |
| Connecticut | 300 |
| Delaware | 150 |
| Florida | 450 |
| Georgia | 2,000 |
| Hawaii | 0 |
| Idaho | 400 |
| Illinois | 75,000 |
| Indiana | 12,000 |
| Iowa | 68,000 |
| Kansas | 24,000 |
| Kentucky | 5,000 |
| Louisiana | 30,000 |
| Maine | 150 |
| Maryland | 900 |
| Massachusetts | 150 |
| Michigan | 4,000 |
| Minnesota | 17,000 |
| Mississippi | 50,000 |
| Missouri | 75,000 |
| Montana | 900 |
| Nebraska | 10,000 |

| State | State Acre Allocation |
|---|---|
| Nevada | 0 |
| New Hampshire | 300 |
| New Jersey | 150 |
| New Mexico | 0 |
| New York | 900 |
| North Carolina | 23,000 |
| North Dakota | 1,000 |
| Ohio | 8,000 |
| Oklahoma | 1,000 |
| Oregon | 2,000 |
| Rhode Island | 0 |
| Pennsylvania | 5,000 |
| South Carolina | 2,000 |
| South Dakota | 3,000 |
| Tennessee | 23,000 |
| Texas | 5,000 |
| Utah | 150 |
| Vermont | 150 |
| Virginia | 600 |
| Washington | 2,000 |
| West Virginia | 2,000 |
| Wisconsin | 5,000 |
| Wyoming | 600 |
| Puerto Rico | 150 |
| **CEPD Reserve** | 10,450 |
| | **500,000** |

**--***

## CP32 Expired CRP Hardwood Tree Planting on Marginal Pastureland

### A Program Policy

This practice code is used to identify land established to trees that was under CRP-1 that expired September 30, 2001, or before, at the time the acreage is offered and the producer elects to reoffer the acreage to be devoted to hardwood trees.

**Important:** Thinning and/or creating open areas in eligible existing tree stands are not a separate practice. The open areas shall be considered CP32.

**Example:** Jane Smith offers 100 acres of existing trees under CRP-1 at the time of signup. Mrs. Smith offers to thin the existing trees and create 15 acres of openings of native grass and shrub plantings best suited for wildlife in the area. All 100 acres must be offered as CP32.

**Note:** See subparagraph B for C/S policy for this practice.

## CP32 Expired CRP Hardwood Tree Planting on Marginal Pastureland (Continued)

### B C/S Policy

This table shows C/S policies for planting of approved native grasses and/or shrubs within the 10 to 20 percent open areas created within the existing tree stand.

C/S is only authorized for the planting of approved cover within the open areas. C/S is **not** authorized for tree thinning or any component not listed in the following table.

**Important:** C/S is **not** authorized for natural regeneration of native grass vegetation within the 10 to 20 percent openings.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| minerals, nutrients, herbicide, insecticide, seed, shrub seedlings, seedbed preparation, and seeding | substantiated as needed by COC to establish approved native grasses and/or shrubs best suited for wildlife in the area in the 10 to 20 percent open areas created within the existing tree stand<br><br>**Important:** Open areas **must** be planted to a 50-point cover of approved native grasses and/or shrub plantings best suited for wildlife in the area. Tree plantings within the open areas are **not** authorized.<br><br>**Notes:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals, **must** be specified in the practice specification, as designated by the designated technician.<br><br>This does not include herbicides or insecticides used as part of the maintenance of the cover. | *****--authorized using technical practice codes 550, 595, 644, 645, 647, and 666.--***** |

### C Technical Responsibility

Technical responsibility for the practice shall be assigned to FS. If an FS representative is not available, this responsibility may be redelegated to NRCS or TSP.

### D Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

### E Maximum Payment Rate

The maximum payment rate for CP32 is limited to the rental rate per acre offered from the original CRP-1 plus the maintenance rate set by the STC or COC, as applicable.

## *--CP33 Habitat Buffers for Upland Birds

### A Purpose

The purpose of this practice is to provide food and cover for quail and upland birds in cropland areas. Secondary benefits may include reducing soil erosion from wind and water, increasing soil and water quality, protecting and enhancing the on-farm ecosystem.

Apply this practice around the field edges of eligible cropland that is suitably located and adaptable to the establishment of wildlife habitat for primarily quail and upland bird species. Upland habitat buffers will be allowed to re-vegetate by natural herbaceous succession, and/or will be established to adapted species of native, warm-season grass, legumes, wildflowers, forbs, and limited shrub and tree plantings, as specified according to an approved conservation plan. The conservation plan **must** be designed according to the NRCS FOTG.

### B Total Acres Enrolled

Total acres enrolled shall not exceed 250,000 acres:

- nationwide
- for the practice.

Allocations of acreage by State shall **not** be exceeded. The following table provides State allocations.

| State | Acres |
|---|---|
| Alabama | 6,100 |
| Arkansas | 12,000 |
| Colorado | 600 |
| Connecticut | 500 |
| Delaware | 900 |
| Florida | 2,800 |
| Georgia | 8,600 |
| Illinois | 20,000 |
| Indiana | 20,000 |
| Iowa | 20,000 |
| Kansas | 20,000 |
| Kentucky | 9,000 |
| Louisiana | 8,900 |
| Maryland | 2,100 |
| Maine | 500 |
| Michigan | 2,400 |
| Minnesota | 500 |
| Mississippi | 9,400 |

| State | Acres |
|---|---|
| Missouri | 20,000 |
| Nebraska | 6,000 |
| New Jersey | 600 |
| New Mexico | 500 |
| New York | 500 |
| North Carolina | 11,300 |
| Ohio | 14,200 |
| Oklahoma | 9,500 |
| Pennsylvania | 2,200 |
| Rhode Island | 500 |
| South Carolina | 5,000 |
| South Dakota | 500 |
| Tennessee | 9,300 |
| Texas | 20,000 |
| Virginia | 3,600 |
| West Virginia | 500 |
| Wisconsin | 1,500 |
| **Total** | **250,000** |

--*

## *--CP33 Habitat Buffers for Upland Birds (Continued)

### C Monitoring Plans

A monitoring and evaluation plan must be developed in consultation with the State Technical Committee, including the U.S. Fish and Wildlife Service, State Fish and Game agencies, and other interested quail parties. The plan must provide the ability to establish baseline data on quail populations and estimate increased quail population and impact on other populations as a result of this practice, including the following:

- verification that suitable Northern Bobwhite quail cover is established
- verification that appropriate cover management practices are implemented on a timely basis
- States must control acreage within their allocation
- implementing a Statewide sampling process that will provide reliable estimates of the number of quail per acre (or some other appropriate measure):
    - before this practice is implemented (baseline)
    - resulting from the established CRP cover.

Monitoring and evaluation plans must be in place before signup for this practice may begin.

States are not authorized to enroll acres in this practice unless an approved monitoring plan is in place. A monitoring protocol developed by Dr. Wes Burger of Mississippi State University in collaboration with the Southeast Quail Working Group at the request of FSA is recommended. Other technically adequate plans are acceptable.

### D Eligible Land

This practice is limited to the following:

- cropland otherwise eligible according to 2-CRP, paragraph 97
- cropland around field edges suitable for quail and upland birds.**--***

## *--CP33 Habitat Buffers for Upland Birds (Continued)

### E Size Requirements

The minimum average width of a quail and upland bird habitat buffer is 30 feet, with a maximum average width of 120 feet. Buffers will be established to the extent needed to support the targeted species, general resource needs, and participant objectives, but generally should be located around the entire perimeter of the field, or at a minimum, in areas where runoff enters or leaves the field. Within the minimum and maximum widths above, quail and upland bird habitat buffer widths should be designed to conform to minimum field application setback width for manure or chemicals established by State or local regulations.

CP33 buffers should be installed on the field edges (around the perimeter) of a cropped field. See Figure 1. Limitations include:

- travel lanes shall not be enrolled and must be wide enough to allow for normal access of farm machinery to the field

- buffers shall not be used as turn rows, roads, or for storage of crops or equipment

- whole fields shall not be enrolled:

  - fields less than 5 acres should not be enrolled in this practice
  - infeasible to farm does not apply to CP33

- alfalfa fields used for pasture or for hay and marginal pastureland do not qualify for enrollment

  **Note:** Alfalfa is considered a crop for CP33-purposes only if it is in a rotation during 1996 through 2001.

- CP33 buffers shall not be ‘stacked’ with other CP grass practices on the same land ownership unit.**--***

***--CP33 Habitat Buffers for Upland Birds (Continued)**

**E Size Requirements (Continued)**

- Center pivot 'corners' (See Figure 2, A and B) shall not be enrolled unless the corner is included as part of a buffer around the field perimeter.

**Examples:**

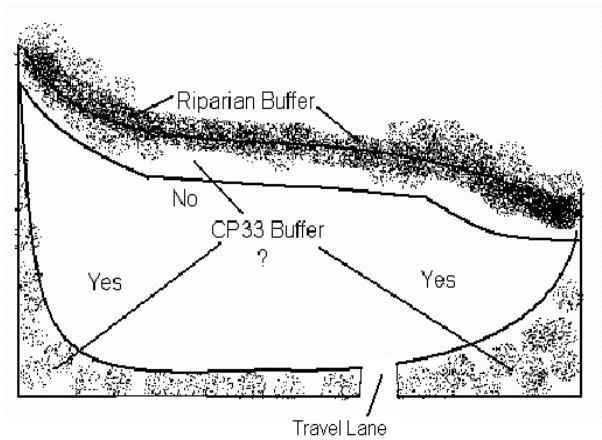



**Figure 1**

1. If a field already has a riparian buffer, this practice may be installed on the remaining sides of the field, but not adjacent to the established riparian buffer or other CRP practices.

2. If a field already has a native grass filter strip, this practice may be installed on the remaining sides of the field, but not adjacent to the established filter strip. If the existing practice is trees (windbreak, shelterbelt, hedgerow, or riparian buffer), this practice can be considered on a case-by-case basis.

If 2 or more of the corners are connected by a buffer along the edge of the field (See Figure 2, A and B) and if the buffer meets the dimensions set forth in the CP33 practice criteria, then center pivot corners may be enrolled as part of the CP33 buffer. The individual corners alone, however, may not be enrolled.

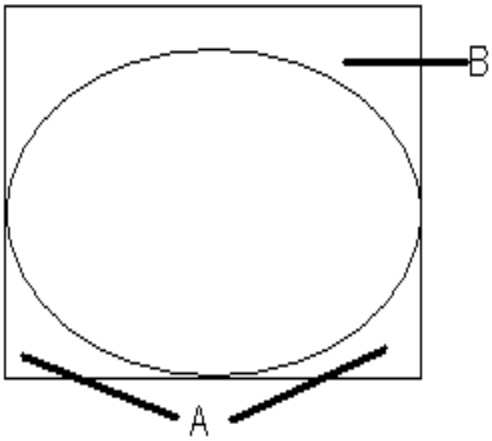



**Figure 2**

**--***

## CP33 Habitat Buffers for Upland Birds (Continued)

### F Eligibility

To be eligible for C/S, this practice shall:

- primarily improve, enhance, or create quail and upland bird habitat to an acceptable level
- prevent degradation of quail and upland bird habitat from recurring after establishment
- be maintained for the CRP-1 period
- be included in the approved conservation plan
- prevent degradation of environmental benefits from recurring after establishment.

### G C/S Policy

This table contains C/S policies for this practice.

| If the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| temporary cover | • that a soil condition will not allow establishing a natural successional cover within 1 growing season<br>• needed until selected seed or plant stock is available<br>• needed because normal planting period for the species has passed | authorized using technical practice codes 327, 338, 386, 390, 550, ***--**595, 645,**--*** and 647. |
| grading, leveling, and filling | to control concentrated flow and site preparation<br><br>**Important:** Grading, leveling, and filling does **not** include shaping or manipulation of a stream bank. | |
| site preparation | specified in the approved conservation plan | |
| eligible seed or plant stock, including shrubs/trees. C/S for shrubs/trees up to 10 percent of the approved practice.<br><br>**Important:** Native species are encouraged. | specified in the approved conservation plan, best suited for the targeted species | |
| buffer boundary marker | specified in the approved conservation plan | |
| grading, leveling, and filling | to control concentrated flow | |
| clean tilling | specified in the approved conservation | |
| herbicide | to maintain vegetative cover | not authorized. |
| insecticide | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| stream bank stabilization | to enhance production | |
| mineral or nutrient | | |

## CP33 Habitat Buffers for Upland Birds (Continued)

### *--H Practice Incentives for CRP-SIP--*

Participants that enroll in this practice may receive a CRP-SIP according to subparagraph 125 A.

### I Practice Incentives for PIP

Participants that enroll in this practice may receive a CRP-PIP according to subparagraph 125 B.

### J Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1, including managed haying and grazing, unless grazing is incidental to the normal gleaning of the crop residue in the field according to subparagraph 322 C.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve wildlife habitat and environmental benefits.

- Trees and shrubs shall not exceed 10 percent coverage of the buffers. Shrubs and trees selected **must** provide optimal quail habitat and/or emergency benefits. Shrubs planted for wildlife berries/fruit and trees planted for wildlife fruit/nuts are acceptable if suited to the site.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The habitat buffer **must** be established and maintained according to the practice standards in NRCS FOTG.

- Buffers shall not be used as turn rows, roads, or for storage of crops or equipment.

## *--CP33 Habitat Buffers for Upland Birds (Continued)

### J Practice Requirements (Continued)

- **Seeding, if it occurs at all, should occur at much lighter rates than for CRP practices aimed at soil conservation and water quality enhancement**. CP33-enrolled acres should be lightly seeded and may even be allowed to regenerate by natural succession without additional seeding, provided that NRCS or a Technical Service Provider certifies adequate seed source for natural regeneration.

- If natural regeneration fails, the producer is responsible for seeding the buffers to meet the intent of the practice.

- Desirable vegetation may be propagated through light disking, and may be maintained through light disking every two to three years over the life of the contract.

- Spot application of herbicide may be needed to control undesirable plants.

- Notice CRP-479 requires native grass, but does not eliminate beneficial introduced legumes, although the inclusion of native forbs/legumes is encouraged. Alfalfa and clover may be part of the seeding mix.

### K Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See 2-CRP, paragraph 237 for exceptions.

### L Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the upland habitat practice.

### M Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in NRCS FOTG.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the contract period

- the cover fails to provide adequate upland quail and upland bird habitat and environmental benefits during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.**--***

## *--CP33 Habitat Buffers for Upland Birds (Continued)

### N Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. For quail and upland bird buffers, the buffers shall be disturbed on a rotational basis by light disking, prescribed burning, selective herbicide application, or other prescribed methods as approved to set back vegetative succession and woody encroachment, and to expose food seeds. Mowing is an inadequate means of disturbance for quail habitat, except as need to facilitate prescribed burning or light disking. See 2-CRP, paragraph 239.

C/S is authorized for management activities.

### O Technical Responsibility

NRCS or TSP shall have technical responsibility for this practice.**--***

## *--CP35A Emergency Forestry – Longleaf Pine – New

### A Purpose

The purpose of this practice is to establish a stand of primarily longleaf pine in a timber planting that will enhance environmental benefits.

### B Program Policy

Apply this practice to eligible PNIF that had merchantable timber before the 2005 hurricanes.

### C Eligibility

To be eligible for C/S, this practice shall:

- reduce soil erosion to less than the soil loss tolerance
- enhance water quality, wildlife, and erosion control benefit
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.

### D Contract Activities

**Planting Period**

The producer has 2 years from the start of the contract to remove debris and replant or allow natural regeneration of the stand. COC's may waive the replanting period for 1 additional year. Waiver should be based on conditions that are generally beyond the control of the producer. For example, drought or lack of planting stock would be reason to authorize a waiver.

**Annual Status Review**

A forestry official should conduct an annual status review with the producer until the stand is established. The State Forester will review the plan with the producer and ensure proper control of weeds and undergrowth.

**Certification of Practice Completion**

A forestry official will certify practice compliance and note acreage treatment. Compliance should follow with standards as outlined in the conservation plan.

**Spot Check**

FSA staff will conduct a minimum of 10 percent spot checks annually (FY) on EFCRP contracts.**--***

## CP35A Emergency Forestry – Longleaf Pine – New (Continued)

### E C/S Policy

This table shows C/S policies for this practice.

| IF the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| debris removal | required to establish a stand or assist in the natural regeneration | authorized<br>***--**using technical practice codes 327, 338, 340, 394, 460, 550, 595, 612, 645, and 647.**--*** |
| wildlife enhancement | • provides cover opening that will provide additional wildlife benefits to the stand<br>• to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.) | |
| tree seedlings, seedbed preparation, and seeding/ planting | to establish approved tree species and improve environmental benefits to less than the soil loss tolerance | |
| temporary cover | • required in the practice specifications<br>• needed until approved plant stock is available<br>• needed because the normal planting period for the approved species has passed<br>• to establish a cover when a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| minerals, nutrients, seed, shrub seedlings, seedbed preparation, and seeding | substantiated as needed by COC to establish approved native grasses and/or shrubs best suited for wildlife in the area in the percent open areas of the tree planting<br><br>**Important:** Open areas **must** be planted to a cover of approved native grass and/or shrub plantings best suited for wildlife in the area. Tree plantings within the open areas are **not** authorized.<br><br>**Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals, **must** be specified in the practice specification, as designated by the designated technician. | |
| herbicides and insecticides | specified as necessary to establish the approved cover and included in the tree planting plan and conservation plan<br><br>**Note:** This does not include herbicides or pesticides used as part of the maintenance of the practice. | |
| clean tilling | for firebreaks, fuelbreaks, or firelanes | |

***--CP35A Emergency Forestry – Longleaf Pine – New (Continued)**

**E C/S Policy (Continued)**

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| fencing | | not authorized. |
| roads | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| minerals, nutrients, herbicides, and insecticides | to maintain vegetative cover, including trees, or enhance production | |
| to establish a tree species | for ornamental purposes and Christmas tree production | |

**F Requirements**

The following are requirements for this practice.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.
- Chemicals used in performing the practice **must** be:
  - Federally-, State-, and locally-registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State requirements.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

**G Planting Timespan**

Planting or sowing of the approved cover shall be completed within two years of the effective date of CRP-1L. See paragraph 237 for exceptions.

**H Environmental Concerns**

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.**--***

## CP35A Emergency Forestry – Longleaf Pine – New (Continued)

### I Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1L. C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. *** * ***

### J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 239.

C/S is authorized for mid contract management activities.

### K Program Development

Follow this subparagraph to develop the county program.

- County practice shall identify the eligible species and provide any requirements, such as spacing, minimum plantings per acre, site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

### L Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NRCS or TSP.

## *--CP35B Emergency Forestry – Longleaf Pine – Existing

### A Purpose

The purpose of this practice is to enhance site characteristics to support an understocked stand made up of primarily longleaf pine that will provide significant environmental benefits.

### B Program Policy

Apply this practice to eligible PNIF that had merchantable timber before the 2005 hurricanes and is suitable for growing trees that will provide multipurpose forest benefits. A forester **must** determine that the understocked stand is primarily longleaf pine and of sufficient quantity to be a manageable stand.

### C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.**--***

## CP35B Emergency Forestry – Longleaf Pine – Existing (Continued)

### D C/S Policy (Continued)

| IF the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| debris removal | required to establish a stand or assist in the natural regeneration | authorized<br>*--using technical practice codes 327, 338, 340, 394, 460, 550, 595, 612, 644, 645, and 647.--* |
| wildlife enhancement | • provides cover opening that will provide additional wildlife benefits to the stand<br>• to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.) | |
| seedbed preparation | to establish a site that will permit natural regeneration and that will provide benefits to wildlife, water quality, and erosion control | |
| temporary cover | • required in the practice specifications<br>• to establish a cover when a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| minerals, nutrients, seed, shrub seedlings, seedbed preparation, and seeding | substantiated as needed by COC to establish approved native grasses and/or shrubs best suited for wildlife in the area in the open areas of the tree planting<br>**Important:** Open areas **must** be planted to a cover of approved native grass and/or shrub plantings best suited for wildlife in the area.<br>**Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals, **must** be specified in the practice specification, as designated by the designated technician. | |
| herbicides and insecticides | specified as necessary to establish the approved cover and included in the forestry plan and conservation plan<br>**Note:** This does not include herbicides or pesticides used as part of the maintenance of the practice. | |
| clean tilling | for firebreaks, fuelbreaks, or firelanes | |
| fencing | | not authorized. |
| roads | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| minerals, nutrients, herbicides, and insecticides | to maintain vegetative cover, including trees, or enhance production | |
| to establish a tree species | for ornamental purposes and Christmas tree production | |

***--CP35B Emergency Forestry – Longleaf Pine – Existing (Continued)**

**E Requirements**

The following are requirements for this practice.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally-registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

**F Planting Timespan**

Natural regeneration and/or planting shall be completed within two years of the effective date of CRP-1L. See paragraph 237 for exceptions.

**G Environmental Concerns**

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.**--***

## CP35B Emergency Forestry – Longleaf Pine – Existing (Continued)

### H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1L. C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. *** * ***

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### J Program Development

Follow this subparagraph to develop the county program.

- County practice shall identify the eligible species and provide any requirements, such as spacing, minimum plantings per acre, site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NRCS or TSP.

## *--CP35C Emergency Forestry – Bottomland Hardwood – New

### A Purpose

The purpose of this practice is to establish and provide for the long-term viability of a bottomland hardwood stand of trees that will:

- control sheet, rill, scour, gully, and other erosion
- reduce water, air, or land pollution
- restore and enhance the natural and beneficial functions of wetlands
- promote carbon sequestration
- restore and connect wildlife habitat.

### B Program Policy

Apply this practice to eligible PNIF that had merchantable timber suitable for growing bottomland hardwood trees or adapted shrubs that will provide multipurpose forest and wildlife benefits.

**Note:** Cottonwoods may be planted to enhance the viability of other hardwood trees (oaks, etc.)

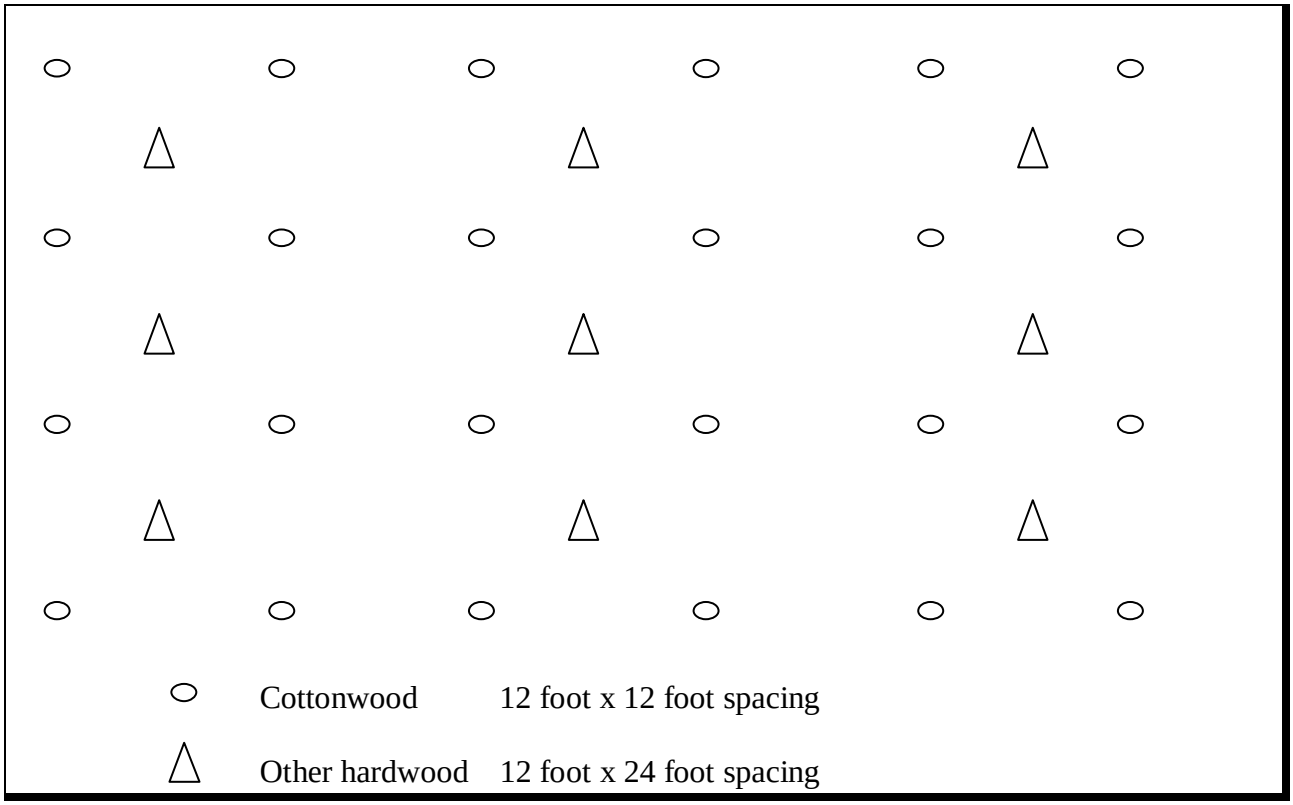
Selection of cottonwood as a component **must** be silviculturally appropriate for the long-term health and production of the stand. Hydrologic and soil characteristics **must** be appropriate for the planting of cottonwood species.

**Example:** Participant A enrolls 100 acres as CP35B who, working with a State Forester, selects cottonwood and 3 additional silviculturally appropriate hardwood species. The cottonwoods are planted on 12’ x 12’ spacing and the other hardwoods are planted on 12’ x 24’ spacing. The plan calls for weed and insect control during year 1 and cottonwood thinning during year 15. The cottonwood serves as a nurse crop for the other hardwood species in the neighboring rows. In year 2, Participant A may be eligible to enter into an agreement with a carbon company where Participant A sells greenhouse gas credits provided the terms and conditions of the CRP contract are not impacted. This agreement is solely between Participant A and the carbon company.**--***

***--CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)**

**B Program Policy (Continued)**

The following diagram illustrates a typical cottonwood/other hardwood planting.




**--***

***--CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)**

**C Eligibility**

To be eligible for C/S, this practice shall:

- reduce excessive erosion to an acceptable level and increase sediment trapping efficiencies
- improve surface or ground water quality
- restore forestland that has been extensively damaged by the 2005 hurricanes
- reduce scour, gully, stream bank, sheet, or rill erosion
- prevent excessive erosion from occurring
- enhance food and cover for wildlife
- be maintained for the life of CRP-1L
- be included in the approved conservation plan.**--***

## CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)

### D C/S Policy

The following table provides C/S policies for this practice.

| IF the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| to establish a minimum of 3 different varieties of mast producing hardwood tree and shrub species<br><br>**Notes:** The hardwood species may include cottonwoods planted between the rows of hardwood. The cotton woods serve as a nurse crop for the other hardwoods and may be thinned. | • to reduce erosion from wind or water<br>• provide food and cover for waterfowl and other wildlife<br>• improve surface or ground water quality | authorized ***--**using technical practice codes 327, 338, 340, 394, 460, 550, 595, 612, 644, 645, and 647.**--*** |
| debris removal | required to establish a stand or assist in the natural regeneration | |
| wildlife enhancement | • provides cover opening that will provide additional wildlife benefits to the stand<br>• to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.) | |
| to establish no more than 25 percent of the silviculturally appropriate softwood species, as determined by STC and determined appropriate by State Forester | to enhance 1 of the following:<br>• wetland development<br>• wildlife habitat<br>• hardwood stand health and vigor | |
| temporary cover | • required in the practice specification<br>• needed until required planting stock is available<br>• needed because normal planting period for the species has passed<br>• to establish a cover where a solid condition, such as chemical residue, will not immediately allow establishment of permanent cover | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides or insecticides | specified as necessary in the approved tree planting plan to establish the cover | |
| minerals or nutrients | substantiated as needed by COC to establish the approved cover | |
| clean tilling | for firebreaks, fuelbreaks, or firelanes | |

***--CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)**

**D C/S Policy (Continued)**

| IF the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| tree shelters, netting, plastic tubes, or other animal control devices | approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where using such measures is warranted and cost-effective to protect seedlings. | authorized not to exceed an average cost, as determined by STC. |
| fencing | | not authorized. |
| roads | | |
| annual food plots | | |
| to establish a hardwood tree species | • for ornamental purposes<br>• for Christmas trees<br>• nursery tree production<br>• production of commercial nuts, other than species customarily planted for forestry purposes | |
| herbicides or insecticides | to maintain the vegetative cover including trees | |
| tree thinning | | |

**--***

***--CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)**

**E Requirements**

The following requirements apply for this practice.

- Approval **must** be obtained from the State Forester and State Wildlife Agency certifying that planting of cottonwood as a nurse crop is appropriate for the State and site.

- Planting of cottonwood trees may only be for nurse trees in a pattern appropriate for that purpose.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally- registered

  - applied according to authorized uses, directions on the label, and other Federal and State policies and requirements.

**F Planting**

Planting after CRP-1L is approved by COC shall be completed by the end of the next normal planting period, unless the producer can provide acceptable documentation that seed or tree stock is not available.

**G Environmental Concerns**

Consider preserving and improving the environment and wildlife concerns when making determinations about:

- types of planting
- weed control
- spacing
- water management structures
- other practice specifications.**--***

## CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)

### H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. *** * ***

### I Technical Responsibility

State Forester, NRCS, or TSP shall have technical responsibility for this practice. The State Forester has responsibility for determining if selection of a cottonwood species component is silviculturally appropriate.

### J Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1L.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.

***--CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)**

**K Planting Timespan**

Planting or sowing of the approved permanent cover shall be completed within 2 years of the effective date of CRP-1L. See paragraph 237 for exceptions.

**L Natural Regeneration**

Natural regeneration by nuts or seed may be permitted under this practice provided the certified forester believes a viable stand can be reestablished.

**M Management Activities**

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 239.

C/S is authorized for management activities.**--***

## *--CP35D Emergency Forestry – Bottomland Hardwood – Existing

### A Purpose

The purpose of this practice is to enhance site characteristics of understocked stand of existing bottomland hardwood. The understocked stand must also provide for the long-term viability of a bottomland hardwood trees that have been impacted by the 2005 hurricanes deemed as a viable timber stand by a forester. The bottomland hardwood stand will:

- control sheet, rill, scour, and other erosion
- reduce water, air, or land pollution
- restore and enhance the natural and beneficial functions of wetlands
- promote carbon sequestration
- restore and connect wildlife habitat.

### B Program Policy

Apply this practice to eligible PNIF that had merchantable timber before the 2005 hurricanes suitable for growing bottomland hardwood trees or adapted shrubs that will provide multipurpose forest and wildlife benefits.**--***

***--CP35D Emergency Forestry – Bottomland Hardwood – Existing (Continued)**

**C Eligibility**

To be eligible for C/S, this practice shall:

- reduce excessive erosion to an acceptable level and increase sediment trapping efficiencies
- improve surface or ground water quality
- restore or enhance forestland that has been extensively damaged by the 2005 hurricanes
- reduce scour, gully, stream bank, sheet, or rill erosion
- prevent excessive erosion from occurring
- enhance food and cover for wildlife
- be maintained for the life of CRP-1L
- be included in the approved conservation plan.**--***

## CP35D Emergency Forestry – Bottomland Hardwood – Existing (Continued)

### D C/S Policy

The following table provides C/S policies for this practice.

| IF the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| temporary cover | • required in the practice specification<br>• needed until required planting stock is available<br>• needed because normal planting period for the species has passed<br>• to establish a cover where a solid condition, such as chemical residue, will not immediately allow establishment of permanent cover | *--authorized using technical practice codes 327, 340, 394, 460, 550, 595, 612, 644, 645, 647.--* |
| debris removal | required to establish a stand or assist in the natural regeneration | |
| wildlife enhancement | • provides cover opening that will provide additional wildlife benefits to the stand<br>• to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.) | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides or insecticides | specified as necessary in the approved tree planting plan to establish the cover | |
| minerals or nutrients | substantiated as needed by COC to establish the approved cover | |
| clean tilling | for firebreaks, fuelbreaks, or firelanes | |
| tree thinning | | not authorized. |

## *--CP35D Emergency Forestry – Bottomland Hardwood – Existing (Continued)

### D C/S Policy (Continued)

| IF the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| herbicides and insecticides | to maintain the vegetative cover including trees | not authorized. |
| fencing | | |
| roads | | |
| annual food plots | | |
| to establish a hardwood tree species | • for ornamental purposes<br>• for Christmas trees<br>• nursery tree production<br>• production of commercial nuts, other than species customarily planted for forestry purposes | |

### E Requirements

The following are requirements for this practice.

- Approval **must** be obtained from the State Forester and State Wildlife Agency certifying that planting of cottonwood as a nurse crop is appropriate for the State and site.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally-registered

  - applied according to authorized uses, directions on the label, and other Federal and State policies and requirements.

### F Planting

Planting after CRP-1L is approved by COC shall be completed by the end of the next normal planting period, unless the producer can provide acceptable documentation that seed or tree stock is not available.--*

## CP35D Emergency Forestry – Bottomland Hardwood – Existing (Continued)

### G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about:

- types of planting
- weed control
- spacing
- water management structures
- other practice specifications.

### H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. *** * ***

### I Technical Responsibility

State Forester, NRCS, or TSP shall have technical responsibility for this practice. The State Forester has responsibility for determining if selection of a cottonwood species component is silviculturally appropriate.

### J Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1L.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.

- The practice **must** be established and maintained according to the practice standards in FOTG.

***--CP35D Emergency Forestry – Bottomland Hardwood – Existing (Continued)**

**K Planting Timespan**

Planting or sowing of the approved permanent cover shall be completed within two years of the effective date of CRP-1L. See paragraph 237 for exceptions.

**L Natural Regeneration**

Natural regeneration by nuts or seed may be permitted under this practice provided the certified forester believes a viable stand can be reestablished.

**M Management Activities**

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 239.

C/S is authorized for management activities.**--***

## *--CP35E Emergency Forestry - Softwood – New

### A Purpose

The purpose of this practice is to establish a stand of trees in a timber planting that will enhance environmental benefits for acreage damaged by the 2005 hurricanes.

### B Program Policy

Apply this practice to eligible PNIF that had merchantable timber before a 2005 hurricane and is suitable for growing trees that will provide multipurpose forest benefits.

Predominant hardwood may include softwood trees:

- not to exceed 50 percent of the total number of trees planted
- **only** to provide wildlife habitat diversity to the area
- where used as nurse trees for no economic use.

### C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.**--***

## CP35E Emergency Forestry - Softwood – New (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| **IF the component is…** | **AND the purpose is…** | **THEN C/S is…** |
|---|---|---|
| to establish suitable softwood tree species | to improve environmental benefits to an acceptable level | authorized ***--**using technical practice codes 338, 340, 391, 394, 550, 587, 595, 612, 644, 657, 658, and 659.**--*** |
| temporary cover | • required in the practice specifications, including hardwood trees, to ensure survivability of softwoods<br>• needed until required plant stock is available<br>• needed because the normal planting period for the species has passed<br>• to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover | |
| debris removal | required to establish a stand or assist in the natural regeneration | |
| wildlife enhancement | • provides cover opening that will provide additional wildlife benefits to the stand<br>• to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.) | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides | specified as necessary in the approved tree planting plan to establish the cover | |
| insecticides | | |
| clean tilling | for firebreaks, fuelbreaks, or firelanes | |
| tree shelters, netting, plastic tubes, or other animal control damage devices | approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing<br>**Note:** STC **must** designate areas where use of these measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441. | authorized not to exceed an average cost, as determined by STC. |

***--CP35E Emergency Forestry - Softwood – New (Continued)**

**D C/S Policy (Continued)**

| IF the component is... | AND the purpose is... | THEN C/S is... |
|---|---|---|
| fencing | | not authorized. |
| roads | | |
| to establish a hardwood tree species | • for ornamental purposes<br>• for Christmas tree production | |
| herbicides | to maintain the vegetative cover, including trees | |
| insecticides | | |

**--***

***--CP35E Emergency Forestry - Softwood – New (Continued)**

**E Requirements**

The following are requirements for this practice.

- Approval **must** be obtained from the State Forester certifying that planting up to 50 percent softwoods is an appropriate silvicultural practice for the State.

- Planting in excess of 50 percent **must** receive prior approval from the Forest Service and FSA National Office.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally-registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

**F Planting Timespan**

Planting of the approved cover shall be completed within 2 years of the effective date of CRP-1L. See paragraph 237 for exceptions.

**G Environmental Concerns**

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.**--***

## CP35E Emergency Forestry - Softwood – New (Continued)

### H Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1L as designated by participant.

C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. *** * ***

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### J Program Development

Follow this subparagraph to develop the county program.

- County practice shall:
  - identify the eligible species
  - provide requirements, such as spacing, minimum plantings per acre, including softwoods for cover (to be a minimum amount necessary), site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NRCS or TSP.

## *--CP35F Emergency Forestry - Softwood – Existing

### A Purpose

The purpose of this practice is to enhance an existing understocked stand of trees in a timber planting that will enhance environmental benefits for acreage damaged by the 2005 hurricanes.

### B Program Policy

Apply this practice to eligible existing PNIF that had merchantable timber before the 2005 hurricanes and is suitable for growing trees that will provide multipurpose forest benefits.

Predominant softwood planting may include hardwood trees:

- not to exceed 50 percent of the total number of trees planted
- **only** to provide wildlife habitat diversity to the area
- where used as nurse trees for no economic use.

### C Eligibility

To be eligible for C/S, this practice shall:

- reduce erosion to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.**--***

**CP35F Emergency Forestry - Softwood – Existing (Continued)**

**D C/S Policy**

This table shows C/S policies for this practice.

| IF the component is… | AND the purpose is… | THEN C/S is… |
|---|---|---|
| temporary cover | • required in the practice specifications, including hardwood trees, to ensure survivability of softwoods<br>• needed until required plant stock is available<br>• needed because the normal planting period for the species has passed<br>• to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover | authorized ***--**using technical practice codes 327, 340, 394, 460, 550, 595, 612, 644, 645, 647.**--*** |
| debris removal | required to establish a stand or assist in the natural regeneration | |
| wildlife enhancement | • provides cover opening that will provide additional wildlife benefits to the stand<br>• to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.) | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides | specified as necessary in the approved tree planting plan to establish the cover | |
| insecticides | | |
| clean tilling | for firebreaks, fuelbreaks, or firelanes | |
| fencing | | not authorized |
| roads | | |
| to establish a hardwood tree species | • for ornamental purposes<br>• for Christmas tree production | |
| herbicides | to maintain the vegetative cover, including trees | |
| insecticides | | |

***--CP35F Emergency Forestry - Softwood – Existing (Continued)**

**E Requirements**

The following are requirements for this practice.

- Approval **must** be obtained from the State Forester certifying that planting up to 50 percent softwoods is an appropriate silvicultural practice for the State.

- Planting in excess of 50 percent **must** receive prior approval from the Forest Service and FSA National Office.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally-registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

**F Planting Timespan**

Planting of the approved cover shall be completed within two years of the effective date of CRP-L. See paragraph 237 for exceptions.

**G Environmental Concerns**

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications. Ensure noxious and invasive plants are controlled throughout the life of the contract.**--***

## CP35F Emergency Forestry - Softwood – Existing (Continued)

### H Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1L as designated by participant.

C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. *** * ***

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### J Program Development

Follow this subparagraph to develop the county program.

- County practice shall:
  - identify the eligible species
  - provide requirements for site preparation and/or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NRCS or TSP.

***--CP35G Emergency Forestry – Upland Hardwood – New**

**A Purpose**

This practice is to establish a stand of trees in a timber planting that will enhance environmental benefits for acreage damaged by the 2005 hurricanes.

**B Program Policy**

Apply this practice to eligible existing PNIF that had merchantable timber before the 2005 hurricanes and is suitable for growing trees that will provide multipurpose forest benefits.

Predominant softwood may include hardwood trees:

- not to exceed 50 percent of the total number of trees planted
- **only** to provide wildlife habitat diversity to the area
- where used as nurse trees for no economic use.

**C Eligibility**

To be eligible for C/S, this practice shall:

- reduce erosion to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.**--***

## CP35G Emergency Forestry – Upland Hardwood – New (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is… | AND the purpose is… | THEN C/S is… |
|---|---|---|
| to establish suitable hardwood tree species on more than 50 percent of the stand | to improve environmental benefits to an acceptable level | authorized<br>*****--using technical practice codes 327, 340, 394, 460, 550, 595, 612, 645, and 647.--***** |
| temporary cover | • required in the practice specifications, including hardwood trees<br>• needed until required plant stock is available<br>• needed because the normal planting period for the species has passed<br>• to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover | |
| debris removal | required to establish a stand or assist in the natural regeneration | |
| wildlife enhancement | • provides cover opening that will provide additional wildlife benefits to the stand<br>• to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.) | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides | specified as necessary in the approved tree planting plan to establish the cover | |
| insecticides | | |
| clean tilling | for firebreaks, fuelbreaks, or firelanes | |
| tree shelters, netting, plastic tubes, or other animal control damage devices | approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where using these measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441. | authorized not to exceed an average cost, as determined by STC. |

***--CP35G Emergency Forestry – Upland Hardwood – New (Continued)**

**D C/S Policy (Continued)**

| IF the component is... | AND the purpose is... | THEN C/S is... |
|---|---|---|
| fencing | | not authorized. |
| roads | | |
| to establish a softwood tree species | • for ornamental purposes<br>• for Christmas tree production | |
| herbicides | to maintain the vegetative cover, including trees | |
| insecticides | | |
| temporary cover | hardwood trees that serve as trainers to produce high-value softwoods<br><br>**Note:** Where silviculturally appropriate, as determined by the service forester, softwoods may be planted as trainers, not to exceed 50 percent of the number of trees planted to optimize softwood quality if no commercial use is made of the hardwoods. | |

**--***

***--CP35G Emergency Forestry – Upland Hardwood – New (Continued)**

**E Requirements**

The following are requirements for this practice.

- Approval must be obtained from the State Forester certifying that planting up to 50 percent hardwoods is an appropriate silvicultural practice for the State.

- Planting in excess of 50 percent must receive prior approval from the Forest Service and FSA National Office.

- Plantings must be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice must be:

  - Federally-, State-, and locally-registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

**F Planting Timespan**

Planting of the approved cover shall be completed within two years of the effective date of CRP-1L. See paragraph 237 for exceptions.

**G Environmental Concerns**

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications. This includes the controlling of noxious and invasive plants.**--***

## CP35G Emergency Forestry – Upland Hardwood – New (Continued)

### H Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1L as designated by participant.

C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. *** * ***

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### J Program Development

Follow this subparagraph to develop the county program.

- County practice shall:
  - identify the eligible species
  - provide requirements, such as spacing, minimum plantings per acre, including softwoods for cover (to be a minimum amount necessary), site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NTCS or TSP.

## *--CP35H Emergency Forestry – Upland Hardwood – Existing

### A Purpose

This practice is to enhance site characteristics of an existing stand of trees that were damaged by the 2005 hurricanes. The stand **must** be a viable understocked stand as determined by a certified forester and provide environmental benefit.

### B Program Policy

Apply this practice to eligible PNIF that had merchantable timber before the 2005 hurricanes and is suitable for growing trees that will provide multipurpose forest benefits.

Predominant softwood may include softwood trees:

- not to exceed 50 percent of the total number of trees planted
- **only** to provide wildlife habitat diversity to the area
- where used as nurse trees for no economic use.

### C Eligibility

To be eligible for C/S, this practice shall:

- reduce erosion to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.**--***

## CP35H Emergency Forestry – Upland Hardwood – Existing (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is… | AND the purpose is… | THEN C/S is… |
|---|---|---|
| temporary cover | • required in the practice specifications, including hardwood trees, to ensure survivability of softwoods<br>• needed until required plant stock is available<br>• needed because the normal planting period for the species has passed<br>• to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover | *****--authorized using technical practice codes 327, 340, 394, 460, 550, 595, 612, 645, and 647.--***** |
| seeding firebreaks, fuelbreak, or firelanes | to establish and maintain the cover according to State requirements | |
| debris removal | required to establish a stand or assist in the natural regeneration | |
| wildlife enhancement | • provides cover opening that will provide additional wildlife benefits to the stand<br>• to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.) | |
| herbicides | specified as necessary in the approved tree planting plan to establish the cover | |
| insecticides | | |
| clean tilling | for firebreaks, fuelbreaks, or firelanes | |
| fencing | | not authorized. |
| roads | | |
| to establish a hardwood tree species | • for ornamental purposes<br>• for Christmas tree production | |
| herbicides | to maintain the vegetative cover, including trees | |
| insecticides | | |
| temporary cover | hardwood trees that serve as trainers to produce high-value softwoods<br><br>**Note:** Where silviculturally appropriate, as determined by the service forester, softwoods may be planted as trainers, not to exceed 50 percent of the number of trees planted to optimize softwood quality if no commercial use is made of the hardwoods. | |

***--CP35H Emergency Forestry – Upland Hardwood – Existing (Continued)**

**E Requirements**

The following are requirements for this practice.

- Approval **must** be obtained from the State Forester certifying that planting up to 50 percent hardwoods is an appropriate silvicultural practice for the State.

- Planting in excess of 50 percent **must** receive prior approval from the Forest Service and FSA National Office.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally-registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

**F Planting Timespan**

Planting of the approved cover shall be completed within two years of the effective date of CRP-1L. See paragraph 237 for exceptions.

**G Environmental Concerns**

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.**--***

## CP35H Emergency Forestry – Upland Hardwood – Existing (Continued)

### H Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1L as designated by participant.

C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. *** * ***

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### J Program Development

Follow this subparagraph to develop the county program.

- County practice shall:
  - identify the eligible species
  - provide requirements, such as spacing, minimum plantings per acre, including softwoods for cover (to be a minimum amount necessary), site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NRCS or TSP.

## *--CP35I Emergency Forestry – Mixed Trees – Existing

### A Purpose

This practice is to enhance an existing understocked mixed stand of trees in a timber planting that will enhance environmental benefits for acreage damaged by the 2005 hurricanes.

### B Program Policy

Apply this practice to eligible existing PNIF that had merchantable timber before the 2005 hurricanes and is suitable for growing trees that will provide multipurpose forest benefits.

### C Eligibility

To be eligible for C/S, this practice shall:

- reduce erosion to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.**--***

## CP35I Emergency Forestry – Mixed Trees – Existing (Continued)

### D C/S Policy

This table shows C/S policies for this practice.

| IF the component is... | AND the purpose is... | THEN C/S is... |
|---|---|---|
| temporary cover | • required in the practice specifications, including softwood trees, to ensure survivability of hardwoods<br>• needed until required plant stock is available<br>• needed because the normal planting period for the species has passed<br>• to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover | authorized<br>*--using technical practice codes 327, 340, 394, 460, 550 595, 612, 645, and 647.--* |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides | specified as necessary in the approved tree planting plan to establish the cover | |
| insecticides | | |
| wildlife enhancement | • to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.)<br>• provides cover opening that will provide additional wildlife benefits to the stand | |
| debris removal | required to establish a stand or assist in the natural regeneration | |
| clean tilling | for firebreaks, fuelbreaks, or firelanes | |
| fencing | | not authorized. |
| roads | | |
| to establish a hardwood tree species | • for ornamental purposes<br>• for Christmas tree production | |
| herbicides | to maintain the vegetative cover, including trees | |
| insecticides | | |
| temporary cover | softwood trees that serve as trainers to produce high-value hardwoods<br><br>**Note:** Where silviculturally appropriate, as determined by the service forester, softwoods may be planted as trainers, not to exceed 50 percent of the number of trees planted to optimize hardwood quality if no commercial use is made of the softwoods. | |

## *--CP35I Emergency Forestry – Mixed Trees – Existing (Continued)

### E Requirements

The following are requirements for this practice.

- At least 50 percent of the stand is not identified as any 1 species of trees.
- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.
- Chemicals used in performing the practice **must** be:
  - Federally, State, and locally registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

### F Planting Timespan

Planting of the approved cover shall be completed within two years of the effective date of CRP-1L. See paragraph 237 for exceptions.

### G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications. Ensure noxious and invasive plants are controlled throughout the life of the contract.**--***

## CP35I Emergency Forestry – Mixed Trees – Existing (Continued)

### H Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1L as designated by participant.

C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. *** * ***

### I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### J Program Development

Follow this subparagraph to develop the county program.

- County practice shall:
  - identify the eligible species
  - provide requirements for site preparation and/or cultivation that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

### K Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NRCS or TSP.

## *--CP36 Longleaf Pine - Establishment

### A Purpose

The primary purpose of CP36 is to re-establish longleaf pine stands at densities that benefit wildlife species and protect water quality.

### B Cropland Eligibility

Apply CP36 to otherwise eligible cropland that is located in:

- Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia
- the Longleaf Pine National CRP CPA (see Exhibit 13).

CP36 may be enrolled on a continuous basis provided the following conditions are met:

- the offered acreage is on cropland and meets the eligibility requirement in paragraph 97
- the site is within the Longleaf Pine National CRP CPA (see Exhibit 13)
- the site is suitable for longleaf pine planting (soils and other site conditions)
- the practice is needed and feasible

  **Note:** The suitability of a soil for CP36 establishment may be determined by looking up that soil's "Long Leaf Pine Suitability Indicator" in FSA's Soil Database Management System. The Soil Database Management System may be accessed from FSA's Intranet Application Page.

- the cumulative acres for all CP36 acreage enrolled in the State does **not** exceed the State's allocation (see subparagraph 5 A).**--***

## CP36 Longleaf Pine - Establishment (Continued)

### C State Acreage Allocation

State acreage allocations are as follows.

| State | Acreage Allocation |
|---|---|
| Alabama | 37,000 |
| Florida | 42,750 |
| Georgia | 44,750 |
| Louisiana | 36,250 |
| Mississippi | 21,500 |
| North Carolina | 32,250 |
| South Carolina | 21,000 |
| Texas | 10,750 |
| Virginia | 3,750 |

### D Payment Eligibility

The payment rate shall be the weighted average SRR for the 3 predominant soils of the offered acreage and the appropriate maintenance rate.

***--**CRP-SIP's and PIP's are available for CP36. A one-time:**--***

- up-front CRP-SIP of $100 per acre will be issued after CRP-1 is approved and eligibility criteria is met

- CRP-PIP, equal to 40 percent of the eligible installation costs for certain practices on continuous CRP land, will be issued after CP36 is installed, eligible costs are verified, and other payment eligibility criteria are met.

  **Note:** CRP-PIP is in addition to the up to 50 percent C/S for eligible practice components.

## *--CP36 Longleaf Pine - Establishment (Continued)

### E C/S Policy

This table shows C/S policies for CP36.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| tree seedlings, seedbed preparation, and seeding/planting | to establish approved tree species and improve environmental benefits to less than the soil loss tolerance | authorized using technical practice codes 327, 340, 394, 548, 550, 595, 612, 645, and 647. |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides and insecticides | specified as necessary to establish the approved cover and to control invasives (such as cogongrass) included in the tree planting plan and conservation plan<br><br>**Note:** This does **not** include herbicides or pesticides used as part of the maintenance of the practice. | |
| fencing | | not authorized. |
| temporary cover | | |
| clearing rocks or other obstructions from the area to be seeded | | |
| minerals and nutrients | to maintain vegetative cover, including trees or enhance production | |
| clean-tilling | for firebreaks, fuelbreaks, or firelanes | |
| to establish a tree species | for ornamental purposes and Christmas tree production | |

**--***

## *--CP36 Longleaf Pine - Establishment (Continued)

### F Requirements

The following are requirements for CP36.

- Plantings **must** be protected from grazing by domestic livestock for the life of CRP-1.
- Chemicals used in performing the practice shall **not** include fertilizers and **must** be:
  - Federally, State, and locally registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.
- The producer **must** control all noxious and invasive plants during the life of CRP-1.

### G Planting

Planting after CRP-1 is approved by COC shall be completed by the end of the next normal planting period unless the producer can provide acceptable documentation that seed or tree stock is **not** available.

### H Planting Timeframe

Herbicide residue related on some former cotton and peanut fields has reduced planting success for some longleaf pine planting.

Based on the recommendations provided by TSP, COC may allow the field to lay fallow during the first year of CRP-1 to reduce herbicide carryover.

TSP may recommend that permanent cover should be established during the first 2 years of CRP-1 according to paragraph 237. A 1-year extension of the 2-year planting requirement may be allowed by COC if there is justification of the need for an extension.

### I Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about CP36 specifications.--*

## *--CP36 Longleaf Pine - Establishment (Continued)

### J Practice Maintenance

CP36 shall be maintained **without** additional C/S for the life of CRP-1. C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1
- the cover fails to adequately improve environmental benefits during the life of CRP-1 unless the failure is caused by circumstances beyond the producer's control.

### K Technical Responsibility

Technical responsibility for CP36 shall be assigned to NRCS, State Forester, or TSP. If a TSP representative is **not** available, responsibility may be redelegated to NRCS.

### L Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1 (see paragraph 237 for exceptions).

### M Practice Length

The duration of CRP-1's under CP36 are from 10 to 15 years.

### N Mid CRP-1 Management

CP36 shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

SED shall consult with the State Technical Committee about options for required mid-contract management activities. These options may include prescribed burning, selective herbicide application, or other measure as appropriate to set back vegetative succession and woody encroachment. Management activities shall be used to maintain proper understory vegetative structure and composition.

C/S is authorized for mid CRP-1 management activities consistent with procedure.--*

***--CP36 Longleaf Pine - Establishment (Continued)**

**O Density**

The planting density for longleaf pine shall be a minimum of 400 trees per acre to a maximum of 600 trees per acre. The exact number of trees shall be based on the recommendation by TSP based on the unique site conditions that will provide significant wildlife benefits. Foresters shall consider ensuring sufficient ground cover that will provide:

- wildlife benefits
- a fuel source for fire.

State Technical Committees, along with FS and State foresters, shall be consulted in developing the site-by-site criteria used to develop planting density requirements.

**P Understory Regeneration**

Natural regeneration may be allowed if **all** the following are met:

- NRCS or TSP determines both of the following:
  - an adequate seed source of approved understory species is present in the soil at the site
  - under normal conditions, the appropriate understory cover will be established within 2 years of CRP-1 effective date
- erosion and runoff will be controlled during the establishment period
- weeds, including noxious weeds, and other nonapproved plant species will be controlled during the establishment period
- COC shall **not** approve CRP-1 until all of the requirements are met
- COC shall ensure the producer is fully informed that:
  - no C/S will be paid for natural regeneration
  - if the approved cover is not established within 2 years of the CRP-1 effective date, the producer will be required to plant the approved cover with no C/S
  - as with all CRP-1's, the control of **all** weeds, including noxious weeds, insects, and pests is a CRP participant contracted obligation--*****

***--CP36 Longleaf Pine - Establishment (Continued)**

**P Understory Regeneration (Continued)**

- the conservation plan signed by the producer requires all of the following:
  - the producer will plant the approved cover at **no** cost to FSA or CCC according to a revised conservation plan if the practice is **not** established through natural regeneration or planting within 2 years of CRP-1 effective date
  - NRCS or TSP shall spot check the site at the end of the 2nd year to determine whether the practice is established and meets the standards and specifications for NRCS conservation practice codes
  - weed control.

  **Note:** FSA **must** immediately notify COC and the participant:

    - the result of the spot check
    - that the participant **must** plant the approved cover with **no** C/S according to a revised conservation plan, if applicable.

For understory vegetation, native cover established through natural regeneration may suffice for temporary cover. Technical determination on natural regeneration should be made by the technical agency responsible for development of the conservation plan, or if understory vegetation is to enhance, seeding commercially available native seed may supplement natural regeneration.

STC's **must** develop natural regeneration requirements in consultation with the State Technical Committee. STC's will work with the State Technical Committee to determine which native warm season grasses are appropriate for their State. If natural regeneration does **not** occur in the given 2-year time period, the producer will be **required** to establish native warm season grasses as specified by the State Technical Committee standards.

Wiregrass or other appropriate native warm season grasses providing similar benefits shall be established to provide:

- wildlife benefits
- fuel for prescribed burns.

**Q Prescribed Burning**

The State Office shall consult with the State Technical Committee about options for required mid-contract management activities. If prescribed burning, selective herbicide application, and/or other measures are determined appropriate as mid-contract management, then C/S is authorized.**--***

## *--CP37 Duck Nesting Habitat

### A Purpose

This practice is to enhance duck nesting habitat on the most duck-productive areas of Iowa, Minnesota, Montana, North Dakota, and South Dakota to restore the functions and values of wetland ecosystems that have been devoted to agricultural use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with FSA and NRCS or TSP.**--***

## *--CP37 Duck Nesting Habitat (Continued)

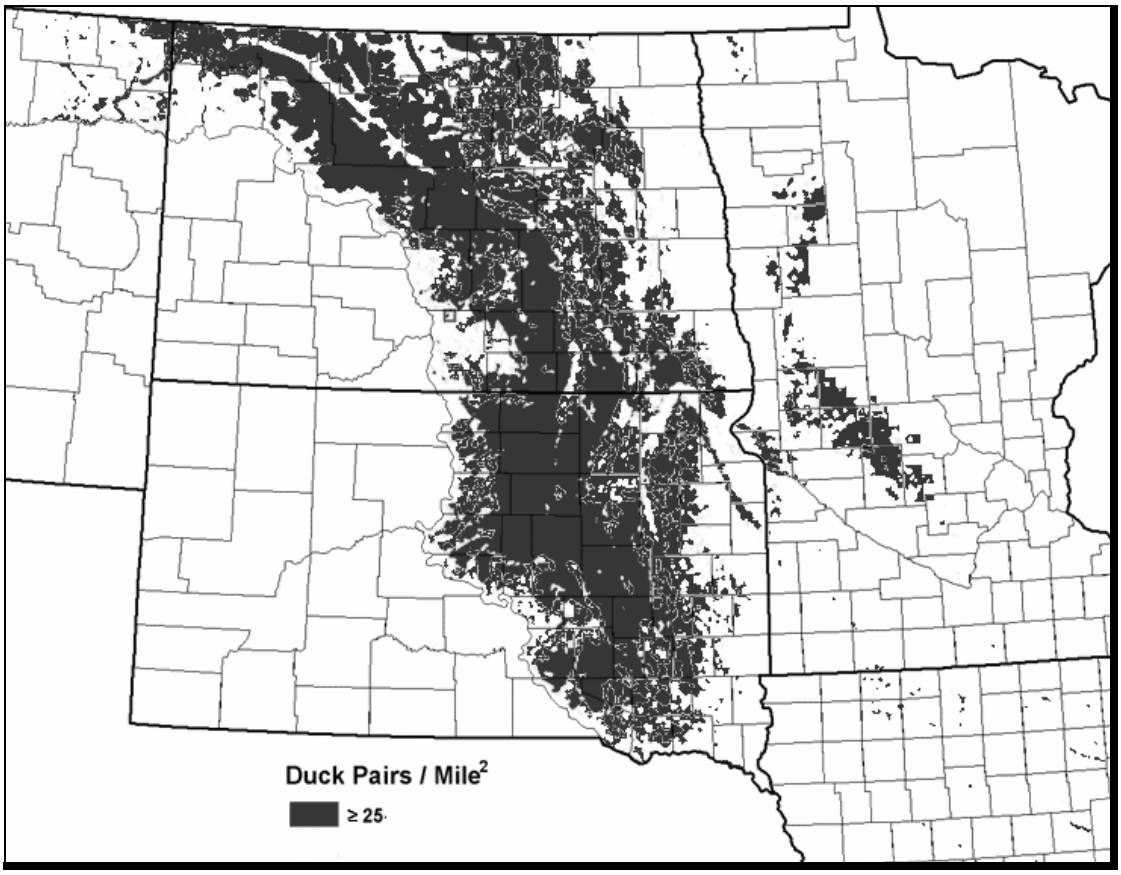
### B Application

Apply this practice to eligible wetlands and associated acreage that meet the following conditions:

- areas designated by FWS as having dense populations of duck pairs (greater than or equal to 25 breeding pairs per square mile)

- located outside the 100-year floodplain.

**Note:** The following map provides general areas that meet the density requirement.




The land **must** be suitable and adapted to the restoration of wetland functions and values. The restoration of wetland hydrology is **only** required to the extent specified by the producer.**--***

## *--CP37 Duck Nesting Habitat (Continued)

### C Cropland Associated to Noncropped Wetlands

Cropland that is associated to noncropped wetlands may be enrolled as part of the buffer for CP37. Noncropped wetland acreage is limited to the designated wetland area as determined by NRCS or TSP. Cropland immediately adjacent to noncropped wetlands that does **not** meet cropping history **must not** be included as part of either of the following:

- wetland acreage used to calculate the buffer acreage
- CRP-1.

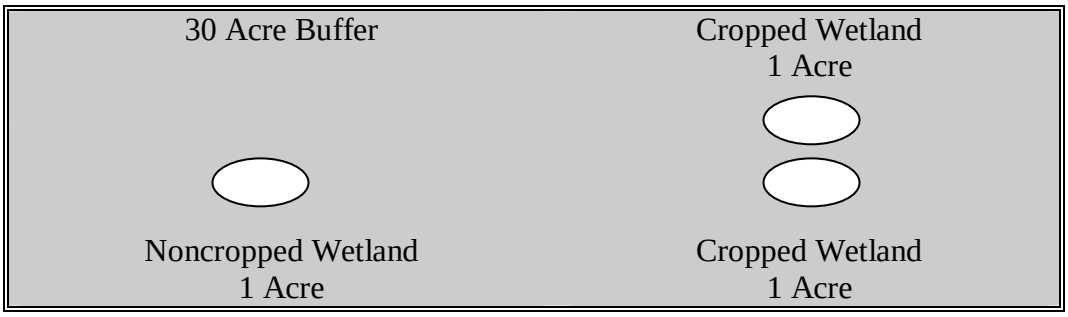
The total cropland acreage associated to the noncropped wetland plus the upland buffer acreage associated to the farmed or cropped wetland shall **not** exceed a 10:1 buffer to wetland ratio. The noncropped wetland acreage will be used to calculate the total wetland acres when determining the maximum buffer for CP37.

**Note:** Noncropped wetlands are **not** eligible for enrollment into practice CP37.**--***

***--CP37 Duck Nesting Habitat (Continued)**

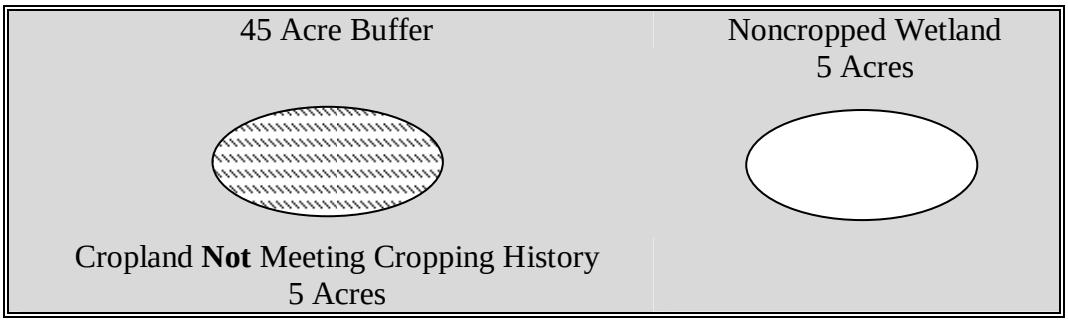
**C Cropland Associated to Noncropped Wetlands (Continued)**

**Example 1:** The offered acreage is located in an area that has a breeding duck potential of greater than 25 breeding pairs per square mile. The offered acreage has 2 acres of cropped wetlands and 1 acre of noncropped wetlands. The maximum amount of upland buffer that may be enrolled is 30 acres (3 acres of wetlands times a 10-acre buffer).




**Example 2:** The offered acreage is located in an area that has a breeding duck potential of greater than 25 breeding pairs per square mile. The offered acreage has 5 acres of noncropped wetlands. Five acres of cropland immediately adjacent to the noncropped wetland does **not** meet the cropping history and is **not** part of the noncropped wetland acreage. The maximum amount of upland buffer that may be enrolled is 45 acres (5 acres of wetland times a 10-acre buffer minus 5 acres for the cropland not meeting cropping history).

**Note:** The cropland **not** meeting cropping history is **not** eligible for enrollment in CP37, but **must** be included as part of the conservation plan.




**--***

## *--CP37 Duck Nesting Habitat (Continued)

### D Size Requirements

The amount of adjacent upland acreage to be enrolled shall be determined by FSA and NRCS or TSP. In areas designated by FWS as having greater than or equal to 25 duck pairs per square mile, the buffer to wetland acre ratio **must** be a:

- minimum of 4 to 1
- maximum 10 to 1.

### E C/S Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan

- be maintained for the life of CRP-1

- restore the functional capability and values of the wetland ecosystem to a level determined by the participant in consultation with FSA and NRCS or TSP, including the following:

  - preventing degradation of the wetland area and surrounding upland area from recurring
  - increasing sediment trapping efficiencies
  - improving surface and ground water quality
  - preventing excessive erosion from recurring
  - providing waterfowl and other wildlife habitat
  - reducing flood flows.**--***

## CP37 Duck Nesting Habitat (Continued)

### F State Allocations

Total enrollment shall not exceed 100,000 acres. State enrollment allocations are provided in this table.

| State | State Acre Allocation |
|---|---|
| Iowa | 4,000 |
| Minnesota | 8,000 |
| Montana | *--3,500 |
| North Dakota | 42,000 |
| South Dakota | 40,000 |
| **Reserve** | 2,500 |
| **Total** | 100,000--* |

### G C/S Policy

This table provides C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| earthmoving | to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site | authorized using technical practices codes 327, 340, 512, 550, 587, 612, 644, 645, 647, 657, 658, and 659. |
| eligible seeding for grassland ecosystem | for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for:<br>• establishment of permanent native grass species<br>• establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat<br>• planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established | |
| seedbed preparation | substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded | |

***--CP37 Duck Nesting Habitat (Continued)**

**G C/S Policy (Continued)**

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| breaking tile | restore natural water flow | authorized using technical practices codes 327, 340, 512, 550, 587, 612, 644, 645, 647, 657, 658, and 659. |
| structures, such as pipe, chutes, and outlets | to regulate flow necessary to install an effective practice, as determined by NRCS or TSP | |
| temporary cover | • required in the practice specifications<br>• needed until the required seeds or plant stock is available<br>• needed because the normal planting period for the permanent cover crop has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides, pesticides, and insecticides | specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover | |
| mineral or nutrient | substantiated as needed by COC to establish the approved cover | |
| fencing or roads | | not authorized. |
| clearing rocks or other obstructions from the area to be seeded | | |
| clean tilling of firebreaks, fuelbreaks, or firelanes | | |
| grass species | establishment for ornamental purposes | |
| herbicides, pesticides, and insecticides | to maintain cover | |
| mineral or nutrient | to maintain cover or enhance production | |

**--***

## *--CP37 Duck Nesting Habitat (Continued)

### H Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall **not** be harvested or grazed by domestic livestock for the life of CRP-1.

- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology and establish an adequate cover to improve environmental benefits.

- The wetland ecosystem shall be restored to the extent identified according to subparagraph B.

  **Note:** The level of restoration shall be determined by the producer in consultation with FSA and NRCS or TSP.

- Chemicals used in establishing the practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.

- The practice **must** be established and maintained according to the practice standards in FOTG.

- The hydrology of the wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.

- The practice shall have periodic mid-contract management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### I Practice Length

The practice length for CP37 is 10 to 15 years.

### J Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.**--***

## *--CP37 Duck Nesting Habitat (Continued)

### K Environmental Concerns

Consideration of wildlife, water quality, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

### L Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### M Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.--*

## CP37 Duck Nesting Habitat (Continued)

### N Incentive to Restore Hydrology

A one-time WRI payment equal to 25 percent of the cost of restoring the hydrology of the site is ***--**available to encourage the restoration of cropped wetlands only for CRP-1's approved before November 3, 2008. WRI payment shall be:**--***

- a separate payment from any applicable C/S
- issued according to 1-FI using program code "XXCRPWRI"
- issued upon certification of completion of practice
- equal to 25 percent of the cost of restoring the hydrology of the site.

**Exception:** WRI is **not** authorized for re-enrolled practices under continuous or FWP.

**Note:** Do **not** include the cost associated with establishing any associated acreage when calculating the one-time WRI payment.

Producers do **not** have to receive C/S to be eligible for the one-time WRI payment.

*** * ***

### O Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP. For areas to be established to trees, FS or State Forestry agency shall have technical responsibility.

**National CRP Practices (Continued)**

***--CP38A Buffers**

**A Program Policy**

Apply practices under CP38A to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable State-developed practice standard.

**CP38B Wetlands**

**A Program Policy**

Apply practices under CP38B to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable State-developed practice standard.

**CP38C Trees**

**A Program Policy**

Apply practices under CP38C to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable State-developed practice standard.

**CP38D Longleaf Pine**

**A Program Policy**

Apply practices under CP38D to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable State-developed practice standard.

**CP38E Grass**

**A Program Policy**

Apply practices under CP38E to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable State-developed practice standard.**--***

## *--CP39 FWP Constructed Wetland

### A Purpose

The purpose of this practice is to develop a constructed wetland to treat effluent from row crop agricultural drainage systems. The constructed wetland system is designed to reduce nutrient and sediment loading and provide other water quality benefits while providing wildlife habitat.

### B Program Policy

Apply this practice on land in which a minimum of 25 percent of the upstream watershed is comprised of row crop agricultural drained land. The site shall be suitable for the construction of a cropped wetland. Site suitability will be dependant on:

- soils
- geology of the site (sites may be limited due to karst formation and other geologic features)
- topography (steep slopes or flat topography may present challenges in ensuring sufficient wetland are to provide adequate treatment
- legal requirements including with drainage districts
- ownership requirements (owner controls the land area of the wetland and associated buffer)
- safety issues (the site does **not** provide a significant risk to public safety or property because of structure failure)
- due diligence investigation.

### C Size Requirements

The maximum size for the wetland and associated buffers is 40 acres per tract. A buffer (CP28) is required for the constructed wetland.

The amount of adjacent upland (buffer) acreage to be enrolled shall:

- be determined by NRCS
- not be less than the 2:1 ratio
- not exceed the 4:1 ratio.**--***

## *--CP39 FWP Constructed Wetland (Continued)

### D Authorized Payments

Payments, including annual rental, CRP-SIP, PIP, 20 percent SRR incentive and C/S are authorized for CP39.

### E C/S Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan
- be maintained for the life of CRP-1
- reduce the loading of nutrients, sediment and other pollutants from incoming waters
- improve surface and ground water quality
- prevent excessive erosion from recurring
- provide waterfowl and other wildlife habitat
- reduce flood flows.

### F C/S Policy

The following provides C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| earthmoving | to construct dams, levees, dugouts, or dikes needed to develop a constructed wetland or restore the hydrology of the site | authorized using technical practice codes 327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 657, 658, and 659. |
| eligible seeding for grassland ecosystem | for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for:<br>• establishment of permanent native grass species<br>• establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat<br>• planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established | |

**--***

***--CP39 FWP Constructed Wetland (Continued)**

**F C/S Policy (Continued)**

| IF the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| eligible seeding for woodland ecosystem | for soils that are developed under a woodland ecosystem, except in areas that will be covered by water during no less than 60 calendar days of the normal growing season, and substantiated as needed by COC for:<br><br>• establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits<br><br>• establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat<br><br>• planting annual grasses, legumes, perennial native grass species, and softwoods, not to exceed 50 percent of the total number of trees planted, to serve as a nurse crop to prevent erosion while permanent cover is becoming established | authorized. |
| seedbed preparation | substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded | |
| breaking tile | restore natural water flow | |
| concrete | to construct weirs or channels needed to develop the constructed wetland | |
| structures, like pipe, chutes, and outlets | to regulate flow necessary to install an effective practice, as determined by NRCS or TSP | |

**--***

***--CP39 FWP Constructed Wetland (Continued)**

**F C/S Policy (Continued)**

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| temporary cover | • required in the practice specifications<br>• needed until the required seeds or plant stock is available<br>• needed because the normal planting period for the permanent cover crop has passed<br>• that a soil condition, like chemical residue, will not allow establishment of the permanent cover immediately | authorized. |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides, pesticides, and insecticides | specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover | |
| mineral or nutrient | substantiated as needed by COC to establish the approved cover | |
| tree shelters, netting, plastic tubes, or other animal damage control devices | approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441. | authorized not to exceed an average cost, as determined by STC. |

**--***

***--CP39 FWP Constructed Wetland (Continued)**

**F C/S Policy (Continued)**

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| fencing or roads | | not authorized. |
| clearing rocks or other obstructions from the area to be seeded | | |
| clean tilling of firebreaks, fuelbreaks, or firelanes | | |
| tree or grass species | establishment for ornamental purposes | |
| herbicides, pesticides, and insecticides | to maintain cover | |
| mineral or nutrient | to maintain cover or enhance production | |

**G Practice Requirements**

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Limit C/S to the minimum work and materials necessary to develop the constructed wetland or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits. COC may request to DAFP cost-share in excess of the minimum work and materials necessary on a case by case basis.

- Chemicals used in establishing the practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.

- The practice **must** be established and maintained according to the practice standards in FOTG.**--***

## *--CP39 FWP Constructed Wetland (Continued)

### G Practice Requirements (Continued)

- The hydrology of the constructed wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

### H Planting Timespan

Planting or sowing of the approved cover shall be completed within 24 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### I Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice. FSA shall conduct a site investigation prior to approving a CPR-1 on a constructed wetland. This investigation is to determine if potential hazardous materials may be associated with the site. Potential impacts to historic/cultural resources and threatened and endangered species should be evaluated. Appropriate regulatory agencies should be consulted with in this process.**--***

## *--CP39 FWP Constructed Wetland (Continued)

### J Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### K Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.

### L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP. For areas to be established to trees, FS or State Forestry Agency shall have technical responsibility.--*

## *--CP40 Farmable Wetlands Program Aquaculture Wetland Restoration

### A Purpose

The purpose of this practice is to restore habitat or the functions and values of wetland ecosystems that have been devoted to commercial pond-raised aquaculture. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or TSP.

### B Program Policy

Apply this practice to eligible land devoted to commercial pond-raised aquaculture to do the following:

- restore habitat or the functions and values of the wetland ecosystem
- provide water cover for wildlife habitat

**Note:** The restoration of wetland hydrology is only required to the extent specified by the producer.

If the land is developed to provide water cover for wildlife habitat, the water area must be an average depth of 6 to 18 inches. The water area must provide a source of water for wildlife for a majority of the year.

**Note:** Water cover is limited to 20 percent of the total enrolled acreage.

Food plots may be permitted to enhance the wildlife habitat on up to 10 percent of the enrolled land.

All levees must be planted to appropriate vegetative or tree cover if enrolled as part of the CRP contract. Levees used as access roads will not be part of the CRP contract.

### C Eligible Land Limit

Total eligible land for wetland restorations is limited to land that was devoted to commercial pond-raised aquaculture any 1 year, 2002 through 2007.

### D Size Requirements

Land enrolled under CP40 has no size limitation.**--***

## *--CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

### E C/S Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan
- be maintained for the life of CRP-1
- restore the functional capability and values of the wetland ecosystem to a level determined by the participant in consultation with NRCS or TSP, including the following:
  - preventing degradation of the wetland area and surrounding upland area from recurring
  - increasing sediment trapping efficiencies
  - improving surface and ground water quality
  - preventing excessive erosion from recurring
  - providing waterfowl and other wildlife habitat
  - reducing flood flows.

### F C/S Policy

The following provides C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| earthmoving | to smooth the levee to the extent levees needed to develop the habitat or restore the hydrology of the site or provide cover for wildlife habitat | authorized using technical practice codes 327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 657, 658, and 659. |
| eligible seeding for grassland ecosystem | for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for:<br>• establishment of permanent native grass species<br>• establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat<br>• planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established | |

**--***

***--CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)**

**F C/S Policy (Continued)**

| IF the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| eligible seeding for woodland ecosystem | for soils that are developed under a woodland ecosystem, except in areas that will be covered by water during no less than 60 calendar days of the normal growing season, and substantiated as needed by COC for:<br><br>• establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits<br><br>• establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat<br><br>• planting annual grasses, legumes, perennial native grass species, and softwoods, not to exceed 50 percent of the total number of trees planted, to serve as a nurse crop to prevent erosion while permanent cover is becoming established | authorized. |
| seedbed preparation | substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded | |

**--***

***--CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)**

**F C/S Policy (Continued)**

| IF the component is… | AND the justification is… | THEN C/S is… |
|---|---|---|
| temporary cover | • required in the practice specifications<br>• needed until the required seeds or plant stock is available<br>• needed because the normal planting period for the permanent cover crop has passed<br>• that a soil condition, like chemical residue, will not allow establishment of the permanent cover immediately | authorized. |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides, pesticides, and insecticides | specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover | |
| mineral or nutrient | substantiated as needed by COC to establish the approved cover | |
| tree shelters, netting, plastic tubes, or other animal damage control devices, except when natural regeneration is selected by the producer. | approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441. | authorized not to exceed an average cost, as determined by STC. |

**--***

## *--CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

### F C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| fencing or roads | | not authorized. |
| clearing rocks or other obstructions from the area to be seeded | | |
| clean tilling of firebreaks, fuelbreaks, or firelanes | | |
| tree or grass species | establishment for ornamental purposes | |
| herbicides, pesticides, and insecticides | to maintain cover | |
| minerals, nutrient, herbicides, and insecticides | to maintain cover or enhance production | |
| grading, shaping, filling | | |
| seed, tree and shrub seedlings, seedbed preparation and seeding | for use with natural regeneration | |
| minerals and nutrients | | |
| temporary supplemental irrigation systems or plastic mulch | | |
| clearing rocks or other obstructions from the area to be seeded | | |

### G Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits.
- The wetland ecosystem shall be restored to the extent identified according to subparagraph B.

  **Note:** The level of restoration shall be determined by the producer in consultation with NRCS or TSP.**--***

***--CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)**

**G Practice Requirements (Continued)**

- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.**--***

## *--CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

### H Natural Regeneration

Producers may elect to allow natural regeneration of the aquaculture wetland if **all** of the following are met:

- NRCS or TSP determines both of the following:
  - an adequate seed source of approved tree, shrub, and grass species is present in the soil at the site
  - under normal conditions, the **appropriate cover** will be established within 2 years of CRP-1 effective date
- erosion and runoff will be controlled during the establishment period
- weeds, including noxious weeds, and other non-approved plant species will be controlled during the establishment period
- the conservation plan signed by the producer requires **all** of the following:
  - **no** C/S shall be paid for the practice

    **Exceptions:** See subparagraph E.
  - the producer will plant the approved cover at no cost to FSA or CCC according to a revised conservation plan if the aquaculture wetland is not established through natural regeneration within 2 years of CRP-1 effective date
  - conservation practice code 647, Early Successional Habitat Development/Management, is used to identify natural regeneration
  - NRCS or TSP shall spot check the site at the end of the second year to determine whether the aquaculture wetland is established and meets the standards **and** specifications for NRCS conservation practice code 391A, Riparian Forest Buffer

  **Note:** FSA must immediately notify COC and the participant:

    - of the result of the spot check
    - that the participant must plant the approved cover with no C/S according to a revised conservation plan, if applicable.**--***

## *--CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

### H Natural Regeneration

COC shall **not** approve CRP-1 until **all** of the preceding requirements are met. COC shall ensure the producer is fully informed that:

- no C/S will be paid for natural regeneration

  **Exceptions:** See subparagraph E

- the producer will be required to plant the approved cover with no C/S if the approved cover is not established within 2-years of the CRP-1 effective date.

### I Planting Timespan

Planting or sowing of the approved cover shall be completed within 24 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### J Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

### K Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1

- producer fails to maintain the cover during the life of CRP-1

- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### L Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.**--***

## *--CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

### M Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP. For areas to be established to trees, FS or State Forestry Agency shall have technical responsibility.**--***

## *--CP41 FWP Flooded Prairie Wetland

### A Purpose

The purpose of this practice is to restore the functions and values of wetlands that have been subject to the natural overflow of a prairie wetland. Hydrology and vegetation **must** be restored to the maximum extent possible, as determined by USDA.

### B Program Policy

Apply this practice to eligible cropland that is suitably located in the Prairie Pothole CPA and adapted to the restoration of wetland functions and values. The restoration of the wetland hydrology and vegetation is required to the maximum extent possible.

For cropland to be eligible to be enrolled in CRP under FWP and be devoted to CP41, all of the following **must** be met:

- cropland meets cropping history requirements of 153A
- the cropland was subject to the natural overflow of a prairie wetland
- an associated buffer (CP28) is offered.

### C Size Requirements

The maximum acceptable size of any 1 CP41 is 20 contiguous acres. Wetlands greater than 20 acres in size are not eligible for enrollment in CRP under FWP as practice CP41. The total of all wetlands on the tract is limited to 40 acres. Associated buffers (CP28) are required for each CP41 enrolled. The minimum acceptable width of the associated buffer (CP28) is 30 feet. The maximum buffer size may not exceed up to 4 times the size of the eligible wetland. See CP28 Farmable Wetlands Pilot Buffer, for the practice requirements for the associated buffer.

**Examples:** A producer offers a 21 acre wetland. Because the total wetland is greater than 20 acres in size, the entire 21 acre wetland is ineligible for enrollment in CRP under FWP as CP41.

A producer offers a 10 acre wetland, a 14 acre wetland and a 16 acre wetland for enrollment as CP41. Because no wetland is greater than 20 acres in size and the total of all wetlands is 40 acres, all wetlands may be enrolled as CP41. A buffer, not to exceed a 4:1 ratio, must also be enrolled.**--***

## *--CP41 FWP Flooded Prairie Wetland (Continued)

### D C/S Eligibility

To be eligible for C/S, this practice shall:

- only be enrolled under FWP
- only be enrolled with an eligible associated buffer (CP28)
- meet the cropping history requirements
- be included in the approved conservation plan
- be maintained for the life of CRP-1
- restore the functional capability and values of the wetland.

### E Authorized Payments

Payments, including annual rental, CRP-SIP, PIP, 20 percent SRR incentive, and C/S are authorized for CP41

### F C/S Policy

The following shows C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|---|---|---|
| earthmoving | to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site | authorized using technical practice codes 327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 657, 658, and 659. |
| eligible seed and seeding | for soils that are developed under a wetland ecosystem and substantiated as needed by COC for:<br>• establishment of permanent introduced grasses, forbs, and legumes, trees, and native shrub species, where determined necessary to restore the functions and values of the wetland<br>• planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established | |

--*

***--CP41 FWP Flooded Prairie Wetland (Continued)**

**F C/S Policy (Continued)**

| **If the component is...** | **And the justification is...** | **Then C/S is...** |
|---|---|---|
| seedbed preparation | substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded | authorized |
| structures, such as pipe, chutes, and outlets | to regulate flow necessary to install an effective practice, as determined by NRCS | |
| temporary cover | • required in the practice specifications<br>• needed until the required seeds or plant stock is available<br>• needed because the normal planting period for the permanent cover crop has passed<br>• that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately | |
| herbicides, pesticides, and insecticides | specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover | |
| mineral or nutrient | substantiated as needed by COC to establish the approved cover | |
| tree shelters, netting, plastic tubes, or other animal control devices | approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing<br><br>**Note:** STC **must** designate areas where using such measures is warranted and cost-effective to protect seedlings. | authorized not to exceed an average cost, as determined by STC. |

**--***

***--CP41 FWP Flooded Prairie Wetland (Continued)**

**F C/S Policy (Continued)**

| **IF the component is…** | **AND the justification is…** | **THEN C/S is…** |
|---|---|---|
| fencing or roads | | not authorized. |
| clearing rocks or other obstructions from the area to be seeded | | |
| clean tilling of firebreaks, fuelbreaks, or firelines | | |
| tree or grass species | establishment for ornamental purposes | |
| herbicides, pesticides, and insecticides | to maintain cover | |
| mineral or nutrient | to maintain cover or enhance production | |

**--***

## *--CP41 FWP Flooded Prairie Wetland (Continued)

### G Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits.
- The wetland shall be restored to the extent identified according to subparagraph B.
- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.

### H Planting Timespan

Planting or sowing of the approved permanent cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 237 for exceptions.

### I Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.**--***

## *--CP41 FWP Prairie Flooded Wetland (Continued)

### J Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

### K Associated Practice

This practice is only authorized with the associated practice CP28, Farmable Wetland Pilot Buffer, to ensure that the functions and values of the wetland are maintained for the length of the contract.

### L Technical Responsibility

NRCS or TSP shall have the technical responsibility for this practice, except in those areas established to trees, the Forest Service or State Forestry Agency shall have the technical responsibility.

### M Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 239.

C/S is authorized for management activities.**--***

--

## A Example of CRP-23

This is an example of CRP-23.

**Note:** The producer is not required to notify the County Office in writing; however, the County Office shall notate the producer's response in the CRP folder. See paragraph 202.

USDA

**United States Department of Agriculture**

Farm and Foreign Agricultural Services

Farm Service Agency

Anywhere State
FSA Office
Any Town, ST
45678-1423

**NOTICE REGARDNG ACCEPTABLE CRP OFFERS**

Dear: _____ Date: _____

This notice is to inform you that your offer on tract _____ under the Conservation Reserve Program (CRP) has been determined acceptable by the National Office.

The Natural Resources Conservation Service (NRCS) or Technical Service Provider (TSP) must develop a plan, approved by the Conservation District, and signed by all signatories on the CRP contract offer to participate in the CRP. So that we may continue to process your offer, you should continue to work with NRCS or TSP to obtain the required plan on the acreage which is subject to the offer. Your offer cannot be approved by the County Committee without an approved conservation plan.

Practices to be carried out under CRP may be started with the understanding that cost-share payments will **not** be made if the practice is not included in the approved conservation plan.

You have 30 days from the date of this letter to notify this office of weather you want your offer approved to participate in the CRP so that NRCS or TSP may begin plan development. If we do not hear from you within the 30-day period, we will reject your offer and assess liquidated damages. Liquidated damages will also be assessed if you decide not to participate. Damages will equal 25 percent of your offer rate times the number of acres offered for CRP.

The same acreage cannot be enrolled under CRP and Direct and Counter-Cyclical Program (DCP). The total of the CRP and DCP acres on a farm cannot exceed the total eligible land for the program on the farm. The owner of the land offered for CRP may be required to reduce all or a portion of DCP acreage before CRP-1 will be approved. Please contact the _____ County FSA Office for more information.

Sincerely,

_____
County Executive Director

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.*

**CRP-23** (05-02-03)

USDA is an Equal Opportunity Employer

Continued on the next page

**B**
**Using CRP-23**

Because continuous signup offers and standard signup offers are not processed in the same manner and certain provisions do not apply to both offer types, County Offices must ensure that the correct information is provided in CRP-23.

CRP-23 must be:

- reproduced locally, including form number and date
- prepared in duplicate
- mailed to producers **before** CRP-1 is approved.

County Offices shall:

- for standard signup offers:
  - use CRP-23 to notify producers that:
    - their CRP offer has been determined acceptable by the National Office
    - they have 30 days from the date of the letter to notify the County Office whether they want the offer approved provided all eligibility requirements are met
    - liquidated damages will be assessed if they decide not to participate
    - they must work with the technical agency to develop a conservation plan
    - the same acreage cannot be enrolled under CRP and PFC
  - mail original CRP-23 to producer and file copy with the offer
  - adapt CRP-23 to fit the situation

Continued on the next page

**B**
**Using CRP-23 (Continued)**

- for continuous signup offers:
  - use CRP-23 to notify producers that:
    - their CRP offer has been determined acceptable by COC
    - they must work with the technical agency to develop a conservation plan
    - the same acreage cannot be enrolled under CRP and PFC
    - the offer will be void if CRP-1 is not approved within 6 months of the date the producer signs CRP-2C
    - all crops must be removed from the acreage before CRP-1 effective date
    - if applicable, producer will be notified when CRP-1 is completed and ready for producer's signature; see paragraph 140
    - starting the practice before CRP-1 approval is at the producer's own risk
    - a paid-for measurement service is required, if applicable
  - mail original CRP-23 to producer and file copy with the offer
  - adapt CRP-23 to fit the situation
  - not include language regarding assessment of liquidated damages.

Continued on the next page

**C**
**Example of CRP-24**

This is an example of CRP-24.

**Reproduce locally.** Include form number and date on reproductions.

**CRP-24**
(08-25-96)

**U.S. DEPARTMENT OF AGRICULTURE**
Commodity Credit Corporation

(Enter County Office name and address)

(Enter current month, day, and year)

**NOTICE OF CONTRACT APPROVAL**

Dear _____:

Your offer to place land in the Conservation reserve Program (CRP) has been approved by the ___(Name of County)___ County Committee.

Enclosed are your signed copies of the CRP contract, useful life easement if applicable, and attachments. The effective date of the CRP contract is _____.

Form AD-245 is provided for those conservation practices that are to be established in accordance with the approved conservation plan as part of your contract. When the practices are completed, you must provide this office a report of performance by signing the AD-245 and include all receipts affiliated with practice establishment so cost-share payment can be made.

Sincerely,

_____
County Executive Director

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, sexual orientation, or disability.

Continued on the next page

**D**
**Using CRP-24**

County Offices shall:

- use CRP-24 to notify producers that their offer to place land in CRP has been approved and the effective date of the contract

- adapt CRP-24 to fit the situation

- reproduce CRP-24 locally

  **Note:** Include the form number and date on the reproduction.

- prepare CRP-24 in duplicate.

  - Mail original to producer.
  - File a copy with CRP-1.

Continued on the next page

**E**
**Example of CRP-25**

This is an example of CRP-25.

**Reproduce locally.** Include form number and date on reproductions.

**CRP-25**
(08-25-96)

**U.S. DEPARTMENT OF AGRICULTURE**
Farm Service Agency

(Enter County Office name and address)

(Enter current month, day, and year)

**NOTICE OF CRP WAIVER OF OWNERSHIP**

Dear _____:

It has been determined that a brief involuntary loss of ownership, because of foreclosure action initiated by a lending institution or voluntary loss instead of foreclosure, does not necessarily make a producer ineligible to participate in the Conservation Reserve Program (CRP). If a producer is purchasing a farm that the producer originally owned, the producer may participate in CRP if all other eligibility requirements are met.

Documentation submitted shows that you were the original owner and that you now have the opportunity to repurchase the farm.

Based on this information, it has been determined that the land is not being purchased for the purpose of placing it into CRP. You must complete purchase of the farm before you will be eligible to submit an offer or enrollment. If an acceptable offer is submitted and you agree, in writing, that the contract shall not be assumed by a successor in interest, you are eligible to participate in CRP.

Sincerely,

_____
County Executive Director

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, sexual orientation, or disability.

Continued on the next page

**F**
**Using CRP-25**

County Offices shall:

- use CRP-25 to notify producers who had a brief involuntary loss of ownership, because of foreclosure, that they may participate because all other eligibility requirements are met

- adapt CRP-25 to fit the situation

- reproduce CRP-25 locally

  **Note:** Include the form number and date on the reproduction.

- prepare CRP-25 in duplicate.

  - Mail original to producer.
  - File a copy with the offer.

Continued on the next page

**G**
**Example of CRP-26**

This is an **example** of CRP-26. County Offices shall adapt CRP-26 to fit the situation according to 1-APP.

**Note:** This is only an example.

USDA

United States Department of Agriculture

Farm and Foreign Agricultural Services

Farm Service Agency

Anywhere State
FSA Office
Any Town, ST
45678-1423

**NOTICE OF UNACCEPTABLE OFFER**

Dear: _____ Date: _____

Thank you for your offer to place land in the Conservation Reserve Program (CRP). Your offer to participate in the _____ (year) CRP was not accepted because:

- ☐ Environmental Benefits Too Low
- ☐ Land Determined Ineligible
- ☐ Payment Rate Offered Exceeded the Maximum Payment Rate
- ☐ County Cropland Limitation Has Been Reached
- ☐ Existing Restrictive Easement
- ☐ 1-Year Ownership/Operatorship Eligibility Not Met
- ☐ Ineligible Cropping History
- ☐ Landowner/Tenant Provision Not Met
- ☐ Other

If you feel that all the facts have not been considered in your case, you may: _____. You need to provide factual information and reasons why you believe this determination is not correct.

Although your offer was not accepted, you may be eligible for automatic acceptance under the continuous sign-up for high priority conservation practices such as filterstrips, riparian buffers, grass waterways, shelter-belts, field wind breaks, living snow fences, contour grass strips, salt tolerant vegetation, or shallow water areas for wildlife. We have enclosed a copy of a FSA continuous signup fact sheet. Please contact our office if you are interested.

It may be possible that your offer may be modified to increase the environmental benefits and the likelihood of acceptance in a future signup.

Sincerely,

County Executive Director

Enclosure

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.*

**CRP-26** (05-02-03)

USDA is an Equal Opportunity Employer

Continued on the next page

**H**
**Using CRP-26**

County Offices shall:

- use CRP-26 to notify producers that their CRP offer was unacceptable

  **Note:** When using CRP-26 to notify producers that their continuous signup offer was not acceptable, County Offices shall modify CRP-26 by removing the language regarding:

  - continuous signup
  - increasing the environment benefits.

- check appropriate box on CRP-26

- modify CRP-26 to provide appropriate appeal rights under 1-APP

  **Note:** Modifications include:

  - number of days to appeal or request mediation

  - appeal rights to COC only; to COC, STC, or NAD; or the right to request mediation.

- reproduce CRP-26 locally

  **Note:** Include the form number and the date on the reproduction.

- prepare CRP-26 in duplicate, and distribute as follows:

  - mail the original to the producer
  - file a copy with the offer

- include CRP continuous signup fact sheet when notifying producers that their offer under a general signup was not acceptable.

Continued on the next page

**H**
**Using CRP-26 (Continued)**

County Offices may adapt CRP-26 to fit the situation.

**Examples:** Following are examples of adapting CRP-26 to different situations.

- Including the producer's EBI score and the national cutoff score.

  **Note:** Offers in counties that have met the 25-percent cropland limitation may have an effective cutoff score that is different than the national average EBI cutoff score.

- Explaining why the acreage or producer was determined ineligible.

- Including the maximum payment rate and the producer's offered amount.

Continued on the next page

**I**
**Example of CRP-35**

This is an example of CRP-35.

USDA

**United States Department of Agriculture**

Farm and Foreign Agricultural Services

Farm Service Agency

Anywhere State
FSA Office
Any Town, ST
45678-1423

**NOTICE OF OFFER RECONSIDERATION**

Dear: _____ Date: _____

A change in the technical determination recently provided to the Farm Service Agency by the Natural Resources Conservation Service or Technical Service Provider (TSP) regarding your Conservation Reserve Program (CRP) offer warrants the reconsideration of your offer for a CRP contract.

Though many offers that are reconsidered will not result in a contract, the change that was provided for your offer may make it acceptable to FSA. After it is re-evaluated by the National FSA Office, you will be notified as soon as possible of the final acceptance or rejection determination of your offer.

We regret any inconvenience that this may have caused you.

Sincerely,

_____
County Executive Director

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.*

**CRP-35** (05-02-03)

USDA is an Equal Opportunity Employer

Continued on the next page

**J**
**Using CRP-35**

County Offices shall:

- use CRP-35 to notify producers that their CRP offer has been changed because of a change in the technical determination by NRCS or TSP

- adapt CRP-35 to fit the situation

- reproduce CRP-35 locally

  **Note:** Include the form number and date on the reproduction.

- prepare CRP-35 in duplicate.

  - Mail original to producer.
  - File a copy with the offer.

Continued on the next page

**K**
**Example of CRP-36**

This is an example of CRP-36.

**Reproduce locally. Include form number and date on reproductions.**

CRP-36
(8-20-98)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

(Enter County Office name and address)

(Enter current month, day and year)

NOTICE REGARDING LATE-FILED OFFER

Dear _____,

The _____ County FSA Office is sorry to inform you that your offer under the Conservation Reserve Program (CRP) will not be considered.

Offers under the CRP must be received by the County FSA Office no later than close of business the last day of signup, which was _____. Your offer was received in the County FSA Office on _____.

If you do not agree with this determination, you should request procedures for reconsideration, appeal, or both, in writing to the County Committee at the above address within 30 days of this letter.

If you have any other questions about the program, please call this office or contact your County FSA Committee member.

Sincerely,

_____
County Executive Director

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice of TDD). USDA is an equal opportunity provider and employer.

Continued on the next page

**L**
**Using CRP-36**

County Offices shall:

- use CRP-36 to notify producers that their CRP offer was **not** received in a timely manner
- adapt CRP-36 to fit the situation, according to 1-APP
- reproduce CRP-36 locally

  **Note:** Include the form number and date on the reproduction.

- prepare CRP-36 in duplicate.
  - Mail original to producer.
  - File a copy with the offer.

## *--Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet for Conservation Reserve Program

**Note:** Exhibit 12.5 will be available in a fillable format at **http://intranet.fsa.usda.gov**. CLICK "FFAS Employee Forms/Publications Site" and CLICK "Find Current Forms Using Our Form Number Search". For "Form Number", ENTER "2-CRP".

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet**
**For Conservation Reserve Program**

A person or legal entity that exceeds the AGI requirements of the 2008 Farm Bill will not be eligible to receive payments for certain farm bill programs except when a waiver is authorized by the Administrator on a case-by-case basis if it is determined that environmentally sensitive land of special significance will be protected.

When a producer requests an AGI waiver, the County Committee should have the producer prepare a written request for an AGI waiver addressed to the Administrator. The County Committee will submit the producer's written request, along with the completed waiver request worksheet package, to the State Committee for review (Note: Federally recognized Tribes are not subject to AGI limitations).

For those requests that meet all the requirements listed in Section 5, the State Committee will forward a complete waiver package through DAFP for the Administrator's approval. State Committee's shall provide written notification to all producers of requirements not met with appeal rights or acknowledgement of waivers approved by the Administrator.

Producer Name: _____
State: _____ Location (County): _____

**Section 1: Program and length of proposed contract(s)/easements/ contract number**

Identify the program and length of producer's proposed contract (List only one program per waiver request):

Program _____ Length of Contract _____ Contract Number _____

The waiver request must show that use of conservation program funding by an individual addresses at least one of the following categories.

☐ (1) Critical to the success of a project that benefits **multiple producers** in a community, watershed, or other geographic area, or

☐ (2) Enables USDA to achieve enduring conservation treatment through a long-term agreement that is greater than 15 years in duration or through a deed restriction on the land. **Note:** Programs with agreements less than 15 years in duration will need to be in a partnership with another type of agreement to meet these criteria.

**Section 2: National Priority or Emphasis**

The conservation practice(s)/activity to be implemented on the producer's land must benefit one or more of the national priorities or emphasis areas specific to the applicable program.

List the farm bill program the producer intends to participate in and identify the national priorities or emphasis (program specific) that will be addressed. (List all that apply):

| Program<br>*(e.g. CRP)* | National Program Priority or Emphasis<br>*(Promotion of at-risk species habitat conservation)* |
|---|---|
| | |
| | |

*Page 1 of 3*

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# *--Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet for Conservation Reserve Program (Continued)

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet**
**For Conservation Reserve Program** *(Continued)*

**Section 3: Federal, Regional, Tribal or State Resource Management Plan or Natural Resource Plans**

The environmentally sensitive land of special significance is clearly identified in an approved federal, regional, Tribal, or state environmental or natural resource plan or report. The planned conservation practice(s) or activity will protect or be an integral component in addressing the federal, regional, tribal, or State plan's objectives: (check all that apply):

- ☐ State Wildlife Action Plan/Report Title: _____
- ☐ State Water Quality Plan, Plan/Report Title: _____
- ☐ National Air Quality Plan, Plan/Report Title: _____
- ☐ U.S. Fish and Wildlife Recovery Plan Title: _____
- ☐ National Fish Habitat Action Plan Title: _____
- ☐ Nationally accepted Agricultural Water Enhancement Program (AWEP, CCPI or CIG) Project Name: _____
- ☐ Other federal, regional, state or Tribal plan, or report, Plan/Report Title: _____

Briefly provide the justification and a description on how the conservation practice(s)/activity on this land will address the identified resource issues in the national, regional, state, or Tribal plan or report?

**Section 4: Critical Resource**

The conservation practice(s) or activity will be applied to the land that directly impacts a critical resource ad identified in a resource plan identified in section 3 and is within or adjacent to the agricultural operation. Must meet one or more of the following critical resources: (check all that apply):

- ☐ Air Quality, nonattainment area _____
- ☐ Coastal Resources (Coastal zones as identified per the Coastal Zone Management Act of 1972 that have a direct and significant impact on coastal waters)
  Name of coastal resource: _____
- ☐ Federal or State listed threatened, endangered, candidate species or concern, or at risk species.
  List species: _____
- ☐ Groundwater recharge area; Name of recharge area _____
- ☐ Historical or cultural resource; List historical or cultural resource: _____
  (Submit a letter from State or Tribal Historical Preservation Officer that supports this conservation practice(s)/activity on the subject land).
- ☐ Prime or Unique Farmland
- ☐ Water Quality
- ☐ Wetlands
- ☐ Other critical resource issues, such as climate change and energy conservation: _____

Briefly describe how the conservation practice(s)/activity will benefit the identified critical resource(s) (identified in the above list) on the subject land:

*Page 2 of 3*

--*

# *--Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet for Conservation Reserve Program (Continued)

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet**
**For Conservation Reserve Program** *(Continued)*

**Section 5: Package Submission Requirements**

Include the following in the submission package: **(all items required):**

☐ Overview of the conservation practice(s)/activity to be implemented on the environmentally sensitive land, describe the current resource baseline condition and the future condition, include objectives and describe how this project(s) on the producer's land is a critical or integral component in achieving federal, regional, tribal or state plan objectives (i.e., size of the land area under review in relation to the amount of critical areas to be addressed or needing treatment).

☐ National, regional, state, or Tribal Plan referenced in Section 3. (Provide copy of pertinent information from the plan and appropriate web link, if a web link to document is available on the internet).

☐ Aerial photograph of the producer's land to be enrolled in the USDA program and surrounding project area. (Identify on the photograph the planned conservation practice(s)/activities).

☐ Letter of support from federal (other than FSA)/Tribal/State Agency or regional commission within expertise regarding the critical resource (e.g. the project will benefit threatened and endangered species, a letter of support from US Fish and Wildlife Service and/or the State Fish and Wildlife Agency).

☐ Producer's written request for the AGI waiver.

**Section 6: Certification**

**STC**

I have completed a review of this AGI waiver request package and find it to be complete. (If not supported, file for further reference).

☐ Support ☐ Do Not Support, Reason: _____

STC: _____ Date: _____

**Administrator Approval**

☐ Approved ☐ Not Approved, Reason: _____

Administrator: _____ Date: _____

Note: Waiver determinations for conservation programs will be based on the year for which the conservation program contract or agreement is approved and the determination will apply for the entire term of the subject agreement or contract.

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer*

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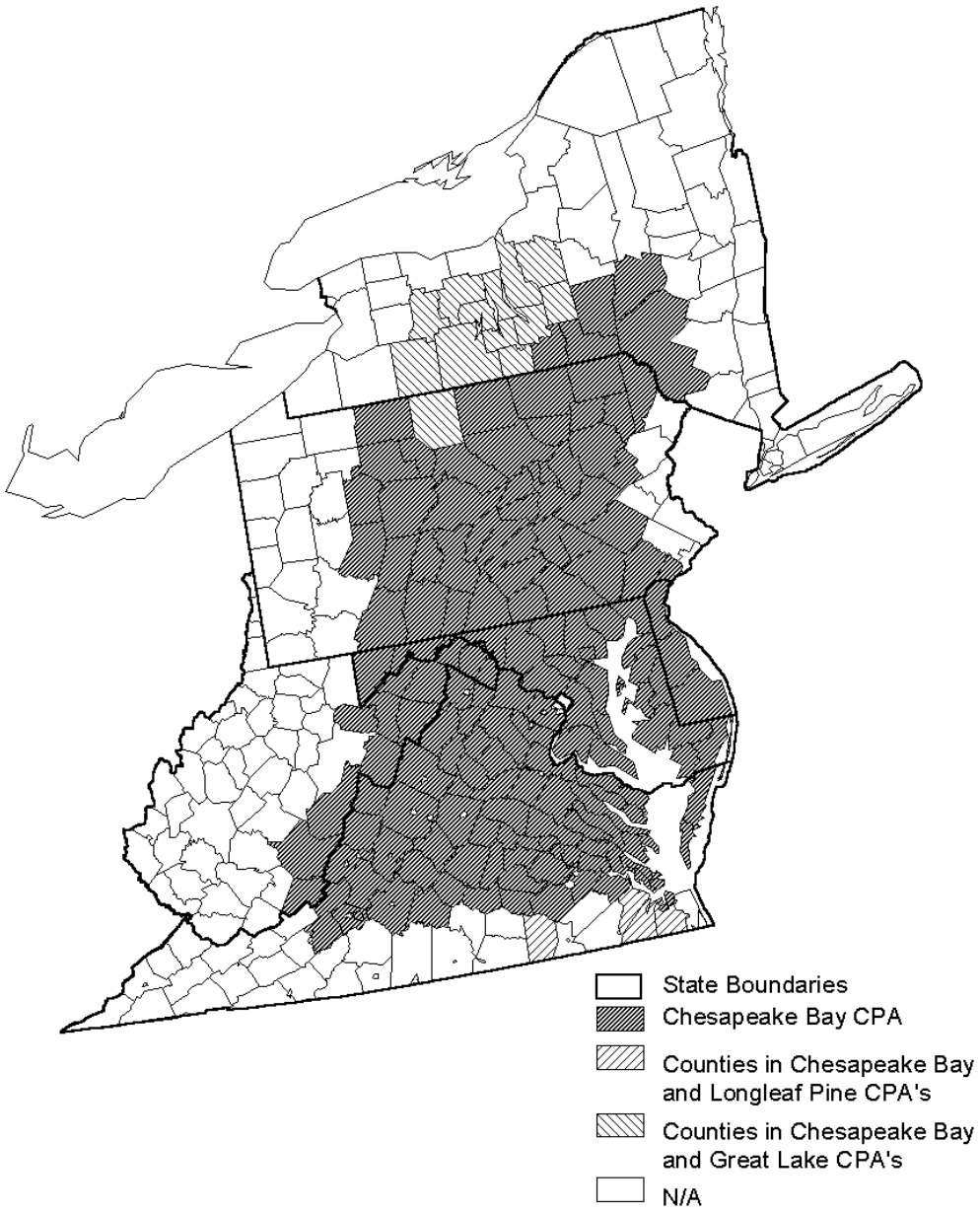
# Chesapeake Bay National CRP CPA

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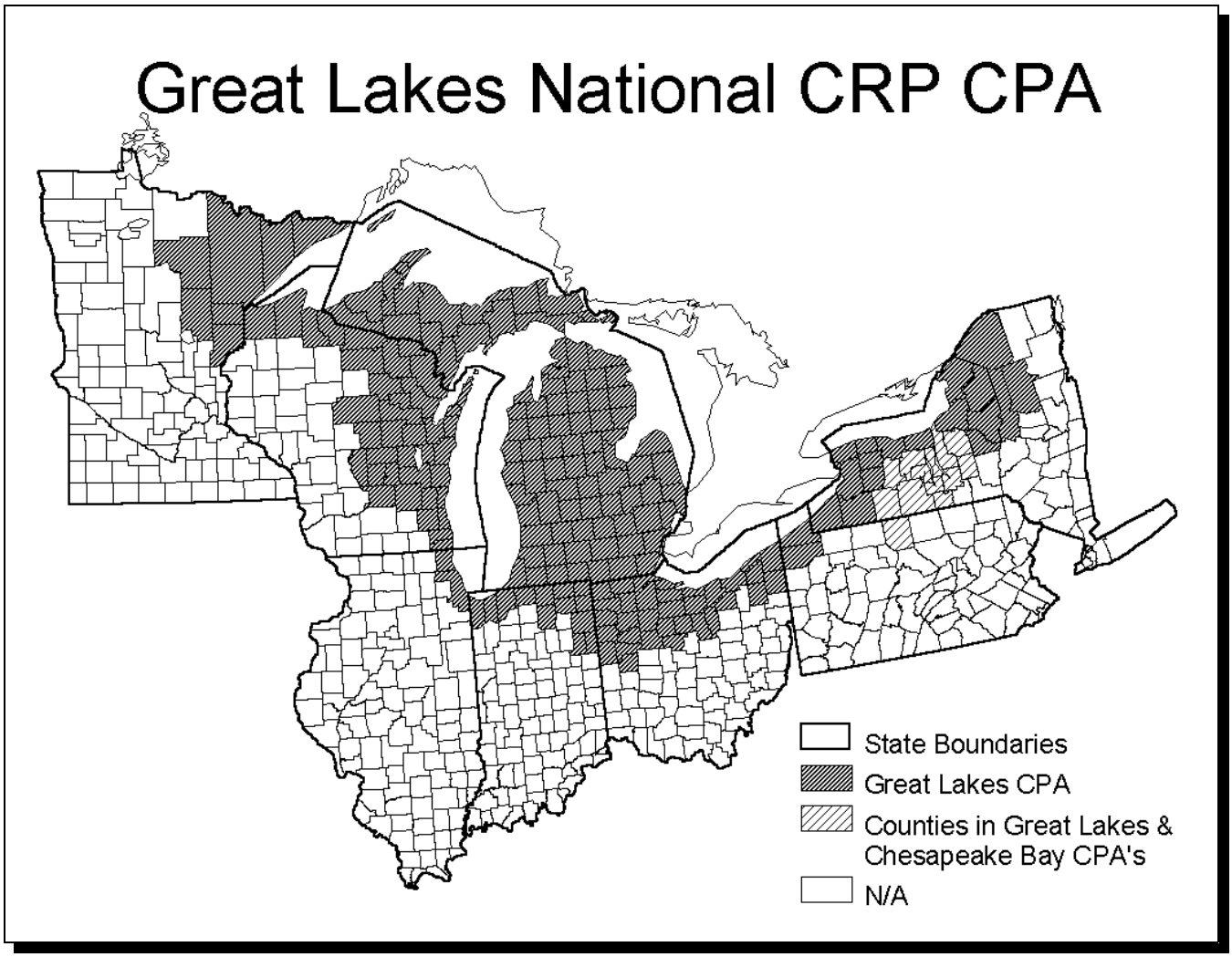


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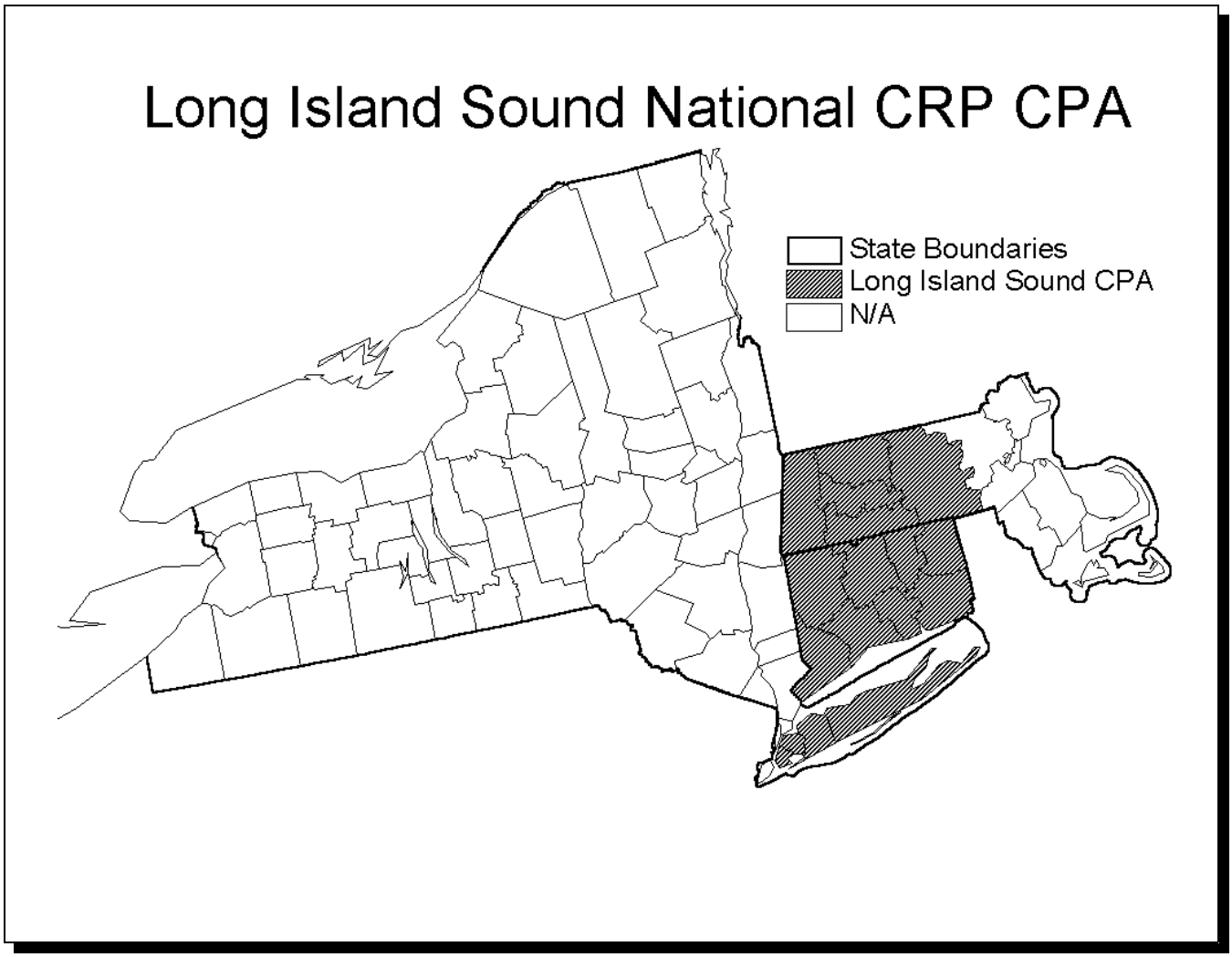


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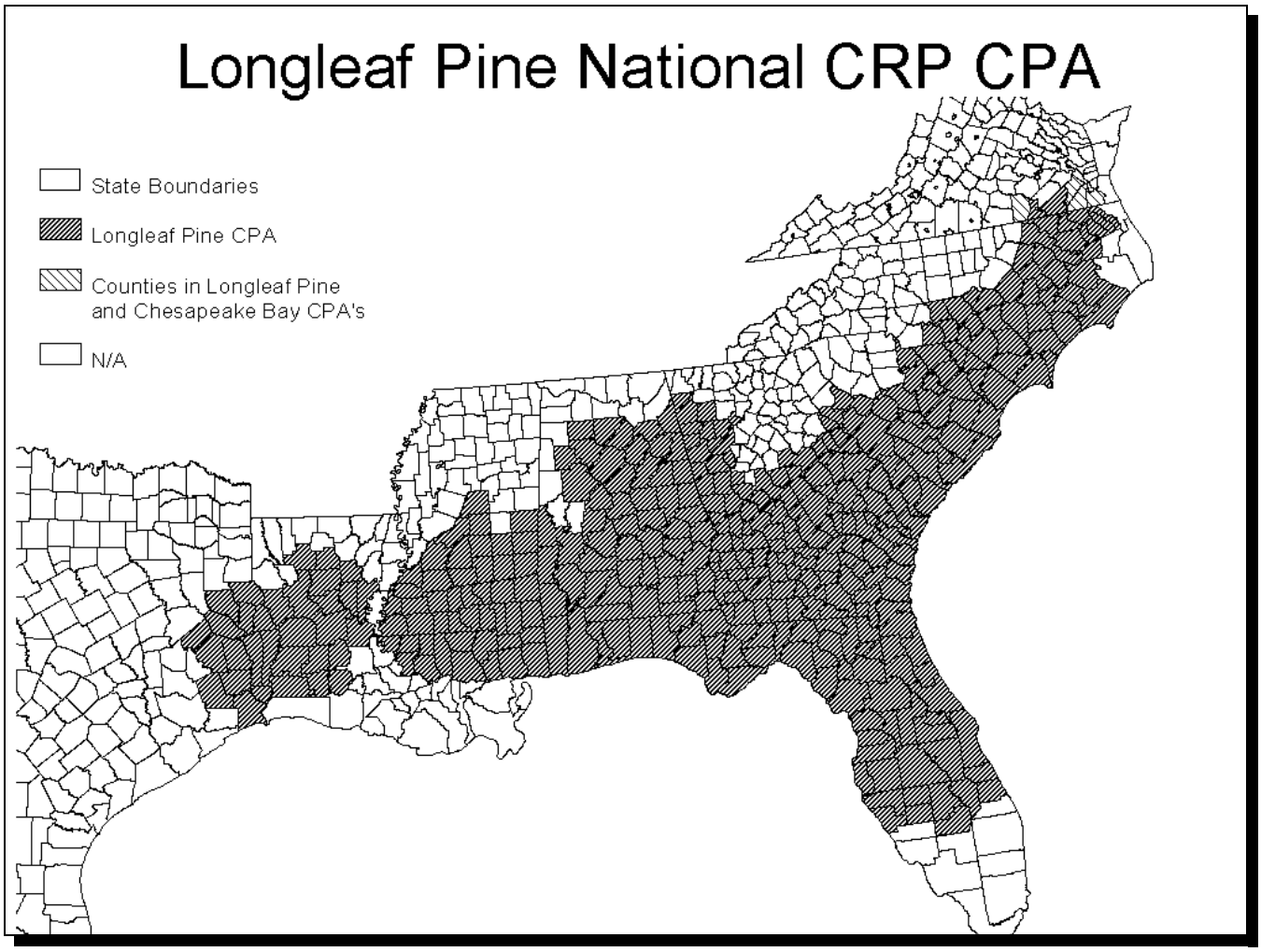


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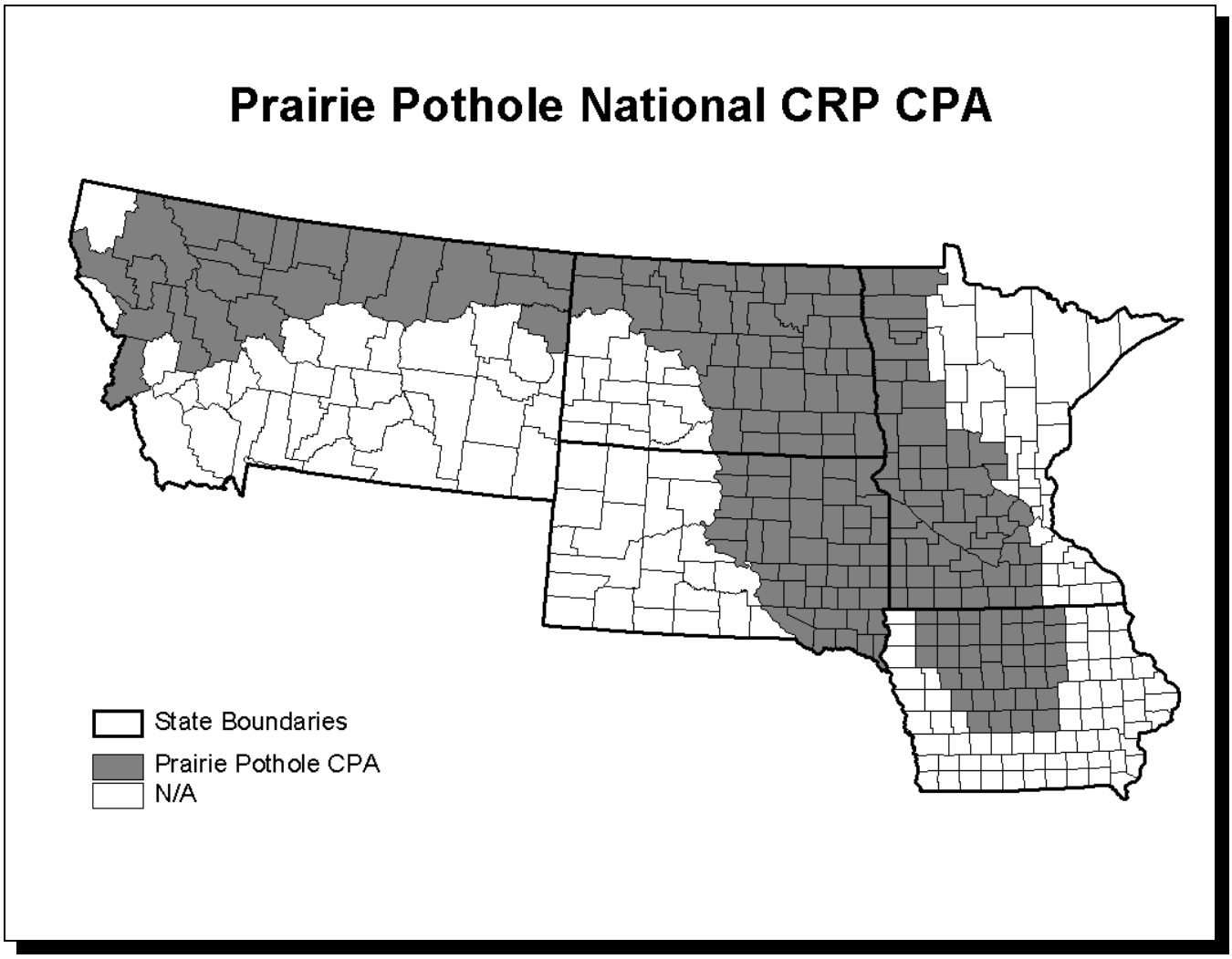
Prairie Pothole National CRP CPA
State Boundaries
Prairie Pothole CPA
N/A

**CRP Signup Periods**

This exhibit lists the number and dates of CRP signup periods by program year.

| Signup Number | Date | Program Year |
|---|---|---|
| 1 | 3-3-86 through 3-14-86 | 1986 |
| 2 | 5-5-86 through 5-16-86 | 1986 and 1987 |
| 3 | 8-4-86 through 8-15-86 | 1986 and 1987 |
| 4 | 2-9-87 through 2-27-87 | 1987 and 1988 |
| 5 | 7-20-87 through 7-31-87 | 1987 and 1988 |
| 6 | 2-1-88 through 2-19-88 | 1988 and 1989 |
| 7 | 7-18-88 through 8-31-88 | 1988 and 1989 |
| 8 | 2-6-89 through 2-24-89 | 1989 and 1990 |
| 9 | 7-17-89 through 8-4-89 | 1989 and 1990 |
| 10 | 3-4-91 through 3-15-91 | 1991 |
| 11 | 7-8-91 through 7-19-91 | 1992 |
| 12 | 6-15-92 through 6-26-92 | 1993 |
| 13 | 9-11-95 through 9-22-95 | 1996 and 1997 |
| 14 * | 9-3-96 through 9-30-97 | 1997 and 1998 |
| 15 | 3-3-97 through 3-28-97 | 1998 and 1999 1/ |
| 16 | 10-14-97 through 11-14-97 | 1998 and 1999 2/ 3/ |
| 17 * | 10-1-97 through 9-30-98 | 1998 and 1999 |
| 18 | 10-26-98 through 12-11-98 | 2000 |
| 19 * | 10-1-98 through 9-30-99 | 1999 and 2000 |
| 20 | 1-18-2000 through 2-11-2000 | 2001 |

***** denotes continuous signup numbers

1/ Acreage currently enrolled in CRP that expires September 30, 1997, is eligible to be offered for enrollment only with a program year of 1998. See paragraph 97.

2/ Acreage currently enrolled in CRP that expires September 30, 1998, is eligible to be offered for enrollment only with a program year of 1999. See paragraph 97.

3/ Acreage previously enrolled in CRP that expired September 30, 1997, is eligible to be offered for enrollment with a program year of 1998 or 1999. See paragraph 254.

**CRP Signup Periods (Continued)**

| Signup Number | Date | Program Year |
|---|---|---|
| 21 * | 10-1-99 through 4-6-2000 | 2000 and 2001 |
| 22 * | 4-6-2000 through 9-30-2000 | 2000 and 2001 |
| 23 * | 10-1-2000 through 9-30-2001 | 2001 and 2002 |
| 24 * | 10-1-2001 through 9-30-2002 | 2002 and 2003 |
| 25 * | 10-1-2002 through 9-30-2003 | 2003 and 2004 |
| 26 | 5-5-2003 through 6-13-2003 | 2004 and 2005 |
| 27 * | 5-5-2003 through 9-30-2003 | 2003 and 2004 |
| 28 * | 10-1-2003 through 9-30-2004 | 2004 and 2005 |
| 29 | 8-30-2004 through 9-24-2004 | 2006 and 2007 |
| 30 * | 10-1-2004 through 9-30-2005 | 2005 and 2006 |
| 31 * | 10-1-2005 through 9-30-2006 | 2006 and 2007 |
| 32 | 2-1-2006 through 12-31-2006 ** | 2008 through 2011 |
| 33 | 3-27-2006 through 4-28-2006 | 2007 |
| *--34 * | 7-17-2006 through 10-20-2006 | 2007 and 2008 |
| 35 * | 10-1-2006 through 9-30-2007 | 2007 and 2008 |
| 36 * --* | 10-1-2007 through 9-30-2008 | 2008 and 2009 |

***** denotes continuous signup numbers
****** denotes REX.

**Note:** See paragraph 112 for continuous signup number, dates, and program year information.

**Completing CRP-1, Conservation Reserve Program Contract**

**A**
**Completing CRP-1**

Complete CRP-1 according to this table.

**Note:** See paragraphs 139 and 140 for more information on CRP-1's for continuous signup.

| Item Number | Instructions |
|---|---|
| 1 | Enter State and county codes and check digit. |
| 2 | Enter signup number. |
| 3 | Enter CRP-1 number after approval by a CCC representative. Number CRP-1's in the sequence in which COC approves them. Use only 1 series (1, 2, 3, etc., up to 8999), regardless of FY in which CRP is approved. |
| 4 | Enter the acreage to be enrolled in CRP.<br><br>**Important:** This amount may have to be corrected after completion of a paid-for measurement service. See paragraph 253. All changes must be initialed and dated by both the employee making the change and the producer. |
| 5 | Enter farm number. Use the same number on all forms. |
| 6 | Enter tract number. |
| 7 | Enter County Office address and telephone number. |
| 8 | Check the applicable box. Only 1 offer type may be selected per CRP-1.<br><br>**Note:** All eligible practices for continuous signup are EP. |
| 9 | Enter the CRP-1 period.<br><br>**Note:** All CRP-1's expire on September 30 of the applicable year. |

Continued on the next page

**A**
**Completing**
**CRP-1**
**(Continued)**

| Item Number | Instructions |
|---|---|
| 10 A | Producer shall enter the rental rate per acre offered.<br><br>**Important:** CRP-1, item 10 A must be the same amount entered on CRP-2, item 9.<br><br>**Note:** Producers may offer less than the maximum payment rate. |
| 10 B | Enter the annual contract payment.<br><br>Calculate the annual contract payment by multiplying the acres for enrollment (item 4) times the rental rate per acre offered (item 10 A).<br><br>**Important:** This amount may have to be corrected after completion of a paid-for measurement service. See paragraph 253.<br><br>All changes on CRP-1 must be initialed and dated by both the employee making the change and the producer. |
| 10 C | For continuous signup offers, enter the first year payment amount, if the first annual rental payment will be prorated. See paragraph 126.<br><br>For general signup offers, leave blank. |
| 11 | Enter the:<br><br>• tract number<br>• field number<br>• practice or practices the producer wants to install<br>• applicable acreage amount<br>• total estimated C/S per practice.<br><br>**Note:** Only 1 practice length is permitted per CRP-1. See paragraphs 137 and 195. |
| 12 | The owners and operators are responsible for completing item 12 and providing the division of shares. Owners and operators are required to enter only the last 4 digits of their Social Security number. |
| 13 | CCC representative shall sign and date when all eligibility requirements have been met. See paragraph 253. |

Continued on the next page

## B Example of CRP-1

The following is an example of a completed CRP-1.
*--

This form is available electronically.

**CRP-1**
(03-26-04)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

**CONSERVATION RESERVE PROGRAM CONTRACT**

*NOTE: The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

| | |
|---|---|
| 1. ST. & CO. CODE & ADMIN. LOCATION | 24-003-7 |
| 2. SIGN-UP NUMBER | 29 |
| 3. CONTRACT NUMBER | |
| 4. ACRES FOR ENROLLMENT | 50.0 |
| 5. FARM NUMBER | 305 |
| 6. TRACT NUMBER(S) | 10 |
| 7. COUNTY OFFICE ADDRESS (*Include Zip Code*): | Madison County FSA Office<br>127 Willow Road<br>Madisonville, VA 20020 |
| TELEPHONE NUMBER (*Include Area Code*): | (212) 555-1234 |
| 8. OFFER (*Select one*) | GENERAL: X<br>ENVIRONMENTAL PRIORITY: |
| 9. CONTRACT PERIOD FROM: (*MM-DD-YYYY*) | 10-01-200X |
| TO: (*MM-DD-YYYY*) | 09-30-200X |

*THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "the Participant".) The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") or other use set by CCC for the stipulated contract period from the date the Contract is executed by the CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract, including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection.* ***The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2 or CRP-2C, if applicable; and, if applicable, CRP-15.***

| | | |
|---|---|---|
| 10A. Rental Rate Per Acre | $ | 45.00 |
| B. Annual Contract Payment | $ | 2,250.00 |
| C. First Year Payment | $ | |
| *(Item 10C applicable only to continuous signup when the first year payment is prorated.)* | | |

11. Identification of CRP Land *(See Page 2 for additional space)*

| A. Tract No. | B. Field No. | C. Practice No. | D. Acres | E. Total Estimated Cost-Share |
|---|---|---|---|---|
| 10 | 1 | CP2 | 50 | $1,000 |
| | | | | |
| | | | | |

**12. PARTICIPANTS**

| | | |
|---|---|---|
| A(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): Mike J. Jones, Bowie, MD 20653 | (2) SHARE 50 % | (3) SOCIAL SECURITY NUMBER: XXX-XX-XXXX<br>(4) SIGNATURE: /s/ Mike J. Jones<br>DATE (*MM-DD-YYYY*):<br>(If more than three individuals are signing, continue on attachment.) |
| B(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): James Jones, New Carrolton, MD 20784 | (2) SHARE 50 % | (3) SOCIAL SECURITY NUMBER: XXX-XX-XXXX<br>(4) SIGNATURE: /s/ James Jones<br>DATE (*MM-DD-YYYY*): 09-14-2004<br>(If more than three individuals are signing, continue on attachment.) |
| C(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*):<br>(If more than three individuals are signing, continue on attachment.) | (2) SHARE % | (3) SOCIAL SECURITY NUMBER:<br>(4) SIGNATURE:<br>DATE (*MM-DD-YYYY*):<br>(If more than three individuals are signing, continue on attachment.) |

| | | |
|---|---|---|
| 13. **CCC USE ONLY -** *Payments according to the shares are approved.* | A. SIGNATURE OF CCC REPRESENTATIVE: /s/ COC Person | B. DATE (*MM-DD-YYYY*): 11-15-2004 |

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended and the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D. C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.*

☐ Original - County Office Copy ☐ Owner's Copy ☐ Operator's Copy

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## B Example of CRP-1 (Continued)

*--

**CRP-1** (03-26-04) Page 2

**Continuation of Item 11 - Identification of CRP Land**

| A. TRACT NO. | B. FIELD NO. | C. PRACTICE NO. | D. ACRES | E. TOTAL ESTIMATED C/S | CONTRACT PERIOD *(MM-DD-YYYY)* | |
|---|---|---|---|---|---|---|
| | | | | | F. FROM | G. TO |
| | | | | | | |
| | | | | | | |
| | | | | | |

**C**
**Distributing CRP-1**

Distribute CRP-1, after it has been completed and all signatures have been obtained, as follows:

- keep original in files
- provide first copy to owner
- provide second copy to participant other than owner, if any
- provide third copy to NRCS.

## *--Examples of Status of EFCRP Offer Notices (CRP-100, CRP-101, CRP-102, CRP-103, CRP-104)

### A CRP-100, Notice Regarding Acceptable EFCRP Offer

Following is an example of CRP-100.

USDA

**United States Department of Agriculture**

Farm and Foreign Agricultural Services

Farm Service Agency

County Office Name

FSA Office

Any Town, ST XXXXX-XXXX

**NOTICE REGARDING ACCEPTABLE EFCRP OFFER**

Date *(MM-DD-YYYY)* <Date>

<Insert Inside Address>

Dear <Applicant's Name> :

This notice is to inform you that your offer on tract number <Insert Tract Number> under the Emergency Forestry Conservation Reserve Program (EFCRP) has been determined acceptable. However, this does not mean that your land has been accepted into the EFCRP.

You have 15 calendar days from the date of this letter to notify this office of whether you want to further pursue enrollment in the EFCRP. If we do not hear from you within 15 calendar days, we may reject your offer.

If you elect to continue, a forester will contact you to set up a time to visit the area offered and start the process of developing a conservation plan to reforest land damaged by a hurricane. The conservation plan will describe the manner in which the area will be re-established and will provide information on site preparation, replanting, and actions required to maintain the stand.

During plan development, the forester will work with you as an adviser regarding replanting options and other input for the acreage. The plan will be also reviewed by the USDA's Natural Resources and Conservation Service and your local conservation district. Once the plan is completed, it will become a part of the contract, if a contract is approved. This contract must be signed by all parties including the <Insert County Name> County Committee before it will become effective.

Please contact the county FSA office for more information.

Sincerely,

<Insert CED's Name>
County Executive Director

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

**CRP-100** (07-06-06)

USDA is an Equal Opportunity Employer

--*

***--Examples of Status of EFCRP Offer Notices (CRP-100, CRP-101, CRP-102, CRP-103, CRP-104) (Continued)**

## A CRP-101, Notice of EFCRP Offer Denial

Following is an example of CRP-101.

USDA

**United States Department of Agriculture**

Farm and Foreign Agricultural Services

Farm Service Agency
County Office Name
FSA Office
Any Town, ST XXXXX-XXXX

**NOTICE OF EFCRP OFFER DENIAL**

Date *(MM-DD-YYYY)* <Date>

<Insert Inside Address>

Dear <Insert Producer's Name> :

Thank you for your offer to place land in the Emergency Forestry Conservation Reserve Program (EFCRP).

Your offer to participate in the EFCRP was not accepted because the <land does not meet the statutory 35 percent loss requirement> or <land was not a merchantable stand of private non-industrial forest land prior a calendar year 2005 hurricane as required by law>.

If you feel that all the facts have not been considered, you may meet with the <Insert County Name> County Committee by contacting this office. You need to provide factual information and reasons why you believe this determination is not correct.

You may appeal this determination to the County Committee by filing a written request no later than 30 calendar days after you receive this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you appeal to the County Committee, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you appeal this determination to the County Committee, you may later appeal an adverse determination of the County Committee to the FSA State Committee or NAD. To appeal, write to the County Committee at the following address and explain why you believe this determination is erroneous. <Insert COC Address>.

Sincerely,

<Insert CED's Name>
County Executive Director

Enclosures

<Additional Statements>

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

**CRP-101** (07-06-06)

USDA is an Equal Opportunity Employer

**--***

***--Examples of Status of EFCRP Offer Notices (CRP-100, CRP-101, CRP-102, CRP-103, CRP-104) (Continued)**

## A CRP-102, Notice of EFCRP Offer Status

Following is an example of CRP-102.

USDA

**United States Department of Agriculture**

Farm and Foreign Agricultural Services

Farm Service Agency

County Office Name

FSA Office
Any Town, ST
XXXXX-XXXX

**NOTICE OF EFCRP OFFER STATUS**

Date *(MM-DD-YYYY)* <Date>

<Insert Inside Address>

Dear <Applicant's Name> :

Thank you for your offer to place land in the Emergency Forestry Conservation Reserve Program (EFCRP).

Your offer to participate in the EFCRP was not accepted because other offers were more desirable to USDA. Your offer was ranked with all other EFCRP offers using a benefits index and was below the cut off level for acceptance into the program. EFCRP offers are considered periodically. During future reviews, your offer will be evaluated again with all other offers for future acceptability.

You may be given the chance to modify your offer to increase the environmental benefits and the likelihood of acceptance in a future signup by adopting more desirable tree species or by providing for wildlife enhancement. Please contact this office if you would like to discuss this further.

Sincerely,

<Insert CED Name>
County Executive Director

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

**CRP-102** (07-06-06)

USDA is an Equal Opportunity Employer

**--***

***--Examples of Status of EFCRP Offer Notices (CRP-100, CRP-101, CRP-102, CRP-103, CRP-104) (Continued)**

## A CRP-103, Notice of EFCRP Offer Approval

CRP-103 is sent to producers who choose to receive a lump-sum payment. Following is an example of CRP-103.

USDA

**United States Department of Agriculture**

Farm and Foreign Agricultural Services

Farm Service Agency

County Office Name

FSA Office

Any Town, ST XXXXX-XXXX

**NOTICE OF EFCRP OFFER APPROVAL**

Date *(MM-DD-YYYY)* <Date>

<Insert Inside Address>

Dear <Applicant's Name> :

Your offer to place land in the Emergency Forestry Conservation Reserve Program (EFCRP) has been approved by the <Insert County Name> County Committee.

Enclosed are signed copies of the EFCRP contract including the conservation plan and contract appendix. The effective date of the EFCRP contract is <Insert Effective Date of Contract>.

Prior to starting any work on the contract, please contact this office. When the work is complete, you must provide this office with a report of performance and include all receipts affiliated with practice establishment so that cost-share payments can be made.

Because you chose a lump sum rental payment, you will receive a one-time payment as payment in full for any and all rental payments due you. We intend to issue this lump sum payment to you within 30 calendar days from the effective date of the EFCRP contract. Please contact this office if you have any questions.

Sincerely,

<Insert CED Name>
County Executive Director

Enclosures

<Additional Statements>

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**CRP-103** (07-06-06)

USDA is an Equal Opportunity Employer

--*

***--Examples of Status of EFCRP Offer Notices (CRP-100, CRP-101, CRP-102, CRP-103, CRP-104) (Continued)**

## A CRP-104, Notice of EFCRP Offer Approval

CRP-104 is sent to producers who choose to receive annual rental payments. Following is an example of CRP-104.

USDA

**United States Department of Agriculture**

Farm and Foreign Agricultural Services

Farm Service Agency

County Office Name
FSA Office

Any Town, ST
XXXXX-XXXX

**NOTICE OF EFCRP OFFER APPROVAL**

Date *(MM-DD-YYYY)* <Date>

<Insert Inside Address>

Dear <Producer's Name> :

Your offer to place land in the Emergency Forestry Conservation Reserve Program (EFCRP) has been approved by the <Insert County Name> County Committee.

Enclosed are signed copies of the EFCRP contract including the conservation plan and contract appendix. The effective date of the EFCRP contract is <Insert Effective Date of Contract>.

Prior to starting any work on the contract, please contact this office. When the work is complete you must provide this office with a report of performance and include all receipts affiliated with practice establishment so that cost-share payments can be made.

Because you chose to receive annual rental payments, you are eligible to receive the first annual rental payment 12 months after the effective date of the EFCRP contract and annually thereafter for the remainder of the 10 year contract period.

Sincerely,

<Insert CED's Name>
County Executive Director

Enclosures

<Additional Statements>

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

**CRP-104** (07-06-06)

USDA is an Equal Opportunity Employer

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...

***--Eligible States and Counties and Applicable EFCRP Annual Rental Rates**

| Alabama | |
|---|---|
| **County** | **CRP Annual Payment Rate** |
| Autauga | 41 |
| Baldwin | 50 |
| Bibb | 35 |
| Butler | 46 |
| Chambers | 34 |
| Choctaw | 35 |
| Clarke | 41 |
| Clay | 33 |
| Cleburne | 38 |
| Coffee | 58 |
| Colbert | 59 |
| Conecuh | 38 |
| Covington | 52 |
| Crenshaw | 55 |
| Cullman | 41 |
| Dallas | 37 |
| Escambia | 55 |
| Geneva | 60 |
| Greene | 35 |
| Hale | 34 |
| Henry | 47 |
| Houston | 59 |
| Jefferson | 43 |
| Lamar | 38 |
| Lauderdale | 58 |
| Lowndes | 32 |
| Macon | 38 |
| Marengo | 34 |
| Marion | 31 |
| Mobile | 42 |
| Monroe | 45 |
| Perry | 35 |
| Pickens | 40 |
| Pike | 52 |
| Randolph | 33 |
| Sumter | 35 |
| Tuscaloosa | 37 |
| Washington | 33 |
| Wilcox | 32 |
| Winston | 43 |

| Florida | |
|---|---|
| **County** | **CRP Annual Payment Rate** |
| Bay | 38 |
| Brevard | 68 |
| Broward | 132 |
| Calhoun | 42 |
| Charlotte | 82 |
| Collier | 109 |
| Dixie | 31 |
| Escambia | 48 |
| Franklin | 38 |
| Gadsden | 41 |
| Glades | 93 |
| Gulf | 36 |
| Hardee | 77 |
| Hendry | 89 |
| Highlands | 89 |
| Holmes | 34 |
| Indian River | 89 |
| Jackson | 41 |
| Jefferson | 39 |
| Lee | 66 |
| Leon | 36 |
| Levy | 42 |
| Liberty | 40 |
| Martin | 89 |
| Miami-Dade | 153 |
| Monroe | 153 |
| Okaloosa | 36 |
| Okeechobee | 49 |
| Palm Beach | 99 |
| St. Lucie | 112 |
| Santa Rosa | 39 |
| Sarasota | 128 |
| Taylor | 34 |
| Wakulla | 38 |
| Walton | 31 |
| Washington | 44 |

| Louisiana | |
|---|---|
| **County** | **CRP Annual Payment Rate** |
| Acadia | 38 |
| Allen | 26 |
| Ascension | 36 |
| Assumption | 36 |
| Beauregard | 32 |
| Calcasieu | 32 |
| Cameron | 32 |
| De Soto | 39 |
| East Baton Rouge | 33 |
| East Feliciana | 25 |
| Evangeline | 31 |
| Iberia | 34 |
| Iberville | 36 |
| Jefferson | 36 |
| Jefferson Davis | 27 |
| Lafayette | 30 |
| Lafourche | 37 |
| Livingston | 43 |
| Natchitoches | 43 |
| Orleans | 36 |
| Plaquemines | 36 |
| Pointe Coupee | 61 |
| Rapides | 30 |
| Sabine | 30 |
| St. Bernard | 36 |
| St. Charles | 36 |
| St. Helena | 20 |
| St. James | 36 |
| St. John the Baptist | 36 |
| St. Landry | 35 |
| St. Martin | 34 |
| St. Mary | 34 |
| St. Tammany | 26 |
| Tangipahoa | 26 |
| Terrebonne | 36 |
| Vermilion | 30 |
| Vernon | 30 |
| Washington | 26 |
| West Baton Rouge | 36 |
| West Feliciana | 29 |

**--***

***--Eligible States and Counties and Applicable EFCRP Annual Rental Rates (Continued)**

| Mississippi | | | |
|---|---|---|---|
| **County** | **CRP Annual Payment Rate** | **County** | **CRP Annual Payment Rate** |
| Adams | 33 | Lincoln | 22 |
| Amite | 23 | Lowndes | 39 |
| Attala | 43 | Madison | 47 |
| Bolivar | 52 | Marion | 31 |
| Calhoun | 48 | Monroe | 40 |
| Carroll | 41 | Montgomery | 44 |
| Chickasaw | 37 | Neshoba | 36 |
| Choctaw | 39 | Newton | 34 |
| Claiborne | 37 | Noxubee | 39 |
| Clarke | 24 | Oktibbeha | 44 |
| Clay | 40 | Panola | 53 |
| Copiah | 32 | Pearl River | 21 |
| Covington | 21 | Perry | 29 |
| Forrest | 32 | Pike | 23 |
| Franklin | 23 | Pontotoc | 45 |
| George | 29 | Prentiss | 36 |
| Greene | 27 | Rankin | 38 |
| Grenada | 44 | Scott | 38 |
| Hancock | 24 | Sharkey | 49 |
| Harrison | 24 | Simpson | 29 |
| Hinds | 42 | Smith | 33 |
| Holmes | 47 | Stone | 21 |
| Humphreys | 43 | Sunflower | 46 |
| Issaquena | 51 | Tallahatchie | 52 |
| Itawamba | 43 | Tate | 56 |
| Jackson | 24 | Tippah | 40 |
| Jasper | 27 | Tishomingo | 35 |
| Jefferson | 25 | Tunica | 55 |
| Jefferson Davis | 21 | Walthall | 22 |
| Jones | 35 | Warren | 50 |
| Kemper | 27 | Wayne | 26 |
| Lafayette | 43 | Webster | 46 |
| Lamar | 26 | Wilkinson | 30 |
| Lauderdale | 30 | Winston | 36 |
| Lawrence | 25 | Yalobusha | 44 |
| Leake | 34 | Yazoo | 51 |
| Leflore | 44 | | |

**--***

***--Eligible States and Counties and Applicable EFCRP Annual Rental Rates (Continued)**

| North Carolina | |
|---|---|
| **County** | **CRP Annual Payment Rate** |
| Brunswick | 58 |
| Carteret | 80 |
| Craven | 94 |
| Dare | 84 |
| Hyde | 91 |
| Jones | 99 |
| New Hanover | 55 |
| Onslow | 48 |
| Pamlico | 56 |
| Pender | 55 |

| Texas | |
|---|---|
| **County** | **CRP Annual Payment Rate** |
| Angelina | 32 |
| Brazoria | 31 |
| Chambers | 31 |
| Cherokee | 34 |
| Fort Bend | 30 |
| Galveston | 31 |
| Gregg | 28 |
| Hardin | 28 |
| Harris | 31 |
| Harrison | 33 |
| Houston | 31 |
| Jasper | 21 |
| Jefferson | 31 |
| Liberty | 28 |
| Marion | 28 |
| Montgomery | 31 |
| Nacogdoches | 28 |
| Newton | 28 |
| Orange | 31 |
| Panola | 35 |
| Polk | 28 |
| Rusk | 38 |
| Sabine | 30 |
| San Augustine | 28 |
| San Jacinto | 28 |
| Shelby | 56 |
| Trinity | 28 |
| Tyler | 28 |
| Walker | 28 |

**--***

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**EFCRP BI and National Calculation Factors**

## 1 EFCRP BI

### A Overview

BI will be used to rank and prioritize offers for enrollment into EFCRP.

### B BI Process and Factor Scoring

Producers must be provided a fact sheet describing BI. FSA will review BI with the producer to ensure that the producer is familiar with the scoring process. The producer shall sign CRP-2F to certify their awareness if the scoring process is used for EFCRP.

### C Overview of National BI

The National BI includes the following 4 factors.

- N1, Erosion (50 or 100 points)
- N2, Water Quality (50 or 100 points)
- ***--**N3, Wildlife (5 to 100 points; comprised of cover type and wildlife enhancement)**--***
- N4, Mitigation of Economic Loss (20 to 100 points; comprised of percent loss and value loss per acre).

The National BI is calculated according to the following.

N1 + N2 + N3 + N4 = National BI score

***--EFCRP BI and National Calculation Factors (Continued)**

## 1 EFCRP BI (Continued)

### C Overview of National BI (Continued)

The following illustrates the National ranking factors.

| Factor | Point Range | Scoring Parameters |
|---|---|---|
| N1 | 50 or 100 points | Erosion factor:<br><br>• Gully erosion present = 100 points<br>• No gully erosion present = 50 points |
| N2 | 50 or 100 points | Water quality factor:<br><br>• Permanent stream, river, lake, and/or wetland on the acreage = 100 points<br><br>• No permanent water and/or wetland on site = 50 points |
| N3 | 10 to 100 points | Wildlife factor that takes into account the type of cover and density of cover along with enhancements:<br><br>• Cover type = 10 to 80 point<br>• Wildlife beneficial species = 10 points<br>• Wildlife enhancements = 10 points. |
| N4 | 20 to 100 points | • Comprised of percent loss (10 to 50 points)<br>• Value loss per acre (10 to 50 points) |

**--***

***--EFCRP BI and National Calculation Factors (Continued)**

## 2 EFCRP BI Calculation Factors

### A National Ranking Factor N1 – Erosion

Formula/Point Value: **Erosion** = 50 or 100 points

| Gully Erosion Potential | Point Value |
|---|---|
| **Slight**. The site is on average less than 6 percent slope. There is little potential for gully erosion. The site (soils, slope, existing conditions) has low potential gully erosion. Gully erosion is **not** present on the acreage offered. | 50 |
| **High**. The site on average has greater than or equal to 6 percent slope. There is high potential for gully erosion. Active gully erosion is present on the acreage offered. | 100 |

### B National Ranking Factor N2 – Water Quality

Formula/Point Value: **Water Quality** = 50 or 100 points

| Permanent Water Bodies on the Site | Point Value |
|---|---|
| **Low**. There are **no** permanent (i.e. streams, rivers, ponds, lakes) and/or wetlands on the acreage offered. | 50 |
| **High**. There are permanent (i.e. streams, rivers, ponds, lakes) and/or wetlands present on the acreage offered. There is no buffer from the site to the water body. | 100 |

**Water Quality Improvement**

For purposes of ranking, water quality improvement is determined by permanent water on the offered acreage. A permanent water body is any of the following:

- lake
- pond
- stream
- river.

Wetlands with water areas capable of reducing damages by sedimentation and associated pollutants must be a combination of the following:

- permanently flooded - water covers the land surface throughout the year in all years

- intermittently exposed - surface water is present throughout the year, except in years of extreme drought

- semi-permanently flooded - surface water is present throughout the growing season in most years

- seasonally flooded - surface water is present for extended periods of not less than 21 calendar days especially in the growing season, but is absent by the end of the growing season in most years.

  **Note:** When surface water is absent, the water table is at or very near the land surface. **--***

**EFCRP BI and National Calculation Factors (Continued)**

## 2 EFCRP BI Calculation Factors (Continued)

### C National Ranking Factor N3 – Wildlife Habitat Benefits

Formula/Point Value is: **Wildlife Habitat Benefits** = Subfactor A (10 to 80 points) +
Subfactor B – Wildlife Beneficial Species (10 points)

The N3 factor is determined based on the weighted average value for the land offered for enrollment. The score would be the sum of all the values (based on the score for the site, multiplied by the acres) divided by the sum of all acres.

Subfactor A – Cover and Practices Beneficial to Wildlife (10 to 80 points)

| Planting Details | Points |
|---|---|
| New planting or establishment of pine or other softwood species less than 500 trees/acres. | 80 |
| New planting or establishment of hardwood species; low to medium density (less than 500 trees/acres). | |
| Existing stand of trees with basal area of 30 – 60 square feet per acre. | 60 |
| Existing stand of trees with residual basal area of 60 – 80 square feet per acre. | 50 |
| New planting or establishment of softwood species at greater than 500 trees per acre. | 20 |
| New planting or establishment of hardwood species at greater than 500 trees per acre. | |
| Existing stand of trees with residual basal area greater than 80 square feet per acre. | 10 |

**Note:** The 10 point additive wildlife enhancement will still apply.

***--**Subfactor B - Wildlife Beneficial Species - (5 points)

Additional points (5) will be assigned for both Longleaf and Bottomland Hardwood species. These tree species have been found to promote habitat and nesting for wildlife.

Subfactor C – Wildlife Enhancement – (15 points)**--***

Points are assigned if the producer implements wildlife enhancement measures on the tree stand. These enhancements include planting wildlife appropriate cover on skidder trails, loading decks, other areas used during debris removal or salvage operations, and other appropriate land.

***--EFCRP BI and National Calculation Factors (Continued)**

**2 EFCRP BI Calculation Factors (Continued)**

**D National Ranking Factor N4 – Mitigation of Economic Loss**

Formula/Point Value is: **Mitigation of Economic Loss** = Subfactor A (10 to 50 points) + Subfactor B (10 to 50 points)

Subfactor A – Stand Loss (10 to 50 points)

| Stand Loss | Point Value |
|---|---|
| Greater than or equal to 35 percent and less than 60 percent. | 10 |
| Greater than or equal to 60 percent and less than 75 percent. | 20 |
| Greater than or equal to 75 percent and less than 90 percent. | 30 |
| Greater than or equal to 90 percent. | 50 |

Subfactor B – Value Loss per Acre (10 to 50 points)

| Value Loss | Point Value |
|---|---|
| Less than $100 per acre. | 10 |
| Greater than or equal to $100 per acre and less than $500 per acre. | 20 |
| Greater than or equal to $500 per acre and less than $1,500 per acre | 30 |
| Greater than or equal to $1,500 per acre. | 50 |

**--***

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**EBI and National Ranking Factors**

## 1 EBI

### A Background

EBI has been used by USDA to prioritize and rank CRP offers since signup 10.

### B EBI Process and Factor Scoring

The National EBI process will be used to rank and prioritize offers for enrollment into CRP for general signup offers.

Producers must be provided a fact sheet describing EBI. FSA shall review the fact sheet with producers to ensure that producers are aware of the scoring process used for EBI. Producers shall sign CRP-2 to certify that they were informed of EBI and opportunities to enhance their score.

FSA will review EBI scoring parameters with the producers and encourage the planting of cover types and conservation measures, if appropriate, that will provide higher environmental benefits. FSA employees must notify producers that submitting offers with annual rental payments less than the maximum payment rate will result in higher EBI scores.

### C Overview of the National EBI

The National EBI includes 5 environmental ranking factors and a cost factor.

- N1, Wildlife Habitat Cover Benefits
- N2, Water Quality Benefits From Reduced Erosion, Runoff and Leaching
- N3, On-Farm Benefits of Reduced Erosion
- N4, Enduring Benefits
- N5, Air Quality Benefits
- N6, Cost.

EBI provides a relative ranking of estimated environmental benefits and cost for land offered for CRP.
N1 + N2 + N3 + N4 + N5 + N6 = National EBI Score.

**EBI and National Ranking Factors (Continued)**

## 1 EBI (Continued)

### C Overview of the National EBI (Continued)

The following table illustrates the National ranking factors.

| Factor | Maximum Points | Equation/Scoring Parameters |
|---|---|---|
| N1 | 100 | Wildlife Habitat Cover Benefits (0 to 100 points)<br>N1 = (N1a +N1b +N1c)<br><br>N1a is the cover subfactor (10 to 50 points)<br>N1b is Wildlife enhancements (0 to 20 points)<br>N1c is Wildlife priority zones (0 or 30 points) |
| N2 | 100 | Water Quality Benefits From Reduced Erosion, Runoff, and<br>***--**Leaching (0 to 100 points)N2=(N2a +N2b +N2c)where:**--***<br>N2a is the water quality zones subfactor (0 or 30 points)<br>N2b is the groundwater quality subfactor (0 to 25 points)<br>N2c is the surface water quality subfactor (0 to 45 points) |
| N3 | 100 | On-Farm Benefits of Reduced Erosion (0 to 100 points) |
| N4 | 50 | Enduring benefits point range (0 to 50 points) |
| N5 | 45 | N5 = N5a + N5b + N5c + N5d<br>where: N5a is the wind erosion impacts subfactor (0 to 25 points)<br>N5b is the wind erosion soils list subfactor (0 or 5 points)<br>N5c is the air quality zone (0 or 5 points)<br>N5d is carbon sequestration factor (3 to 10 points) |
| N6 | /1 | N6 = N6a + N6b + N6c |

1/ Points assigned to cost factor will be determined after signup ends and all the offers are evaluated. This factor will be based on the rental rate offered, the maximum payment rate, and whether cost-share is requested by the producer.

**EBI and National Ranking Factors (Continued)**

## 2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits

### A Summary

10 to 100 points determined using subfactors in the formula:

N1a + N1b + N1c = N1

Wildlife species, both game and non-game, benefit most from the availability of appropriate wildlife habitat. CRP provides the opportunity to develop habitat that will benefit a variety of wildlife species.

**Note:** Producers with existing cover shall be informed that cost-share may be available for cover enhancement.

This factor encourages landowners to plant cover on contract acreage that will be beneficial to wildlife. Subfactor N1a assigns a score to the quality of the cover to be applied to the practice.

Existing CRP covers on acreage being offered for re-enrollment may be improved to provide better wildlife habitat and increase the N1a subfactor score for the offer. Subfactor N1a points ***--**are awarded based on the weighted average point score associated with the offered acreage by practice point score.**--***

Approved cover is expected to be seeded or planted within 12 months of the effective date of CRP-1. However, TSP may recommend, in developing the conservation plan may permit an additional 12 months, not to exceed 24 continuous months, to seed the approved cover. This flexibility should be permitted to allow the establishment of approved cover in a manner that will not adversely impact the natural resources of the site or surrounding area.

For each practice, the conservation plan shall include:

- management activity or activities to maintain or enhance the plant community diversity and plant vigor

•***--**a schedule of maintenance activities and various maintenance options.**--***

**EBI and National Ranking Factors (Continued)**

## 2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

### B Subfactor N1a - Cover

*****--Cover and practices beneficial to wildlife (10 to 50 points maximum). The Wildlife Habitat Cover Benefits Factor (N1a) will provide practice seeding mixes and management options--***** that provide habitat for important and declining species of national, regional, State, or local significance in each State. NRCS State Biologist will work with the State Plant Materials Specialist, State Wildlife Agency and FWS to revise or develop seeding mixes and management recommendations for the above mentioned species or groups of species. See EO 13186 on Conservation of Migratory Birds. Nonaggressive introduced species may be used for up to 2 species in the mixes. The number of seeding mixes developed is up to each State. Special seeding mixes and planting rates may be developed for arid areas and areas of limited native seed availability -- subject to approval by DAFP.

*** * ***

Seeding mixes should to the maximum extent practicable be comprised of locally collected *****--native “eco-type” (seed mixes native to local area) seed for native seedings.--*****

**EBI and National Ranking Factors (Continued)**

## 2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

### B Subfactor N1a - Cover (Continued)

CP/Cover Matrix

Evaluate this subfactor based on the covers expected to become established. FSA or TSP shall only allow those covers that are suitable for the site designated for the offer.

| **Practice 1/** | **Assigned Point Score** |
|---|---|
| CP1 Permanent introduced grasses and legumes | |
| Planting of 2 to 3 species of an introduced grass species | 10 |
| Mixture (minimum of 4 species) of at least 3 introduced grasses and at least 1 forb or legume species best suited for wildlife in the area | 40 |
| ***--**CP2 Establishment of permanent native grasses and legumes**--*** | |
| Mixed Stand (Minimum of 3 species) of at least 2 native grass species and at least 1 forb, or legume species beneficial to wildlife. | 20 |
| Mixed stand (minimum of 5 species) of at least 3 native grasses and at least 1 shrub, forb, or legume species best suited for wildlife in the area. | 50 |
| CP3 Tree planting (general) 2/ | |
| Southern Pines (Softwoods) - Solid stand of pines/softwoods (planted at more than 550 trees per acre. | 10 |
| Northern Conifers (Softwoods) Solid Stand of conifers/softwoods (planted at more than 850 trees per acre. | |
| Western Pines (Softwoods) - Solid stand of pines/softwoods (planted at more than 650 trees per acre). | |
| Southern Pines (Softwoods) - Pines/softwoods planted at a rate of 500 to 550 per acre depending upon the site index (State-developed standards) with 10 to 20 percent openings managed to a CP4D wildlife cover. | 50 |
| Northern Conifers (Softwoods) - Conifers/softwoods planted at a rate of 750 to 850 trees per acre depending upon the site index (State-developed standards) with 10 to 20 percent openings managed to a CP4D wildlife cover. | |
| Western Pines (Softwoods) - Western Pines (softwoods) - Pines/softwoods planted at a rate of 550 to 650 per acre depending upon the site index (State-developed standards) with 10 to 20 percent openings managed to a CP4D wildlife cover. | |

**EBI and National Ranking Factors (Continued)**

**2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)**

**B Subfactor N1a - Cover (Continued)**

| Practice 1/ | Assigned Point Score |
|---|---|
| Opening for Southern and Western Pines are not to be less than a minimum of 2 acres or a maximum of 5 acres in size for fields of 20 acres and larger. For smaller fields will be based upon percentage. Opening in Northern conifers will be one-half to 2 acres in size. Opening may include buffers on the interior of the field. Field edges (borders) may be used if they are irregular in shape and average 30 feet in width.<br><br>Natural regeneration of native herbaceous or shrubby vegetation with required maintenance may be permitted within open areas if it is consistent with NRCS technical standards *** * *** and concurred with by State FWS or U.S. FWS Officials.<br><br>Open areas of native grasses and/or shrub planting best suited for wildlife in the area shall be considered CP3 for EBI scoring and contract purposes. | 50 |

**EBI and National Ranking Factors (Continued)**

## 2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

### B Subfactor N1a - Cover (Continued)

| **Practice 1/** | **Assigned Point Score** |
|---|---|
| CP3A Hardwood tree planting 2/ | |
| Solid stand of nonmast producing hardwood species | 10 |
| Solid stand of a single hard mast-producing species | 20 |
| Mixed stand of hardwood species best suited for wildlife in the area | 30 |
| Mixed Stand (3 or more species) of hardwood species best suited for wildlife in the area | 50 |
| Longleaf Pine or Atlantic White Cedar - Planted at rates appropriate for the site index. | 50 |
| CP4B Permanent wildlife habitat (corridors), noneasement | |
| Mixed stand (minimum of 4 species) of either grasses, trees, shrubs, forbs, or legumes planted in mixes, blocks, or strips best suited for various wildlife species in the area.<br><br>A wildlife conservation plan must be developed with the participant. | 40 |
| Mixed stand (minimum of 5 species) of either of predominately native species including grasses, forbs, legumes, shrubs, or trees planted in mixes, blocks, or strips best suited to providing wildlife habitat.<br><br>**Only native grasses are authorized. Introduced grasses are not authorized for and shall not be included in cover mixes for 50-point N1a scores for CP4B.**<br><br>A wildlife conservation plan must be developed with the participant. | 50 |

**EBI and National Ranking Factors (Continued)**

## 2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

### B Subfactor N1a - Cover (Continued)

| **Practice 1/** | **Assigned Point Score** |
|---|---|
| CP4D Permanent wildlife habitat, noneasement | |
| Mixed stand (minimum of 4 species) of either grasses, trees, shrubs, forbs, or legumes planted in mixes, blocks, or strips best suited for various wildlife species in the area.<br><br>A wildlife conservation plan must be developed with the participant. | 40 |
| Mixed stand (minimum of 5 species) of either of predominately native species including grasses, forbs, legumes, shrubs, or trees planted in mixes, blocks, or strips best suited to providing wildlife habitat.<br><br>**Only native grasses are authorized. Introduced grasses are not authorized for and shall not be included in cover mixes for 50-point N1a scores for CP4B.**<br><br>A wildlife conservation plan must be developed with the participant. | 50 |
| CP10 Vegetative cover - grass - already established | |
| Solid stand of 1 to 3 species of introduced grasses. | ***--10--*** |
| Solid stand of 1 to 3 species of native grasses. | 40 |
| Mixed stand (minimum of 5 species) of at least 3 native grasses and at least 1 shrub, forb, or legume species best suited to wildlife in the area. | 50 |

**EBI and National Ranking Factors (Continued)**

## 2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

### B Subfactor N1a - Cover (Continued)

| Practice 1/ | Assigned Point Score |
|---|---|
| CP11 Vegetative cover - trees - already established | |
| Solid stand of pine/softwood or solid stand of nonmast producing hardwood species. | 10 |
| Solid stand of a single hard mast-producing species | 20 |
| Mixed stand (2 species) of hardwoods best suited for wildlife in the area. | 30 |
| Mixed stand (3 or more species) of hardwoods best suited for wildlife in the area. | 50 |
| Established Longleaf pine or Atlantic White Cedar best suited for wildlife in the area. | 50 |
| ***--**Pine/softwood established at, or thinned as needed, to provide 10 to 20**--*** percent openings of native herbaceous and/or shrub planting or natural regeneration best suited for wildlife in the area.<br><br>Tree thinning, if required or recommended by the State Forestor, must be completed within 3 years of the CRP-1 effective date. Trees must be removed from the site. | 50 |

**EBI and National Ranking Factors (Continued)**

## 2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

### B Subfactor N1a - Cover (Continued)

| Practice | Assigned Point Score |
|---|---|
| *--CP12 Wildlife food plot 3/ | |
| Wildlife food plots are small non-cost-shared plantings in a larger area. Wildlife food plots will never be the predominant cover. | NA |
| CP25 Rare and declining habitat restoration 4/ | |
| Seeding or planting will be best suited for wildlife in the area. Plant species selections will be based upon Ecological Site Description data. | 50 |
| CP32 Expired CRP hardwood tree planting on marginal pastureland | |
| Solid stand of hardwood species | 10 |
| Mixed hardwood trees establish at, or thinned as needed, to provide 10 to 20 percent openings of native herbaceous and/or shrub planting or natural regeneration best suited for wildlife in the area. Tree thinning, if required or recommended by the State Forester, must be completed within 3 years of the contract effective date. Trees must be removed from the site.<br><br>**Note:** CP12 (food plot) may comprise a portion of the 10 to 20 percent openings.--* | 50 |

1/ Cover established must accomplish the purpose of the practice.

2/ State Conservationist may revise FOTG on planting rate to be consistent with CRP.

*--3/ CP12 acreage is not included in the weighted average point score. For example, a 50-acre offer with a 45-acre CP25 planting and a 5-acre food plot calculates the weighted average using only the 45 acres of CP25 planting.

45 acres x 50 points (CP25 point score) = 2250 points
2250 points ÷ 45 acres = 50 points--*

4/ Technical practice standards for the selected habitat type must meet applicable standards and be approved by DAFP at least 30 calendar days before the beginning of signup

**EBI and National Ranking Factors (Continued)**

## 2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

### C Subfactor N1b - Cover

Subfactor N1b - Wildlife Improvement (0 to 20 points maximum).

Producers must be notified that, if accepted in CRP, food plots must be maintained for the term of CRP-1. Producers offering food plots must be notified of the planting and maintenance requirements before the offer is submitted.

Point are based on the following table. Maximum point score is 20 points. The factors are **not** additive.

Producers must be informed before signup that the acreage must be maintained for the life of the contract according to practice standards.

***--**

| Wildlife Enhancement Signup 29 | Points |
|---|---|
| Wildlife Water Development 1/ | 20 |
| Conversion of at least 51 percent of a primarily monoculture stand to a mixture of native species that provide wildlife habitat benefits. 2/ | 20 |
| Annual or permanent food plot (CP12) that remains in the location for the CRP-1 length or rotated (location changes during CRP-1 length). CP12 food plots must be consistent with NRCS FOTG up to 10 percent of a field, not to exceed 5 acres per field.<br><br>**Example:** A producer would like to enroll 200 acres. Field 1 is 120 acres, Field 2 is 45 acres, and Field 3 is 35 acres.<br><br>**Note:** CP12, the NRCS FOTG standard, is limited by the lessor of either 10 percent of the field size or 5 acres/field for the food plot. The 5 acres of food plot may be either 1 5-acre food plot or 2 or more food plots where the cumulative total would be ≤ 5 acres. | 5 |

| Field | Size | NRCS FOTG Limit | 10 Percent Limit | 5 Acres | Limited CP12 |
|---|---|---|---|---|---|
| 1 | 120 | 12 | 12 acres | 5 | 5 |
| 2 | 45 | 4.5 | 4.5 acres | 5 | 4.5 |
| 3 | 35 | 3.5 | 3.5 acres | 5 | 3.5 |
| | | | | | 13.0 |

**--***

**EBI and National Ranking Factors (Continued)**

## 2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

### C Subfactor N1b - Cover (Continued)

***--**1/ Wildlife water development is only permitted consistent with NRCS FOTG and where water may be a limiting factor. Construction of ponds is not permitted. Wildlife water must be available during the critical habitat needs for the species of concern. For example, if the species of concern uses the habitat from early spring to mid-summer, the water must be available during that timeframe. A small dug-out must provide water during that timeframe. Cost-sharing is permitted for wildlife water development consistent with policy in Exhibit 9 and the NRCS FOTG.

2/ At least 51 percent of the land enhanced must be on a stand comprised of primarily a monoculture (fescue, crested wheatgrass, bermuda grass, etc.) on expired (such as a contract that expired in 1999) and/or expiring CRP land. In the case of a monoculture of trees (such as loblolly pine), the contract shall be on land expiring.

**Note:** Expiring CRP land with trees loses its cropland status after the expiration of the contract.

Points are not awarded for land in a crop production (wheat field, corn ground, etc.).**--***

### D Subfactor N1c - Wildlife Priority Zones

Location where proposed land may contribute to restoration of habitat of Threatened or Endangered Species or contribute to the the restoration of important and declining species of National, Regional, State, or Local Significance. Restoration of rare and declining native habitat (Long Leaf Pine, Tall Grass Prairie, etc.) may also be addressed. (0 or 30 points maximum)

Assign 30 points if the offered acreage is within an approved area and the cover is consistent with for the habitat restoration as recommended by both the State Technical Committee and STC and approved by DAFP.

**EBI and National Ranking Factors (Continued)**

## 2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

### D Subfactor N1c - Wildlife Priority Zones (Continued)

***--**STC shall submit geographic areas (Whole counties or 8-, 10-, 11-, 12-, or 14-digit HUC) the**--***
specific conservation practices and the species of concern or specific habitat restoration, such as tall grass prairie, that would be addressed by the habitat restoration.

For example:

| **N1c - Signup 26 Table** | | |
|---|---|---|
| Whole County of Partial County HUC Wildlife Priority Area | Conservation Practices | Species - habitat |
| 020205008007 | CP25 | Tall Grass Prairie |
| 020205080009 | CP25 | Tall Grass Prairie |
| Knox County (42005) | CP2, CP4D | Northern Bobwhite |
| 0202005008005001 | CP1, CP2, CP4D, CP23 | Pearl Mussel |

## 3 National Ranking Factor N2 - Water Quality Benefits From Reduced Erosion, Runoff, and Leaching

### A Summary

0 to 100 points determined by adding subfactors using the formula: N2 = N2a + N2b + N2c

CRP can improve water quality by reducing:

- sediment, nutrients, and other pollutants from entering the Nation's water courses and aquifers
- downstream flood damage through the restoration of hydrology
- the leaching of nitrates and pesticides into groundwater.

**EBI and National Ranking Factors (Continued)**

## 3 National Ranking Factor N2 - Water Quality Benefits From Reduced Erosion, Runoff, and Leaching (Continued)

### A Summary (Continued)

Water quality benefits are dependent on the:

- extent to which erosion, runoff, and leaching are reduced
- population that may be affected
- location of the CRP acreage:
    - with respect to water resources
    - within priority water quality areas.

### B Subfactor N2a - Water Quality Zones

Location where proposed land may contribute to groundwater or surface water quality
***--**impairment and to assist in meeting Federal, State, or local water quality laws. (0 or 30 points maximum)

Assign 30 points if at least 51 percent of the offered acreage is within zones recommended by**--***
the State Technical Committee and STC and approved by DAFP as high priority water resources.

STC shall:

- consult with the State Technical Committee in developing recommendations
- take into consideration that a goal of EBI is to provide gradation of offers
- prioritize and approve only the highest priority water resources of the State.

***--**Only the highest priority zones shall be approved.**--***

A minimum **of at least 51 percent** of the offered acreage must be within the designated area to be awarded points. Otherwise, assign 0 points.

### C Subfactor N2b - Groundwater Quality

Groundwater quality benefits score (0 to 25 points maximum).

The leach index characterizes the inherent potential for the *** * *** movement of nutrients and pesticides for a specific soil. The index is based on soil properties, including particle size and organic matter.

## 3 National Ranking Factor N2 - Water Quality Benefits From Reduced Erosion, Runoff, and Leaching (Continued)

### C Subfactor N2b - Groundwater Quality (Continued)

A software tool will be developed to determine the weighted average leach index for the 3 predominate soils or compare to table values. Table values are based on:

- leach index for acres offered
- county pesticide leaching potential
- county nitrogen leaching potential
- population obtaining drinking water from wells in each county.

**Example:** A 110-acre field is offered composed of 2 soil map units. 70 acres have a leach index of 1, and the remaining 40 acres have a leach index of 3. The average leach index is (70 x 1) + (40 x 3) ÷ 110 = 1.73, which is rounded to the nearest whole number 2. Based on the following sample table, if the acres were located in Barbour County, Alabama, a value of 12 would be entered for subfactor B.

| | ***--Ground Water Subfactor for Signup 29--*** | | |
|---|---|---|---|
| | **Leach Index** | | |
| **County** | **1** | **2** | **3** |
| 1001 - Autauga | 6 | 13 | 20 |
| 1003 - Baldwin | 8 | 12 | 16 |
| 1005 - Barbour | 8 | 12 | 16 |
| 1007 - Bibb | 8 | 12 | 20 |
| 1009 - Blount | 2 | 8 | 14 |

### D Subfactor N2c - Surface Water Quality

Surface water quality benefits score. (0 to 45 points maximum)

This subfactor evaluates the:

- potential amount of sediment that is delivered to water courses

- population within the watershed that would benefit most directly from improved surface water quality

## 3 National Ranking Factor N2 - Water Quality Benefits From Reduced Erosion, Runoff, and Leaching (Continued)

### D Subfactor N2c - Surface Water Quality (Continued)

- the stream density and estimated sediment loadings that occur because of agriculture.

EPA studies have found that sediment is the primary water quality problem in the majority of rivers and streams.

***--**The software tool will determine the weighted average RKLS for the three predominate soils for the offered acreage. Round RKLS to the nearest whole number using normal rules of rounding. Use the appropriate table value for the watershed in which at least 51 percent of the acreage is physically located.

For example:

| | **Surface Water Subfactor - RKLS for Signup 29--*** | | | | |
|---|---|---|---|---|---|
| **Watershed** | ≤ 4 | 4 < RKLS ≤ 7 | 7 > RKLS ≤ 11 | 11 < RKLS ≤ 23 | RKLS > 23 |
| 01010001 | 1 | 5 | 10 | 15 | 21 |
| 01010002 | 1 | 5 | 10 | 15 | 21 |
| 01010003 | 5 | 10 | 15 | 22 | 27 |

## 4 National Ranking Factor N3 - On-Farm Benefits of Reduced Erosion

### A Summary

On-Farm Benefits of Reduced Erosion. (0 to 100 points maximum)

***--**The score for the weighted average Erodibility Index (EI) for the 3 predominate soils on the**--***land offered (round down the EI a whole number) is determined by the greater of the EI for:

- sheet and rill erosion, RUSLE
- wind erosion.

**Note:** The EI must be a whole number. Use normal rules of rounding.

Use the highest EI value (for the 3 predominate soils of the acreage offered) of either sheet and rill or wind erosion (do not add together). Use the table in subparagraph B to award points for the offer based on the highest EI value.

**EBI and National Ranking Factors (Continued)**

## 4 National Ranking Factor N3 - On-Farm Benefits of Reduced Erosion (Continued)

### B EI Chart

EI (higher of wind or water EI) (0 to 100 points maximum)

| EI - Sheet and Rill or Wind | Points |
|---|---|
| Less than 4 | *--0--* |
| 4 | 5 |
| 5 | 10 |
| 6 | 15 |
| 7 | 20 |
| 8 | 25 |
| 9 | 30 |
| 10 | 35 |
| 11 | 40 |
| 12 | 45 |
| 13 | 50 |
| 14 | 55 |
| 15 | 60 |
| 16 | 65 |
| 17 | 70 |
| 18 | 75 |
| 19 | 80 |
| 20 | 90 |
| 21 and greater | 100 |

**EBI and National Ranking Factors (Continued)**

## 5 National Ranking Factor N4 - Enduring Benefits

### A Summary

Enduring Benefits Beyond CRP-1 Period. (0 to 50 points maximum)

The N4 evaluates the likelihood that the practice established will persist and be maintained beyond the life span of CRP-1 and will provide benefits beyond the contract period

Land established with certain existing vegetation types, such as hardwood trees, softwood trees, or shrubs, is less likely to be returned to crop production after contract expiration. In addition, land re-established to a wetland ecosystem, or rare or declining habitat, is also less likely to return to crop production at the end of the contract period.

The N4 score is the sum of the weighted average scores using the N4 table provided below. To determine the N4 value, calculate the weighted average value for **all practices** using the N4 table. Round the result to the nearest whole number using the normal rules of rounding.

Use the following table to award N4 points. Score zero points if none of the following practices are offered.

**Note:** The practice selected must be appropriate for the site. Trees should not selected on sites where trees are not a part of the ecosystem. For example: A tree stand should not be planted on a site where the climax vegetation for the site is range. The vegetation should be consistent with the ecosystem of the site.

**Important:** Food plots (CP12) are awarded 0 points.

| N4 Table - Signup 29 | Points |
|---|---|
| New hardwood tree (CP3A), longleaf pines, or Atlantic White Cedar plantings ***--**and CP25 where the plant community to be established is primarily trees | 50 |
| Existing hardwood tree, longleaf pine, and/or Atlantic White Cedar (CP11) (CP32) | 40 |
| New pine/softwood tree (CP3) | 30 |
| CP25, where the plant community to be established is comprised of primarily grass and/or shrub plantings**--***| 25 |
| Existing pine/softwood tree (original contract signed as CP3) (CP11) | 20 |
| All other conservation practices not listed | 0 |

## 5 National Ranking Factor N4 - Enduring Benefits (Continued)

### A Summary (Continued)

Determine the weighted average value for enduring benefits using the appropriate value in the N4 table times the appropriate acres. Divide the sum by the total **acres on the offer**. Round the result to the nearest whole number using the normal rules of rounding. The result is the N4 score.

**Example:** A 100-acre office is comprised of 50 acres of new hardwood planting and 50 acres of existing pine trees.

The N4 score is:

***--**50 acres of (CP3A) hardwoods X 50 points/acre = 2,500 points
50 acres of (CP3) pine X 20 points/acres = 1,000 points**--***
3,500 points

3,500 points ÷ 100 acres = 35 points

N4 score = 35 points.

## 6 National Ranking Factor N5 - Air Quality Benefits From Reduced Wind Erosion

### A Summary

National Ranking Factor N5 - Air Quality Benefits From Reduced Wind Erosion

This factor evaluates air quality improvements from reducing airborne dust and particulate (PM 10) from cropland wind erosion that causes damage to nearby affected population concentrations. In addition it provides points for the value of CRP land for Carbon Sequestration. (0 to 45 points maximum)

The formula is: N5 = N5a + N5b + N5c+ N5d.

The air quality factor is comprised of 4 components. The first component (N5a) is based on the potential wind erosion, distance weighted population that may be impacted by wind erosion. The potential wind erosion erodibility shall be based on the climatic factor (C) and soil erosion index (I).

The second component (N5b) is the impact associated with wind erosion of soils that contain material which is likely to be suspended in the air. Acreage offered is comprised of at least 51 percent or more of soils that are either of the following will be awarded 5 points:

- volcanic soils, or soils that are covered with volcanic material
- soils that are formed in organic material.

The third component (N5c) evaluates areas:

- where agriculture significantly impacts air quality (non-attainment of air quality standards)

- that are located within 50 miles of Class 1 air quality areas (National Parks with high quality air standards).

The forth component (N5d) provides points based on the relative ability to sequester carbon. This factor is based on the weighed average for the conservation practices using the N5d table.

## 6 National Ranking Factor N5 - Air Quality Benefits From Reduced Wind Erosion (Continued)

### B Wind Erosion Impacts, Subfactor N5a

This subfactor evaluates wind erosion impacts. (0 to 25 points maximum)

Determine the county in which the majority of the acreage offered is physically located. Determine the weighted CI factor of the acreage offered. Using the revised county air quality table and the weighted CI factor the automated system will calculate the air quality points for factor N5a. These tables will **only** be used if the C value (wind erosion equation) is equal to or greater than 7. Otherwise, a value of 0 is awarded for N5a subfactor.

**Note:** The tables reflect the potential wind erosion, the number of potential people that may be impacted, and the distance population is from the source of wind erosion. Population near the source of the wind erosion is weighted significantly higher than downwind population sources. For example, the impacts of wind erosion on 1 person near the site would equal the impacts of 100 people that are located 100 miles from the site.

***--**For example:**--***

| | **Air Quality Factor (weighted CI value)** | | | |
|---|---|---|---|---|
| **County** | **0** | **1-19** | **20-40** | **> 40** |
| Anders | 0 | 5 | 10 | 20 |
| Billings | 0 | 9 | 14 | 25 |
| Johnson | 0 | 5 | 10 | 20 |
| Weld | 0 | 4 | 8 | 18 |

### C WESL, Subfactor N5b

WESL (0 or 5 points maximum)

The WESL is a list that contains map units that have the dominant component of a soil that formed in organic or volcanic material, or a soil covered with volcanic material. These soils have material in the surface layer that can become airborne, and have a high potential of being suspended in air during wind events. These soils can significantly contribute to non-attainment of PM10 air quality standards. WESL should be developed for each county that have these map units on the soils legend in FOTG.

Any offer in which at least 51 percent of the site is comprised of soil on WESL shall be provided 5 points for factor N5b.

**EBI and National Ranking Factors (Continued)**

## 6 National Ranking Factor N5 - Air Quality Benefits From Reduced Wind Erosion (Continued)

### D Air Quality Zones, Subfactor N5c

(0 or 5 points maximum)

The State Technical Committee working with State and EPA air quality representatives shall recommend designated agricultural zones that contribute to the nonattainment of air quality standards to FSA. Air quality zones shall be designated on a entire county or HUC basis. FSA shall prepare a database of designated air quality zone. All CPA's approved for air quality shall be considered to be within these zones.

The State Technical Committee may also recommend zones within 50 miles of a Class 1 air designated area in which agricultural crop production could impact air quality standards. Documentation, such as existing monitoring data that agriculture contributes to or has potential to violate existing air quality standards, is required.

**Note:** The State Technical Committee shall consult with the State air quality official for the latest Class 1 designations.

The offer is awarded 5 points if both of the following conditions are met:

- ***--**at least 51 percent of the offer must be in the designated zones**--***
- the weighted wind EI must be equal to or greater than 3.0.

## 6 National Ranking Factor N5 - Air Quality Benefits From Reduced Wind Erosion (Continued)

### E Carbon Sequestration, Subfactor N5d

***--N5d Carbon Sequestration Factor (0 to 10 points maximum)**

This factor provides a relative index of the projected carbon sequestration benefits of CRP cover types over the expected life of the practice. This is a weighted average for the all practice on the contract using the values in the table.

| N5d Carbon Sequestration Table for Signup 29 | |
|---|---|
| **Practice** | **Points** |
| CP3, CP3A, CP25 (primarily trees) | 10 |
| CP11, CP32 | 7 |
| CP25 (shrub, grass complex) | 5 |
| CP4D, CP4B | 4 |
| CP1, CP2 | 3 |
| CP10, CP12 | 0 |

**--***

## 7 National Ranking Factor N6 - Cost

### A Summary

The points will be determined using the formula: N6 = N6a + N6b + N6c

The cost factor provides weight to assist in optimizing environmental benefits per dollar of CRP rental payments. Greater weight is provided to offers with lower costs.

### B Subfactor N6a - Cost

The number of points will be determined after signup ends and will be based on the producer rental rate offer.

**Note:** Offers with lower per acre rental rates may increase the probability that the offer will be acceptable.

## 7 National Ranking Factor N6 - Cost (Continued)

### C Subfactor N6b - Cost-Share

Cost-share subfactor (0 or 10 points).

| Is cost-share assistance provided? | Points |
|---|---|
| Yes | 0 |
| No | 10 |

**Note:** All offers that include cost-share assistance shall receive 0 points for subfactor N6b.

**Example:** Producer's offer includes estimated cost-share of $50. The offer would receive 0 points for subfactor N6b.

### D Subfactor N6c - Offer Less than Maximum Payment Rate

Offers below the maximum payment rate (0 to 15 points).

Offers for which the Rental Rate Per Acre Offered is below the maximum payment rate will be awarded 1 additional point not to exceed 15 points for every **whole dollar** below the maximum payment rate for the offer.

**Examples:** The maximum payment rate for an offer is $90 per acre. The producer offers a per acre rental rate of $80. The offer is awarded 10 points for subfactor N6c.

The maximum payment rate for an offer is $90 per acre. The producer offers a per acre rental rate of $79.10. The offer is awarded 10 points for subfactor N6c.

## CRP-1 Appendix, Appendix to Form CRP-1, Conservation Reserve Program Contract

This is an example of CRP-1 Appendix.

This form is available electronically.
**CRP-1 (Appendix)**
(05-01-03)

See CRP-1 for Privacy Act and Public Burden Statements.

U. S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

### APPENDIX TO FORM CRP-1, CONSERVATION RESERVE PROGRAM CONTRACT

**NOTE:** The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**1. DEFINITIONS**

The following definitions are applicable to the Conservation Reserve Program (CRP) Contract:

**A.** **CRP contract or CRP-1** means the program documents including form CRP-1, the applicable contract appendix, conservation plan and the terms of any required easement, if applicable, entered into between CCC and the participant. Such contract shall set forth the terms and conditions for participation in the CRP and receipt of CRP payments.

**B.** **Current agricultural market value** for offer evaluation purposes means the amount in dollars per acre as determined by CCC to be the adjusted price at which the land placed in the CRP could be rented based on the average cash rental rate, or equivalent, per acre, and which is paid for dryland cropland at the time at which this contract is signed by the participant.

**C.** **Vegetative cover** means perennial or permanent grasses, legumes, forbs, and shrubs with a life span of 10 years or more, or trees.

**D.** All other words and phrases, unless the context of subject matter otherwise requires, shall have the meanings assigned to them in the regulations governing the Conservation Reserve Program which are found at 7 CFR Part 1410.

**2. ELIGIBILITY REQUIREMENTS FOR CONSERVATION RESERVE PROGRAM**

**A.** By signing the CRP contract, the participant, except in the case of persons qualifying solely as a tenant, certifies that such participant will control the land subject to the contract for the contract period and, if applicable, any easement period and shall, upon demand, provide evidence to CCC demonstrating that such participant will control the land for that period.

**B.** Land otherwise eligible for the CRP shall not be eligible, except as agreed otherwise, in writing, by CCC, if the land is subject to a deed or other restriction prohibiting the production of agricultural commodities or where a benefit has or will be obtained from a Federal agency in return for the participant's agreement not to produce such commodities on the land during the same time as the land would be enrolled in the CRP. By offering land for enrollment, the participant certifies as a condition for payment that no such restrictions apply to such land.

**3. RESTRICTIONS ON PAYMENTS TO FOREIGN PERSONS**

**A.** Any person who enters into this CRP contract or participates in such contract at any time who is not a citizen of the United States or an alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.) shall be ineligible to receive annual rental payments under this contract unless such person meets the requirements of 7 CFR Part 1400 which shall be applicable to this contract.

**B.** Persons succeeding to a CRP contract subject to a reduction in payment under this paragraph 3 for any preceding party shall not be eligible for payments during the contract period greater than those that could have been received by such preceding party.

Continued on the next page

## CRP-1 Appendix, Appendix to Form CRP-1, Conservation Reserve Program Contract (Continued)



**4. AGREEMENT**

**A.** The participant agrees:

(1) That the applicable CRP-2 and CRP-1 and its addenda shall be considered an offer to enter into the Conservation Reserve Program on the terms specified on Form CRP-1 and its addenda. The offer, until revoked, may be accepted by CCC provided further, that liquidated damages may apply in the case of a revocation as specified elsewhere in this Appendix;

(2) To place eligible land into the CRP for a period of 10 years, or as agreed to by CCC for a longer period not to exceed 15 years, from the effective date of the CRP contract executed by CCC;

(3) To comply with the terms and conditions of the Conservation Plan;

(4) To establish, maintain, and replace, as specified in the CRP contract, the practices agreed to in the Conservation Plan;

(5) Not to harvest or sell, nor otherwise make commercial use of, trees or forage or other cover on the CRP land including the shearing or shaping of trees for future use as Christmas trees (the participants may conduct pruning, thinning, stand improvement, or other activities consistent with customary forestry practices on land that is planted to trees); provided further, however, that CCC may, in its discretion and only in writing or by publication intended for a general allowance for CRP lands in particular States or regions, permit, in certain emergencies, certain commercial uses, as specified by CCC, which may be conditioned on a reduction in CRP payments otherwise payable under this contract;

(6) Not to undertake any action on land under the participant's control which tends to defeat the purposes of this contract, as determined by CCC;

(7) To annually certify crop and land use for the farm with the CCC on the appropriate form, accurately listing all land enrolled in CRP on the farm, not later than the final reporting date determined and announced by the Farm Service Agency, or successor agency;

(8) To control on land subject to a CRP contract all weeds, insects, pests and other undesirable species to the extent necessary to ensure that the establishment and maintenance of the approved cover is adequately protected and to provide such maintenance as necessary to avoid an adverse impact on surrounding land, taking into consideration water quality, wildlife and other factors;

(9) Not to disturb the acreage under contract during the primary nesting and brood rearing season for wildlife, except as approved by CCC;

(10) To annually file required forms as requested by CCC for payment limitation determinations;

(11) To file applicable forms required by CCC for Adjusted Gross Income (AGI) determinations;

(12) That it is understood any payment or portion thereof due any participant will be made by CCC without regard to any question of title under State law, and without regard to any claim or lien which may be asserted by a creditor, except agencies of the U. S. Government. Offsets for debts owed to agencies of the U. S. Government shall be made prior to making any payments to participants or their assignees.

(13) To perform certain periodic management activities described in the conservation plan to maintain the approved cover such as light discing, burning, etc.

Continued on the next page

**B.** CCC agrees, subject to the availability of funds:

(1) To share the cost with owners and operators of establishing an eligible practice, or an identified unit thereof, agreed to in the Conservation Plan as described herein, except that, in no case may the share of CCC exceed an amount equal to 50 percent of the price at which the land placed in the CRP could be sold for use as farmland at the time at which this contract is signed by the participant, unless the CCC otherwise approves such amount, provided further, that such approval must specifically reference the particular land placed in the CRP under this contract;

(2) To pay the agreed-upon annual rental payment, including any incentive payment, based upon the shares to which the parties have agreed as set forth on Form CRP-1 for a period of years not in excess of the contract period;

(3) To pay to the participant, to the extent required by CCC regulations, an interest penalty on cost- share payments, incentive payments, and all annual rental payments not made by the date, as determined by CCC, that the payment is due;

(4) To make annual rental payments after October 1 of each year of the contract period.

**5. CONSERVATION PLAN**

**A.** Subject to the approval of CCC, the Conservation Plan will include some or all of the following information and requirements:

(1) The vegetative or water cover to be established on the CRP land;

(2) A tree planting plan, developed in cooperation with the Forest Service, if trees are to be established as the vegetative cover on the CRP land;

(3) A schedule of completion dates for establishment of the cover on the CRP land;

(4) The level of environmental benefits which must be attained on the CRP land;

(5) Any other practices required for the establishment or maintenance of the cover on the CRP land including weed, insect, pest, and other controls of undesirable species, and such maintenance as necessary to avoid an adverse impact on surrounding land as determined appropriate by CCC, taking into consideration the needs of water quality, wildlife concerns, and other factors.

(6) The acreage will not be disturbed during the primary nesting season for wildlife as determined by CCC.

(7) Management activities authorized by paragraph 6.

**B.** By signing the Conservation Plan, the participant agrees to implement the practices specified in such Conservation Plan on the CRP land even if such practices differ from those listed on Form CRP-1.

**6. MANAGEMENT ACTIVITIES**

Subject to the approval of CCC, the Conservation Plan may include managed grazing or harvesting of the cover on the CRP land, including biomass, as necessary to avoid an adverse impact on surrounding land, as determined appropriate by CCC, taking into consideration the needs of the vegetative cover, wildlife concerns, and other factors. Managed grazing or harvesting may be conditioned on a reduction in CRP payments otherwise payable under this contract, as determined by CCC.

Continued on the next page

**7. COST-SHARE PAYMENTS**

**A.** Subject to the availability of funds, cost-share payments shall be made available upon a determination by CCC that an eligible practice, or an identifiable unit thereof, has been established in compliance with the conservation plan and with appropriate standards and specifications.

**B.** CCC will not make cost-share payments in excess of 50 percent of the actual or average cost of establishing the eligible practice specified in the Conservation Plan as determined by CCC. It is understood that all cost-shares from all sources must be reported to CCC and that a reduction in the CCC cost-share may be made if there are other cost-shares received. Such reductions will be made to the extent required or allowed by the program regulations.

**C.** Except as otherwise provided for in program regulations, cost-share assistance may be made available under the CRP only for the establishment or installation of an eligible practice. In order to receive cost-share assistance, the participant, upon completion of the practice, must file Form AD-245 or similar form approved by CCC, for approval by CCC.

**8. PROVISIONS RELATING TO TENANTS AND LANDLORDS**

**A.** Payments shall not be paid under this CRP contract if CCC determines that:

(1) The landlord or operator has:

(a) when the acreage offered is not enrolled in the CRP at the time of signup:

(i) not provided tenants who have an interest in the acreage being offered at the time of signup an opportunity to participate in the benefits of the program;

(ii) reduced the number of tenants on the farm as a result of or in anticipation of enrollment in the CRP.

(b) when the acreage offered is enrolled in the CRP at the time of signup, not provided tenants with an interest in the CRP contract acreage an opportunity to participate in the benefits of the program if:

(i) the tenants are otherwise involved in farming other acreage, as determined by CCC, on the farm at the time of signup; or

(ii) the tenants have an interest in the acreage being offered on the effective date of the new CRP-1.

(2) The landlord or operator has deprived any tenant of any benefits to which such tenant would otherwise be entitled.

(3) If any such conditions as identified in (1) and (2) occur or are discovered after payments have been made, all or any part of the payments, as determined by CCC, must be refunded with interest and no further payments shall be made.

**B.** After this CRP contract is approved, the operator or tenant may, with the approval of CCC, be replaced for purposes of the CRP contract and for payments to be made under the contract if such tenant or operator, as determined by CCC:

(1) terminates their tenancy voluntarily or for some reason other than being forced to terminate their tenancy by the landowner or operator in anticipation as, or because of, participation in the program;

(2) fails to maintain tenancy, as determined by CCC, throughout the CRP contract period;

(3) files for bankruptcy and the trustee or debtor in possession fails to affirm this CRP contract;

(4) dies during the term of this CRP contract and the administrator of the operator or tenant's estate (or a similar person with authority to administer the affairs of the operator or tenant) fails to succeed to this contract within the time required by CCC; or

(5) was removed for cause, as determined by CCC.

Continued on the next page

**C.** The removal of an operator or tenant from the agreement shall not release the operator or tenant from liabilities for actions arising before such removal.

**9. ERRONEOUS REPRESENTATION AND SCHEME AND DEVICE**

**A.** A participant who is determined to have erroneously represented any fact affecting a determination with respect to this CRP contract and the regulations applicable to this CRP contract, adopted any scheme or device which tends to defeat the purposes of this CRP contract, or made any fraudulent representation with respect to this contract will not be entitled to payments or any other benefits made in accordance with this CRP contract and the participant must refund to CCC all payments received by such participant, plus interest and liquidated damages thereon, with respect to the CRP contract. Such liquidated damages will be determined in accordance with paragraph 10 of this Appendix.

**B.** Unless CCC regulations provide otherwise, refunds determined to be due and owing to CCC in accordance with this CRP contract will bear interest at the rate which CCC was required to pay for its borrowings from the United States Treasury on the date of the disbursement by CCC of the monies to be refunded. Interest will accrue from the date of such disbursement by CCC.

**C.** The remedies provided under paragraph 9A of this Appendix shall be applicable in addition to any remedies under criminal and civil fraud statutes, including 18 U.S.C. 268, 287, 371, 641, 1001; 15 U.S.C. 714m; and 31 U.S.C. 3729, or any other remedy available under law.

**10. LIQUIDATED DAMAGES**

It is mutually agreed that in the event the CRP contract is breached by the participant, the CCC will suffer substantial damages which may not be possible to quantify with certainty. Therefore, in addition to the refund of payments received plus interest due, for breach of contract prescribed in this contract, the participant agrees to pay an amount equal to the product obtained by multiplying. (1) 25 percent of the rental payment rate per acre on Form CRP-1 by, (2) the number of acres that are the subject of the CRP contract. Such amount shall be due as liquidated damages in addition to such other damages or amounts as may be due, and not as a penalty.

**11. NOTIFICATION OF CHANGES TO TERMS AND CONDITIONS OF THE CONTRACT**

CCC agrees that, if any changes of any terms and conditions of this CRP contract, including changes necessary to reconcile the practices listed on the CRP-1 to those specified in the conservation plan, become necessary prior to the date that this contract is approved on behalf of CCC, CCC will notify the persons signing the CRP-1 of such change and such person will be given 10 days from the date of notification in which to agree to the revised terms and conditions or to withdraw from the offer. The participant agrees to notify the CCC of an intention to withdraw from the offer within 10 days from the date of the issuance of such notice and further agrees that failure to notify the CCC will constitute agreement to the revised terms and conditions.

**12. CORRECTIONS**

CCC reserves the right to correct all errors arising from entering data or computations in the contract.

**13. TERMINATION OF CONTRACT; JOINT LIABILITY**

If a participant fails to carry out the terms and conditions of this CRP contract but CCC determines that such failure does not warrant termination of this CRP contract, CCC may require such participant to refund, with interest, payments received under this CRP contract, or require the participant to accept such adjustments in the subsequent payment as are determined to be appropriate by CCC. Participants that sign the CRP-1 with zero percent interest in the annual rental payment shall not be held responsible for contract compliance.

Continued on the next page

**14. CONTRACT MODIFICATIONS**

**A.** CCC may modify this contract to add, or substitute certain practices when:

(1) The installed practice failed to adequately control erosion through no fault of the participants;

(2) The installed measure has deteriorated because of conditions beyond the control of the participants; or

(3) Another practice will achieve at least the same level of environmental benefits.

**B.** Concurrence of NRCS and the conservation district may be obtained by CCC when modifications to this contract involve a technical aspect of a participant's Conservation Plan.

**15. EFFECTIVE DATE AND CHANGES TO CONTRACT**

**A.** The CRP contract is effective when, as determined by CCC, it has been signed by the participants and an authorized representative of CCC. Except as otherwise determined by CCC, as permitted by regulations or other law, the CRP contract may not be revoked or revised unless by mutual agreement between the parties. If, after the effective date of this contract, CCC determines that the offered acreage was erroneously enrolled or otherwise ineligible for enrollment, CCC may terminate the contract. Such termination shall not effect payments already made to the participants as of the time of termination. Within the dates established by CCC, the CRP contract must be signed by all required participants.

**B.** In the event that a statute is enacted during the period of this CRP contract which would materially change the terms and conditions of this CRP contract, the CCC may require the participants to elect between acceptance of modifications in this CRP contract consistent with the provisions of such statute or termination of this CRP contract.

**16. TRANSFER OF LAND**

**A.** If a new owner or operator purchases or obtains the right and interest in, or right to occupancy of, the land subject to this contract, such new owner or operator, upon the approval of CCC, may become a participant to a new CRP contract under the same terms and conditions with CCC covering such transferred land;

**B.** With respect to the transferred land, if the new owner or operator becomes a successor to the existing CRP contract, the new owner or operator shall assume all obligations under such contract of the previous participant;

**C.** If the new owner or operator becomes a successor to a CRP contract with CCC:

(1) Cost-share payments shall be made to the participant who established the practice; and

(2) Annual rental payments to be paid during the fiscal year when the land was transferred shall be divided in an equitable manner, as determined by CCC.

Continued on the next page

**D.** A new owner or operator will not be eligible to succeed to the CRP contract or receive payments under the contract if a previous participant in the contract maintains or acquires any interest of any kind in the property including, but not limited to, present, future, or conditional interests, or reversionary interests, or any option with respect to the property. In addition, unless otherwise approved in writing by CCC for the particular contract, a new owner or operator will not be eligible to succeed to the CRP contract, if a lender has or will obtain an option to purchase the property, any other right of occupancy, or share in the equity in the property which is not conditional on a foreclosure or other remedy for nonpayment of debt or on a voluntary transfer by the person seeking to succeed to the CRP contract.

**E.** The participant certifies that no person has, or will, obtain an interest in the property that would render the new owner or operator to be ineligible to succeed to the CRP contract under the provisions of this paragraph. The existence or acquisition of such an interest by another person shall be considered a breach of the contract for which the CCC may terminate the contract and enforce the remedies provided in this Appendix.

**F.** If a participant transfers all or part of the right and interest in, or right to occupancy of, the CRP land and the new owner or operator does not become a successor to such contract within 60 days, or such other time as determined appropriate by CCC, of such transfer, such contract will be terminated with respect to the affected portion of such land and the original participant must:

(1) Forfeit all rights to any future payments with respect to such acreage;

(2) Refund all or part of the payments made with respect to such contract plus interest thereon, as determined by CCC; and

(3) Pay liquidated damages to CCC as specified in paragraph 10 of this Appendix.

**17. REGULATIONS TO PREVAIL**

The regulations in 7 CFR Part 1410 for the CRP are incorporated herein. In the event of a conflict between these regulations and the terms of this Appendix, the provisions of the regulations will prevail.

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***--Completing CCC-770-CRP's, CRP Checklists**

## A Instructions

County Offices shall:

- obtain CCC-770-CRP1, CCC-770-CRP2, CCC-770-CRP3, and/or CRP-770-CRP4 from **http://165.221.16.90/dam/ffasforms/forms.html**

- complete the applicable CCC-770-CRP1, CCC-770-CRP2, CCC-770-CRP3, and/or CRP-770-CRP4 for the applicable section

- prepare CCC-770-CRP1, CCC-770-CRP2, CCC-770-CRP3, and/or CRP-770-CRP4 and file original in participant's CRP folder

- sign and date applicable signature line.**--***

## Completing CCC-770-CRP's, CRP Checklists (Continued)

### B CCC-770-CRP1

Following is a CCC-770-CRP1 that is available at **http://165.221.16.90/dam/ffasforms/forms.html**.
*--

This form is available electronically.

| CCC-770 CRP1 (06-29-09) U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation<br>**CRP CONTRACT APPROVAL CHECKLIST** | 1. State Office Name<br>2. County Office Name<br>3. Contract Number |
|---|---|

**For any question listed below if the answer is "NO" then "STOP" do not complete the CRP process. Complete all necessary corrective actions needed to update the response with either "YES", or "N/A" before continuing the CRP process.**

| ACTION | Handbook or Other References | YES | NO | NA |
|---|---|---|---|---|
| 4. Have redelegations of authority been documented to support permitted actions taken by the CED in regard to CRP? | *2-CRP, subparagraph 34A and Exhibit 1* | | | |
| 5. Has a second party review of all eligibility requirements and maximum rate calculations been conducted? | *2 CRP, subparagraph 253A* | | | |
| 6. For changing a practice under a general signup, has the original offer been accepted, CRP-1 been approved, and EBI score of the new practice equal to or greater than the EBI of the existing practice? | *2-CRP, subparagraphs 240A and 253A* | | | |
| 7. Have participants obtained the catastrophic level of crop insurance or completed an FSA-570? | *2-CRP, paragraph 88* | | | |
| 8. Do the DCP contract acres, GRP acres, and CRP acres meet the requirement not to exceed cropland on the farm? | *2-CRP, paragraph 225 and subparagraph 253B* | | | |
| 9. Has a conservation plan (CPO) been developed with eligible practices listed on the CRP-1, and **signed** by all signatories to the CRP-1 NRCS/TSP, Conservation District, and COC/Designee? | *2-CRP, paragraphs 236, 253 and 255* | | | |
| 10. Have all required signatures been obtained on the CRP-1, CRP-2, and the conservation plan? | *2-CRP, subparagraph 195C, paragraph 198, subparagraph 236B and paragraph 253* | | | |
| 11. Has NEPA, NHPA, ESA, and related acts compliance been documented on NRCS-CPA-52 or State approved equivalent form? | *2-CRP, subparagraph 242F* | | | |
| 12. Does the conservation plan contain all required elements and has it been approved by the COC or designee? | *2-CRP, subparagraph 236B* | | | |

***If all of the above have been answered "YES", the COC or designee shall approve the CRP-1. If designee is approving, delegation of authority must be on file.***

| 13A. Signature of Preparer | 13B. Date *(MM-DD-YYYY)* |
|---|---|

**14A.** ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur

| 14B. CED Signature for Spotcheck | 14C. Date *(MM-DD-YYYY)* |
|---|---|

**15A.** ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur

| 15B. DD Signature for Spotcheck | 15C. Date *(MM-DD-YYYY)* |
|---|---|

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## Completing CCC-770-CRP's, CRP Checklists (Continued)

### C CCC-770-CRP2

Following is a CCC-770-CRP2 that is available at **http://165.221.16.90/dam/ffasforms/forms.html**.
*--

This form is available electronically.

| | | |
|---|---|---|
| **CCC-770 CRP2** (06-29-09) **U.S. DEPARTMENT OF AGRICULTURE** Commodity Credit Corporation<br><br>**CRP COST SHARE PAYMENT CHECKLIST** | 1. State Office Name | |
| | 2. County Office Name | |
| | 3. Contract Number | 4. FY of Payment |

NOTE: County Office shall ensure that eligibility has been updated according to CCC-770 Eligibility before payments are issued.

**For any question listed below if the answer is "NO" then "STOP" do not complete the CRP process. Complete all necessary corrective actions needed to update the response with either "YES", or "N/A" before continuing the CRP process.**

| ACTION | Handbook or Other References | YES | NO | NA |
|---|---|---|---|---|
| 5. Is an approved CRP-1 on file? | *2-CRP, subparagraph 496A* | | | |
| 6. Is a completed and signed AD-245, Page 2 on file and initialed by a CCC representative? | *2 CRP, paragraphs 472, 474, and 496*<br>*1-CONSV, subparagraph 194A* | | | |
| 7. Is a completed and signed AD-862 (certified by NRCS, TSP, or Participant, as applicable) on file? | *2-CRP, paragraphs 474 and 475* | | | |
| 8. Are all necessary documents (receipts, seed tags, etc.) on file to properly calculate the cost share payment? | *2-CRP, paragraph 485* | | | |
| 9. Has the cost-share payment been calculated correctly, including rounding and 2nd party review? | *2-CRP, paragraphs 482 thru 490*<br>*1-CONSV, subparagraph 194A* | | | |
| 10. Is the person requesting cost-sharing eligible to receive cost-share? | *2-CRP subparagraphs 441A and 496A* | | | |

| | |
|---|---|
| 11A. Signature of Preparer | 1B. Date *(MM-DD-YYYY)* |

**12A.** ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur

| | |
|---|---|
| 12B. CED Signature for Spotcheck | 12C. Date *(MM-DD-YYYY)* |

**13A.** ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur

| | |
|---|---|
| 13B. DD Signature for Spotcheck | 13C. Date *(MM-DD-YYYY)* |

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## Completing CCC-770-CRP's, CRP Checklists (Continued)

### D CCC-770-CRP3

Following is a CCC-770-CRP3 that is available at **http://165.221.16.90/dam/ffasforms/forms.html**.
*--

**This form is available electronically.**

| **CCC-770 CRP3** (06-29-09) **U.S. DEPARTMENT OF AGRICULTURE** Commodity Credit Corporation<br><br>**CRP ANNUAL RENTAL PAYMENT CHECKLIST** | 1. State Office Name | |
|---|---|---|
| | 2. County Office Name | |
| | 3. Contract Number | 4. FY of Payment |

NOTE: County Office shall ensure that eligibility has been updated according to CCC-770 Eligibility before payments are issued.

**For any question listed below if the answer is "NO" then "STOP" do not complete the CRP process. Complete all necessary corrective actions needed to update the response with either "YES", or "N/A" before continuing the CRP process.**

| MAKING ANNUAL RENTAL PAYMENTS | Handbook or Other References | YES | NO | NA |
|---|---|---|---|---|
| 5. Has the payment year FSA-578 or CCC-817U been signed and submitted by a participant on the CRP-1? | *2-CRP, paragraph 404* | | | |
| 6. Have applicable payment reductions or payment prorations for violations, successions, or managed haying and grazing been loaded in the payment software? | *1 CRP* | | | |

| 7A. Signature of Preparer | 7B. Date *(MM-DD-YYYY)* |
|---|---|

| **8A.** ***I concur/do not concur the above items have been verified and updated.*** | ☐ Concur | ☐ Do Not Concur |
|---|---|---|
| 8B. CED Signature for Spotcheck | | 8C. Date *(MM-DD-YYYY)* |

| **9A.** ***I concur/do not concur the above items have been verified and updated.*** | ☐ Concur | ☐ Do Not Concur |
|---|---|---|
| 9B. DD Signature for Spotcheck | | 9C. Date *(MM-DD-YYYY)* |

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

--*

## Completing CCC-770-CRP's, CRP Checklists (Continued)

### E CCC-770-CRP4

Following is a CCC-770-CRP4 that is available at **http://165.221.16.90/dam/ffasforms/forms.html**.
*--

**This form is available electronically.**

| **CCC-770 CRP4** (06-29-09) **U.S. DEPARTMENT OF AGRICULTURE** Commodity Credit Corporation | 1. State Office Name | |
|---|---|---|
| **CRP PIP, CP23, CP23A, CP37 and SIP PAYMENT CHECKLIST** | 2. County Office Name | |
| | 3. Contract Number | 4. FY of Payment |

NOTE: County Office shall ensure that eligibility has been updated according to CCC-770 Eligibility before payments are issued.

**For any question listed below if the answer is "NO" then "STOP" do not complete the CRP process. Complete all necessary corrective actions needed to update the response with either "YES", or "N/A" before continuing the CRP process.**

5. Check type of payment being made:

☐ PIP ☐ CP23 Hydrology Incentive ☐ CP23A Hydrology Incentive ☐ CP37 ☐ SIP

| ACTION | Handbook or Other References | YES | NO | NA |
|---|---|---|---|---|
| 6. Is an approved CRP-1 on file? | *2-CRP, paragraph 125 and subparagraphs 372C thru 372E, Exhibit 9* | | | |
| 7. Have all practice establishment requirements been completed and cost-sharing calculated and paid? (Exception: C/S does not have to be paid to earn PIP and CP23, CP23A, and CP37 incentive, but is based off of what C/S would have been paid). | *2 CRP, paragraph 125, Exhibit 9* | | | |
| 8. Has payment limitation eligibility been verified (all rental payments, SIP, PIP and incentive payments made in a FY are subject to one payment limitation)? | *2-CRP, subparagraph 371B* | | | |
| 9. Has the indicated payment been calculated correctly, including rounding for PIP, CP23, CP23A, and CP37 and has a 2nd party review been completed? | *2-CRP, subparagraphs 125A, 125B, 372D, and 372E, Exhibit 9* | | | |
| 10. Will the payment(s) be issued according to the shares on the CRP-1? | *2-CRP, subparagraphs 125B and 372E, Exhibit 9* | | | |

| 11A. Signature of Preparer | 11B. Date *(MM-DD-YYYY)* |
|---|---|

**12A.** ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur

| 12B. CED Signature for Spotcheck | 12C. Date *(MM-DD-YYYY)* |
|---|---|

**13A.** ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur

| 13B. DD Signature for Spotcheck | 13C. Date *(MM-DD-YYYY)* |
|---|---|

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

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**Examples for Completing CRP-1 When Exceeding $50,000 Maximum Payment Limitation**

## A Conditions

This table provides references to examples and conditions for completing CRP-1, when the $50,000 per FY maximum payment limitation will be exceeded.

**Note:** This is not the original CRP-1 payment limitation.

| Example | Condition |
|---|---|
| A | Total annual payments results in participant exceeding the $50,000 per FY maximum payment limitation.<br><br>See contract number 100, subparagraph B. |
| B | Participant has an interest in 2 CRP-1's. The total annual rental payments result in participant exceeding the $50,000 per FY maximum payment limitation.<br><br>See contract number 300, subparagraph C. |
| C | One participant has an interest in 2 CRP-1's. The other participant does not have an interest in any other CRP-1. The total annual rental payments for 1 participant exceeds the $50,000 per FY maximum payment limitation. One participant's annual rental payment on CRP-1 is reduced and the other participant receives the full amount.<br><br>See contract number 400, subparagraph D. |

**Examples for Completing CRP-1 When Exceeding $50,000 Maximum Payment Limitation (Continued)**

**B Example A**

**Contract number 100.**

Allen Smith is owner and operator of Blackacre farm. Mr. Smith enrolls 1,500 acres in CRP at $50 per acre with a 100 percent share (1,500 x $50 = $75,000). Mr. Smith does not have any interest in any other CRP-1. Because there is only 1 participant on CRP-1, the annual contract *****--payment, CRP-1, block 10B, is limited to $50,000.

The County Office:

- shall enter and circle $75,000 next to block 10B
- shall make a notation on CRP-1 explaining the circled figure
- may have to change the entry in block 10B if the contract is revised.--*****

## Examples for Completing CRP-1 When Exceeding $50,000 Maximum Payment Limitation (Continued)

### B Example A (Continued)

This is example A for completing CRP-1.

*--

This form is available electronically.

**CRP-1** (03-26-04)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

**CONSERVATION RESERVE PROGRAM CONTRACT**

*NOTE: The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

| | | |
|---|---|---|
| 1. ST. & CO. CODE & ADMIN. LOCATION: 24-003-7 | 2. SIGN-UP NUMBER: 29 | |
| 3. CONTRACT NUMBER: 100 | 4. ACRES FOR ENROLLMENT: 1500 | |
| 7. COUNTY OFFICE ADDRESS (*Include Zip Code*): Anycounty FSA Office, 222 Main Street, Anytown, USA (999) 999-9999 | 5. FARM NUMBER: 500 | 6. TRACT NUMBER(S): 1131 |
| TELEPHONE NUMBER (*Include Area Code*): | 8. OFFER (*Select one*): GENERAL [X] ENVIRONMENTAL PRIORITY [ ] | 9. CONTRACT PERIOD FROM: (*MM-DD-YYYY*) 10-1-05 TO: (*MM-DD-YYYY*) 09-30-2015 |

*THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "the Participant".) The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") or other use set by CCC for the stipulated contract period from the date the Contract is executed by the CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract, including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection.* ***The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2 or CRP-2C, if applicable; and, if applicable, CRP-15.***

| | |
|---|---|
| 10A. Rental Rate Per Acre | $ 50 |
| B. Annual Contract Payment (75,000) | $ +50,000 |
| C. First Year Payment | $ N/A |
| (*Item 10C applicable only to continuous signup when the first year payment is prorated.*) | |

11. Identification of CRP Land (*See Page 2 for additional space*)

| A. Tract No. | B. Field No. | C. Practice No. | D. Acres | E. Total Estimated Cost-Share |
|---|---|---|---|---|
| 1131 | 2 | CPDA, Hardwood Trees | 1500 | $4,000 |
| | | | | |
| | | | | |

**12. PARTICIPANTS**

| | | |
|---|---|---|
| A(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): Jeff Brown, 444 Main Street, Anytown, USA *Smith is not eligible to receive more than $50,000 because of payment limitation | (2) SHARE: 100 % | (3) SOCIAL SECURITY NUMBER: 999 999 9999<br>(4) SIGNATURE: /s/ Allen Smith<br>DATE (*MM-DD-YYYY*): 9-15-04<br>(*If more than three individuals are signing, continue on attachment.*) |
| B(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): | (2) SHARE: % | (3) SOCIAL SECURITY NUMBER:<br>(4) SIGNATURE:<br>DATE (*MM-DD-YYYY*):<br>(*If more than three individuals are signing, continue on attachment.*) |
| C(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): | (2) SHARE: % | (3) SOCIAL SECURITY NUMBER:<br>(4) SIGNATURE:<br>DATE (*MM-DD-YYYY*):<br>(*If more than three individuals are signing, continue on attachment.*) |

(*If more than three individuals are signing, continue on attachment.*)

| | | |
|---|---|---|
| 13. **CCC USE ONLY -** *Payments according to the shares are approved.* | A. SIGNATURE OF CCC REPRESENTATIVE: /s/ COC Person | B. DATE (*MM-DD-YYYY*): 2/11/05 |

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended and the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.*

[ ] Original - County Office Copy [ ] Owner's Copy [ ] Operator's Copy

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**Examples for Completing CRP-1 When Exceeding $50,000 Maximum Payment Limitation (Continued)**

**C Example B**

**Contract number 300.**

Jeff Brown is owner and operator of Greenacre farm. Mr. Brown enrolls 1,500 acres in CRP at $50 per acre with a 100 percent share (1,500 x $50 = $75,000). Mr. Brown has an interest in CRP-1 number 5 on a separate farm, Whiteacre, and receives $25,000 annual rental payment from that CRP-1. CRP-1 for Whiteacre farm is scheduled to expire on September 30, 2013. The ***--**annual contract payment, CRP-1, block 10B, for Greenacre is $25,000.

The County Office shall:

- enter and circle $75,000 next to block 10B**--***
- make a notation on CRP-1 explaining the circled figure.

Mr. Brown may be able to increase the annual rental payment for Greenacre if the contract is revised or when CRP-1 for Whiteacre expires.

## Examples for Completing CRP-1 When Exceeding $50,000 Maximum Payment Limitation (Continued)

### C Example B (Continued)

This is example B for completing CRP-1.

*--

This form is available electronically.

**CRP-1** (03-26-04)

**U.S. DEPARTMENT OF AGRICULTURE**
Commodity Credit Corporation

**CONSERVATION RESERVE PROGRAM CONTRACT**

*NOTE: The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

| | | |
|---|---|---|
| | 1. ST. & CO. CODE & ADMIN. LOCATION: 24-003-7 | 2. SIGN-UP NUMBER: 29 |
| | 3. CONTRACT NUMBER: 300 | 4. ACRES FOR ENROLLMENT: 1500 |
| 7. COUNTY OFFICE ADDRESS (*Include Zip Code*): Anycounty FSA Office (999) 999-9999, 222 Main Street, Anytown, USA | 5. FARM NUMBER: 400 | 6. TRACT NUMBER(S): 1111 |
| TELEPHONE NUMBER (*Include Area Code*): | 8. OFFER (*Select one*): GENERAL [X] ENVIRONMENTAL PRIORITY [ ] | 9. CONTRACT PERIOD FROM: (*MM-DD-YYYY*) 10-1-05 TO: (*MM-DD-YYYY*) 09-30-2015 |

*THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "the Participant".) The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") or other use set by CCC for the stipulated contract period from the date the Contract is executed by the CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract, including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection.* ***The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2 or CRP-2C, if applicable; and, if applicable, CRP-15.***

| | |
|---|---|
| 10A. Rental Rate Per Acre | $ 50 |
| B. Annual Contract Payment (75,000) | $ 25,000 |
| C. First Year Payment | $ N/A |
| *(Item 10C applicable only to continuous signup when the first year payment is prorated.)* | |

11. Identification of CRP Land *(See Page 2 for additional space)*

| A. Tract No. | B. Field No. | C. Practice No. | D. Acres | E. Total Estimated Cost-Share |
|---|---|---|---|---|
| 1111 | 2 | CPDA, Hard-wood Trees | 1500 | $4,000 |
| | | | | |
| | | | | |

**12. PARTICIPANTS**

| | | |
|---|---|---|
| A(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): Jeff Brown, 444 Main Street, Anytown, USA. *Brown is receiving $23,000 from contract no. 5. Brown is not eligible to receive more than $25,000 because of payment limitation | (2) SHARE: 100 % | (3) SOCIAL SECURITY NUMBER: 999 999 9999<br>(4) SIGNATURE: /s/ Jeff Brown<br>DATE (*MM-DD-YYYY*): 9-15-04<br>*(If more than three individuals are signing, continue on attachment.)* |
| B(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): | (2) SHARE: % | (3) SOCIAL SECURITY NUMBER:<br>(4) SIGNATURE:<br>DATE (*MM-DD-YYYY*):<br>*(If more than three individuals are signing, continue on attachment.)* |
| C(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*):<br>*(If more than three individuals are signing, continue on attachment.)* | (2) SHARE: % | (3) SOCIAL SECURITY NUMBER:<br>(4) SIGNATURE:<br>DATE (*MM-DD-YYYY*):<br>*(If more than three individuals are signing, continue on attachment.)* |

| | | |
|---|---|---|
| 13. **CCC USE ONLY -** *Payments according to the shares are approved.* | A. SIGNATURE OF CCC REPRESENTATIVE: /s/ COC Person | B. DATE (*MM-DD-YYYY*): 2/11/05 |

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended and the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

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[ ] Original - County Office Copy [ ] Owner's Copy [ ] Operator's Copy

--*

**Examples for Completing CRP-1 When Exceeding $50,000 Maximum Payment Limitation (Continued)**

**D Example C**

**Contract number 400.**

Mike Jones is owner of Redacre farm. Judy Jackson operates Redacre farm. Mr. Jones and Mrs. Jackson enroll 1,500 acres in CRP at $50 per acre each with a 50 percent share (1,500 x $50 x .5000 = $37,500). Mr. Jones has an interest in CRP-1 number 10 on a separate farm, Blueacre, and receives $40,000 annual rental payment from that CRP-1. CRP-1 for Blueacre farm is scheduled to expire on September 30, 2013. Mrs. Jackson does not have any interest in ***--**any other CRP-1. The annual contract payment, CRP-1, block 10B, for Redacre is $47,500.

The County Office shall:

- enter and circle $75,000 next to block 10B
- make a notation on CRP-1 explaining the circled figure.

Mrs. Jackson shall receive $37,500 annual rental payment if all eligibility requirements are met. Mr. Jones shall receive $10,000 annual rental payment for Redacre if all eligibility requirements are met.

The County Office shall enter $10,000 in CRP-1, block 12, in addition to the percent share**--***
block for Mr. Jones.

Mr. Jones may be able to increase the annual rental payment for Redacre if the contract is revised or when CRP-1 for Blueacre expires.

## Examples for Completing CRP-1 When Exceeding $50,000 Maximum Payment Limitation (Continued)

### D Example C (Continued)

This is example C for completing CRP-1.

*--

This form is available electronically.

**CRP-1** (03-26-04)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

**CONSERVATION RESERVE PROGRAM CONTRACT**

*NOTE: The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

| | |
|---|---|
| 1. ST. & CO. CODE & ADMIN. LOCATION: 24-003-7 | 2. SIGN-UP NUMBER: 29 |
| 3. CONTRACT NUMBER: 400 | 4. ACRES FOR ENROLLMENT: 1500 |
| 7. COUNTY OFFICE ADDRESS (*Include Zip Code*): Anycounty FSA Office (999) 999-9999, 222 Main Street, Anytown, USA | 5. FARM NUMBER: 500 |
| | 6. TRACT NUMBER(S): 1122 |
| TELEPHONE NUMBER (*Include Area Code*): | 8. OFFER (*Select one*): GENERAL [X] ENVIRONMENTAL PRIORITY [ ] |
| | 9. CONTRACT PERIOD FROM: (*MM-DD-YYYY*) 10-1-05 TO: (*MM-DD-YYYY*) 09-30-2015 |

*THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "the Participant".) The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") or other use set by CCC for the stipulated contract period from the date the Contract is executed by the CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract, including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection.* ***The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2 or CRP-2C, if applicable; and, if applicable, CRP-15.***

10A. Rental Rate Per Acre $ 50

B. Annual Contract Payment (75,000) $ 47,000

C. First Year Payment $ N/A

*(Item 10C applicable only to continuous signup when the first year payment is prorated.)*

11. Identification of CRP Land *(See Page 2 for additional space)*

| A. Tract No. | B. Field No. | C. Practice No. | D. Acres | E. Total Estimated Cost-Share |
|---|---|---|---|---|
| 1122 | 2 | CPDA, Hard-wood Trees | 1500 | $4,000 |
| | | | | |
| | | | | |

**12. PARTICIPANTS**

| A(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): | (2) SHARE | (3) SOCIAL SECURITY NUMBER: | (4) SIGNATURE | DATE (*MM-DD-YYYY*) |
|---|---|---|---|---|
| Judy Jackson, 555 Main Street, Anytown, USA | $37,500 50 % | 999 999 9999 | /s/ Judy Jackson | 9-15-04 |
| B(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): | (2) SHARE | (3) SOCIAL SECURITY NUMBER: | (4) SIGNATURE | DATE (*MM-DD-YYYY*) |
| Mike Jones, 666 Main Street, Anytown, USA (*Jones is receiving $40,000 from contract no. 10. Jones is not eligible to receive more than $10,000 because of payment limitation) | $37,500 50 % $10,000 | | /s/ Mike Jones | 9-15-04 |
| C(1). PARTICIPANT'S NAME AND ADDRESS (*Zip Code*): | (2) SHARE % | (3) SOCIAL SECURITY NUMBER: | (4) SIGNATURE | DATE (*MM-DD-YYYY*) |

*(If more than three individuals are signing, continue on attachment.)*

13. **CCC USE ONLY -** *Payments according to the shares are approved.*

A. SIGNATURE OF CCC REPRESENTATIVE: /s/ CCC Person

B. DATE (*MM-DD-YYYY*): 2/11/05

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended and the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

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[ ] Original - County Office Copy [ ] Owner's Copy [ ] Operator's Copy

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**CRP-1 Period**

This exhibit lists the CRP-1 effective date and the corresponding CRP-1 expiration date.

| CRP-1 Effective Date | Contract Year | Expiration at 10 Years | Expiration at 15 Years |
|---|---|---|---|
| 10-1-85 | 1986 | 9-30-95 | |
| 10-1-86 | 1987 | 9-30-96 | |
| 10-1-87 | 1988 | 9-30-97 | |
| 10-1-88 | 1989 | 9-30-98 | |
| 10-1-89 | 1990 | 9-30-99 | |
| 10-1-90 | 1991 | 9-30-00 | 9-30-05 |
| 10-1-91 | 1992 | 9-30-01 | 9-30-06 |
| 10-1-92 | 1993 | 9-30-02 | 9-30-07 |
| 10-1-93 | 1994 | 9-30-03 | 9-30-08 |
| 10-1-94 | 1995 | 9-30-04 | 9-30-09 |
| 10-1-95 | 1996 | 9-30-05 | 9-30-10 |
| 10-1-96 | 1997 | 9-30-06 | 9-30-11 |
| 10-1-97 | 1998 | 9-30-07 | 9-30-12 |
| 10-1-98 | 1999 | 9-30-08 | 9-30-13 |
| 10-1-99 | 2000 | 9-30-09 | 9-30-14 |
| 10-1-00 | 2001 | 9-30-10 | 9-30-15 |
| 10-1-01 | 2002 | 9-30-11 | 9-30-16 |
| 10-1-02 | 2003 | 9-30-12 | 9-30-17 |
| 10-1-03 | 2004 | 9-30-13 | 9-30-18 |
| 10-1-04 | 2005 | 9-30-14 | 9-30-19 |
| 10-1-05 | 2006 | 9-30-15 | 9-30-20 |
| 10-1-06 | 2007 | 9-30-16 | 9-30-21 |
| 10-1-07 | 2008 | 9-30-17 | 9-30-22 |
| 10-1-08 | 2009 | 9-30-18 | 9-30-23 |
| 10-1-09 | 2010 | 9-30-19 | 9-30-24 |
| 10-1-10 | 2011 | 9-30-20 | 9-30-25 |

## Using CRP-37

This is an example of CRP-37. Use CRP-37 when requesting to graze certain practices as part of the gleaning of crop residue in a field or make commercial use of forest refuse. File a copy in the producer's CRP folder.

*--

This form is available electronically.

**CRP-37**
(06-29-09)

**U.S. DEPARTMENT OF AGRICULTURE**
Commodity Credit Corporation

**REQUEST FOR INCIDENTAL GRAZING**

| 1. RETURN TO: *(County FSA Office Name and Address)* | 2. CRP Contract Number |
|---|---|
| Lancaster County FSA | 217 |
| 6030 Trade Center | 3. Farm Number 1001 |
| Capital City, NE 68516 | 4. Date *(MM-DD-YYYY)* 10-09-2009 |

5. For the 2009 crop year, I (we) request authority to:

A. [X] Conduct incidental grazing in Field Number*(s)* *(1)* 1, 4 in conjunction with the gleaning of crop residue or grazing a small grain before harvest beginning *(2)* 10-17-2009 *(MM-DD-YYYY)*

I (we) understand and agree that:

- only CP8A, Grass Waterways, CP13C (Filter Strips), CP15A, Contour Grass Strips, and CP21, Filter Strips, CP33, Habitat Buffers for Upland Birds, may be grazed under this authority
- all livestock shall be removed from CRP acreage no later than 2 months after the date provided above
- there shall be a 25 percent reduction in the annual rental payment for the CRP acreage being grazed
- I (we) shall re-establish, at my (our) own expense, any cover destroyed or damaged as a result of participation under this authority, regardless of recommendations or determinations made by NRCS.

6. Check the payment reduction option applicable to this request:

A. [ ] The payment reduction has been paid in advance.

B. [X] The annual rental payment, scheduled to be made after October 1, will be reduced.

7. All signatories to CRP-1 are required to sign, unless the payment reduction is paid in advance. If the payment reduction is paid in advance, only the participant making the request is required to sign.

| A. Operator's Signature *(By)* | B. Title/Relationship *(Individual Signing in the representative capacity)* | 6. Date *(MM-DD-YYYY)* |
|---|---|---|
| /s/ James Brown | 10-09-2009 | |
| A. Owner's Signature *(By)* | B. Title/Relationship *(Individual Signing in the representative capacity)* | 6. Date *(MM-DD-YYYY)* |
| /s/ Betty Smith | 10-09-2009 | |
| A. COC's Signature *(By)* | B. Title/Relationship *(Individual Signing in the representative capacity)* | 6. Date *(MM-DD-YYYY)* |
| /s/ COC Representative | 10-09-2009 | |

| 7A. Signature of CCC Representative | 7B. Date *(MM-DD-YYYY)* | 7C. County FSA Office Name and Address *(Including ZIP Code)* Telephone No. *(Including Area Code)*: |
|---|---|---|
| | | |

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1400, 7 CFR Part 1410 and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to consider and process the request for incidental grazing or use of forest refuse. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility for program benefits.*

*This information collection is exempted from the Paperwork Reduction Act as it is required for the administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title II, Subtitle J-Miscellaneous Conservation Provisions). The provisions of criminal and civil fraud, privacy and other statutes may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.*

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***--Wildlife Federation Settlement Agreement**

The following settlement agreement was reached between various wildlife federations, USDA, and FSA.



Judge Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

| | | |
|---|---|---|
| NATIONAL WILDLIFE FEDERATION; INDIANA WILDLIFE FEDERATION; SOUTH DAKOTA WILDLIFE FEDERATION; WASHINGTON WILDLIFE FEDERATION; ARKANSAS WILDLIFE FEDERATION; LOUISIANA WILDLIFE FEDERATION; KANSAS WILDLIFE FEDERATION, | ) | NO. C04-2169 |
| Plaintiffs, | ) | STIPULATION OF SETTLEMENT |
| v. | ) | |
| ANN VENEMAN, SECRETARY OF AGRICULTURE; THE UNITED STATES DEPARTMENT OF AGRICULTURE; JAMES R. LITTLE, ADMINISTRATOR OF THE FARM SERVICES AGENCY; JOHN JOHNSON, DEPUTY ADMINISTRATOR, FARM SERVICES AGENCY; THE FARM SERVICES AGENCY | ) | |
| Defendants | ) | |

**I. INTRODUCTION**

This settlement agreement (hereinafter, "Settlement Agreement") is entered into between Plaintiffs National Wildlife Federation, Indiana Wildlife Federation, South Dakota Wildlife

**--***

Federation, Washington Wildlife Federation, Arkansas Wildlife Federation, Louisiana Wildlife Federation, and Kansas Wildlife Federation (hereinafter, "Plaintiffs"), and Defendants, Mike Johanns, Secretary, U.S. Department of Agriculture; the United States Department of Agriculture; Teresa C. Lasseter, Administrator of the Farm Service Agency; John Johnson, Deputy Administrator Farm Service Agency; the Farm Service Agency (hereinafter, "Defendants"). Plaintiffs and Defendants (hereinafter, "the Parties") desire to reach full and final settlement of all issues regarding Plaintiffs' Complaint, which was filed in the case styled NWF v. Veneman, Civil No. 04-2169 (W.D. Wa.). The Parties have therefore negotiated this Settlement Agreement.

**II. RECITALS**

1. Plaintiffs filed their Complaint on October 20, 2004, challenging management of the United States Department of Agriculture's ("USDA") managed haying and grazing program, authorized by the Farm Security and Rural Investment Act of 2002 ("2002 Farm Act"), Pub. L. No. 107-171, 116 Stat. 134 (May 13, 2002), amending the Food Security Act of 1985, for lands enrolled in the Conservation Reserve Program.

2. The Conservation Reserve Program ("CRP") is a private land conservation program through which farmers and other owners of highly erodible lands with eligible cropping histories and other eligible lands are compensated by USDA for voluntarily agreeing to remove the land from agricultural production and to manage the land for soil, water, and wildlife conservation purposes.

3. The 2002 Farm Act authorized the Secretary of Agriculture to permit managed haying and grazing of CRP acreage, subject to certain limitations.

4. Plaintiffs allege that Defendants have violated three federal laws. First, Plaintiffs contend that Defendants violated the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321 et seq., by failing to evaluate adequately "the decision to allow managed haying and grazing once every three years," including the adverse impacts of the decision and alternative courses of action (Count I); by failing to evaluate the impact of unspecified actions by several

--*

FSA state offices that allegedly will allow haying and grazing to occur during primary nesting season dates (Count II); by "failing to consider an adequate range of alternatives for implementing the CRP, and in particular, an alternative of different managed haying and grazing regimes" specific to the ecological type of that particular area of the country (Count III); and by failing to prepare an environmental assessment pursuant to NEPA for an unidentified number of individual conservation plans, which are to be entered into between FSA and individual farmers (Count VII).

5. Second, Plaintiffs contend that Defendants violated the 2002 Farm Act by allowing haying and grazing on a one-in-three-year frequency and by allowing FSA State Committees to determine primary nesting dates. Plaintiffs claim that the haying and grazing program as implemented is both inconsistent with the language of the 2002 Farm Security and Rural Investment Act of 2002, as well as arbitrary and capricious under the APA. (Count IV).

6. Third, Plaintiffs allege that Defendants violated the APA by failing to provide for notice and comment on the FSA's CRP Notices, the FSA State Committees' determinations of nesting season dates, unspecified individual conservation plans for each CRP participant, and unspecified state NRCS Field Office Technical Guides (Counts V and VI).

7. On January 14, 2005, Defendants filed a motion to dismiss the Complaint, arguing that Plaintiffs lacked standing, and that they had failed to identify discrete agency action, and therefore this Court did not have subject matter jurisdiction.

8. On May 19, 2005, the Court granted Defendants' motion to dismiss Counts VI and VII of the Complaint, and denied the motion as to Counts I - V of the Complaint.

9. On June 30, 2005, Defendants filed their answer, denying plaintiffs' legal claims.

10. On September 1, 2005, Defendants filed the administrative record.

**III. TERMS**

The Parties have negotiated this Settlement Agreement, and, in consideration of the mutual promises and undertakings set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the following terms:

**--***

***--Wildlife Federation Settlement Agreement (Continued)**



1). Haying and Grazing Limits: Unless and until FSA undertakes and completes one or more additional NEPA analyses identified in paragraph 2 below, managed haying and grazing of lands enrolled in the Conservation Reserve Program will be allowed under the terms set forth below in the nineteen states, or parts of such states, specified below on any new CRP contracts entered into after the date of this agreement. For this purpose, "new contracts" include re-enrollment but shall not include an extension of an existing contract in which managed haying and grazing has been approved prior to the date this Agreement is signed by all parties.

A) Managed haying and grazing is not allowed in the following states for the following periods during each calendar year: 1) Washington - April 1 to August 1; 2) Oregon -- - March 1 to July 15; (3) Idaho --- April 1 to August 1; (4) Montana -- May 15 to August 1; (5) North Dakota -- April 15 to August 1; (6) South Dakota -- May 1 to August 1; (7) Nebraska -- May 1 to July 15; (8) Kansas -- April 15 to July 15; (9) Oklahoma -- May 1 to July 1; (10) Texas -- March 1 to July 1; (11) New Mexico -- March 1 to July 1; (12) Arizona -- April 1 to July 1; (13) Utah -- April 1 to July 15; (14) Wyoming -- May 15 to July 15; (15) California - April 1 to July 1; (16) Colorado --March 15 to July 15; (17) Nevada -- May 1 to July 15; 18) New York - April 1 to August 1; 19) Wisconsin - May 15 to August 1; 19) Indiana - April 1 to August 1 (hereinafter, referred to as "PNS restrictions")

B) Managed haying will be limited to no more than once every 10 years in the following states: Washington (east of the Cascade Mountain Range), Oregon (east of the Cascade Mountain Range), Idaho, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Arizona, Utah, Wyoming, California, Colorado and Nevada. Managed haying may be permitted on 50 percent of each field or contiguous fields, once in five years.

C) Managed grazing will be limited to no more than once every 10 years in the following states: Washington (east of the Cascade Mountain Range), Oregon (east of the Cascade Mountain Range), Idaho, Utah, New Mexico, Nevada, and Arizona. FSA agrees to use the Natural Resource Conservation Service's standards in FSA's determination of

--*

***--Wildlife Federation Settlement Agreement (Continued)**



the stocking rates, and further agrees that managed grazing will not be more than 75 percent of those rates.

D) Managed grazing will be limited to no more than once every 5 years in the following states: Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, Wyoming. FSA agrees to use the Natural Resource Conservation Service's standards in FSA's determination of the stocking rates, and further agrees that managed grazing will not be more than 75 percent of those rates.

Paragraphs B - D are hereinafter referred to as "haying and grazing frequencies." There shall be no limit imposed by this settlement agreement on managed haying and grazing outside the nineteen states, or part of such states, identified above,. Likewise, nothing in this Agreement shall effect CCC's authority with respect to emergency haying and grazing, including such emergency haying and grazing done by persons with permission to engage in managed haying and grazing. FSA will issue CRP Notices within 30 days of the effective date of this agreement that notify the affected state FSA offices of the terms and conditions set out above. It is understood that both haying and grazing will be permitted on any farm, subject to the limits identified in paragraphs A-D, above.

2) Optional NEPA Analysis: The scope of any additional NEPA analysis referred to in paragraph 1 on proposed changes in PNS restrictions or haying and grazing frequencies may be regional or more local, such as state-wide, county-wide, or multi-state or multi-county. Such NEPA analysis undertaken pursuant to this Settlement Agreement will include the impact of managed haying and grazing on:

A) CRP plant stand vigor and diversity;

B) habitat of the principal grassland bird and other wildlife species;
C) wildlife, water, erosion, air quality, and socio-economic factors.

In addition, such analysis will consider a managed haying and grazing alternative that seeks to optimize the wildlife benefits of that activity, consistent with meeting soil

--*

***--Wildlife Federation Settlement Agreement (Continued)**



conservation and water quality objectives of the CRP. FSA agrees to solicit the views of the U.S. Fish and Wildlife Service and the Natural Resources Conservation Service on such alternative.

FSA shall not be bound by the PNS restrictions or haying and grazing frequencies in Paragraph 1 for a region or a more local area after it completes a NEPA analysis and issues a decision for the region or more localized area addressing a proposal to change the PNS restrictions or haying and grazing frequencies.

3. Releases: This Settlement Agreement constitutes the full, complete, and final resolution of all legal, equitable, or administrative claims regarding, emanating from, arising out of, or in any way associated with Plaintiffs' Complaint which Plaintiffs have asserted or could have asserted in this case, whether known or unknown. Plaintiffs and their respective affiliates, successors, and assigns hereby release and forever discharge defendants, and their agents and affiliates from any and all actions, suits, judgments, liabilities, demands, fees, interests, or obligations, whether known or unknown as of the date hereof, regarding, emanating from, arising out of, or in any way associated with Plaintiffs' Complaint.

4. No Precedent: It is specifically understood and agreed that this Settlement Agreement is executed for the sole purpose of settling Plaintiffs' Complaint. Nothing in this Settlement Agreement shall be utilized for the purpose of precedent or argument in any other case, and this Settlement Agreement shall not bind any Party as to any claim or issue except those specifically addressed herein. Likewise, nothing in this Settlement Agreement, and no actions taken by any Party hereto with regard to this Settlement Agreement, shall be construed as an admission by any Party of liability as to any of the matters settled. Moreover, no action taken by any Party in effectuating this Settlement Agreement may be used as an admission of liability in any respect in any future or pending demand, administrative proceeding, or litigation or similar action involving any of the Parties.

5. Fees: Each party will be responsible for its own costs and attorneys' fees.

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6. Successors and Assigns: The releases contained herein extend to and bind the principals, agents, employees, related or affiliated entities, representatives, successors, and assigns of the Parties.

7. Authority: This Settlement Agreement shall be subject to any statutory changes and court orders, and nothing in this Settlement Agreement shall be interpreted as, or shall constitute, a commitment or requirement that Defendants obligate or pay funds, or take any other action in contravention of the Anti-Deficiency Act, 31 U.S.C. §1341, or any other applicable law regarding the expenditure of public funds.

8. Integration: This Settlement Agreement is intended to be the total integration of the agreement of the Parties with respect to the subject matter of this Settlement Agreement, and shall constitute a merger of all communications, notices, representations, denials, or written or verbal agreements between the Parties which have preceded the date of this Settlement Agreement. This Settlement Agreement is the entire agreement between the Parties concerning settlement of Plaintiffs' Complaint, and there are no oral agreements or representations concerning the subject matter of this Settlement Agreement which are not expressly set forth. No supplement, modification, or amendment of this Settlement Agreement shall be binding unless executed in writing by all of the Parties. No waiver of any of the provisions of this Settlement Agreement shall be deemed to constitute, or shall constitute, a waiver of any other provision, whether or not similar. No waiver shall be binding unless executed in writing by the Party making the waiver.

9. Counterparts: This Settlement Agreement may be executed in two or more counterparts. It shall not be necessary that the signatures of all Parties hereto be contained on any one counterpart, and each counterpart shall constitute one and the same agreement. Four originals of this Settlement Agreement will be created.

10. Authority to Sign: The Parties represent that the persons executing the Settlement Agreement on each Party's behalf have been duly authorized by all necessary and appropriate action to enter into this Settlement Agreement.

--*

***--Wildlife Federation Settlement Agreement (Continued)**



11. Construction: Each Party acknowledges that it was represented by counsel in connection with the negotiation and execution of this Settlement Agreement, is fully competent to execute this Settlement Agreement, and understands the terms and provisions of this Settlement Agreement. This Settlement Agreement shall be liberally construed as effecting a full and final settlement of the matters and controversies described herein.

12. Enforcement: Nothing in this Settlement Agreement shall bar any Party from seeking judicial relief enforcing this Settlement Agreement in any court having appropriate jurisdiction. In the event there is a dispute over compliance with any term or provision of this Settlement Agreement, the disputing Party will notify the other Party in writing of the nature of the dispute, and within 7 days after such notification (or additional time if the Parties agree), the Parties will discuss and attempt to resolve the dispute. In no event shall the disputing Party seek enforcement until 60 days after delivery of the notice referenced above. Notice from Plaintiffs should be provided to the Deputy Administrator for Farm Programs. The parties understand that the district court's review of any action related to this settlement agreement will be governed by any relevant standards of review set forth in the Administrative Procedure Act, 5 U.S.C. § 701 et seq. for judicial review of federal agency actions. The parties seeking to enforce this agreement agree not to seek to invoke the contempt powers of the Court in aid of enforcement of this Agreement.

13. Effective Date: This agreement is effective upon being signed by all parties. Upon signature, the parties shall file a Joint Motion to Dismiss and Proposed Order with the Court.

The Parties have executed this Settlement Agreement as of the respective dates indicated below:

Plaintiffs

By: Date: SEPTEMBER 26, 2006

Thomas France, Esq. (MT Bar No. 2028)

--*

***--Wildlife Federation Settlement Agreement (Continued)**



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By: Donna S. Fitzgerald Date: 9/25/06

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Assistant Attorney General
Civil Division

JAMES GILLIGAN
Assistant Branch Director

--*

***--Wildlife Federation Settlement Agreement (Continued)**



By: _____ Date: _____

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/s/ Herbert E. Forrest Date: Sept. 22, 2006
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OF COUNSEL:
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Office of General Counsel
United States Department of Agriculture
14th and Independence, S.W.
Washington D.C.

ATTORNEYS FOR DEFENDANTS

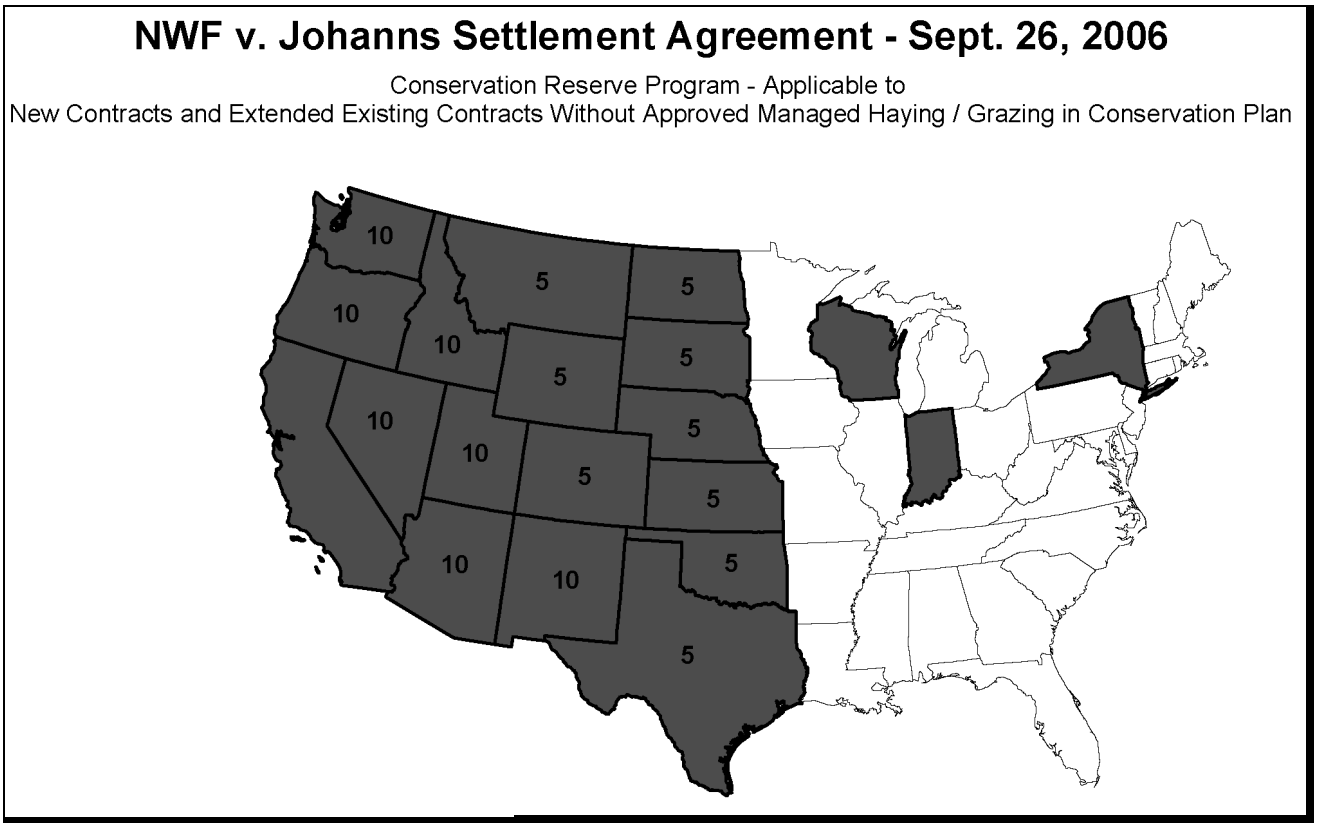


--*

***--Wildlife Federation Settlement Agreement Map and Emergency and Managed Haying and Grazing Provisions Comparison**

## A Wildlife Federation Settlement Agreement Map

The following map that is applicable to new and existing CRP contract **without** approved managed haying/grazing in conservation plans, is the result of the Wildlife Federation Settlement Agreement that was reached between various wildlife federations, USDA, and FSA.




**Note:** All shaded States, primary nesting season dates reverted to pre-2002 Farm Bill except for Indiana that is changed to April 1 to August 1.

Shaded Western States, managed haying frequency was changed to no more frequently than 1 in 10 years (Oregon and Washington are limited to East of the Cascade Mountain Range).

For States displayed with “5”, managed grazing frequency was changed to no more frequently than 1 in 5 years.

For States displayed with “10”, managed grazing frequency was changed to no more frequently than 1 in 10 years (Oregon and Washington are limited to East of the Cascade Mountain Range).**--***

***--Wildlife Federation Settlement Agreement Map and Emergency and Managed Haying and Grazing Provisions Comparison (Continued)**

## B Emergency and Managed Haying and Grazing Provisions Comparison

The following table provides emergency and managed haying and grazing provisions.

| Haying or Grazing | Emergency Provisions | Managed Provisions Before Wildlife Federation Settlement | Managed Provisions After Wildlife Federation Settlement (Non-Affected States) | Managed Provisions After Wildlife Federation Settlement (Affected States) |
|---|---|---|---|---|
| Primary Nesting Season Dates | Beginning in May 2003, STC could approve State Technical Committee recommended beginning and ending dates. | Beginning in May 2003, STC could approve State Technical Committee recommended beginning and ending dates. | | Changed to pre-2003 ending dates. 1/ |
| | Beginning in FY 2007, FSA adopted the new primary nesting season dates outlined in the wildlife federation settlement agreement for emergency haying and grazing in States affected by the wildlife federation settlement agreement. | | | |
| Haying Frequency | As authorized on individual case basis. | Based on State Technical Committee recommendation but no more frequently than 1 in 3 years. | | No more frequently than 1 in 10 years. 2/ |
| Haying Restrictions | Leave 50 percent of each field or contiguous fields. | No percent of field restriction. Authorized for up to 90 calendar days. | | Leave 50 percent of each field or contiguous fields once in 5 years. 2/ |
| Grazing Frequency | Each year. | According to State Technical Committee, no more frequently than 1 in 3 years. | | No more frequently than either of the following:<br>• 1 in 10 years<br>• 1 in 5 years. 2/ |
| Grazing Restriction | No more than 75 percent of each field or contiguous fields or 100 percent of a field at 75 percent of the stocking rate. | No percent of field restriction. Authorized for up to 120 calendar days. | | No more than 75 percent of NRCS stocking rate. 2/ |

1/ Arizona, California, Colorado, Idaho, Indiana, Kansas, Montana, Nebraska, Nevada, New York, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

2/ Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.**--***

## DF-21, Request to Participate in Special Haying and Grazing of CRP Acreage

CRP participants requesting haying or grazing on CRP acreage must designate the request on DF-21.

REPRODUCE LOCALLY. Include form number and date on all reproductions.

**DF-21**
(06-29-90)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

**Request to Participate in Special Haying and Grazing of CRP Acreage**

1. STATE: New Columbia
2. COUNTY: Homer
CROP YEAR: 2001

| 3. CRP PARTICIPANT | 4. FARM NO. | 5. ACRES TO BE HAYED | 6. ACRES TO BE GRAZED | 7. DOLLAR/ACRE REDUCTION IN PAYMENT | 8. TOTAL DOLLAR REDUCTION IN NEXT CRP CONTRACT PAYMENT | 9. CONDITIONS SPECIAL HAYING AND GRAZING RECEIVED AND AGREEMENT WITH THIS DATA *(Producer's Signature and Date)* |
|---|---|---|---|---|---|---|
| Sharon Kelly | 347 | - | 3 mo./25.0 | 25% | 343.50 | /s/ *Sharon Kelly* |
| Dave Smith | 1154 | 100.0 | - | 25% | 1250.00 | /s/ *Dave Smith* |

*This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.*

**Note:** Only 1 CRP participant need sign this document.

**Conservation Reserve Program**

**Terms and Conditions for Managed Haying (Including for Biomass) and Grazing of CRP Acreage**

I/We hereby request authority for managed haying (including for Biomass) and grazing of approved cover on CRP acreage.

I/We agree to: (1) obtain a modified conservation plan to include haying or grazing, as determined by the Natural Resources Conservation Service (NRCS) or Technical Serice Provider (TSP); (2) re-establishing, at my/our own expense, any cover destroyed or damaged as a result of participating under this authority, regardless of recommendations or determinations made by NRCS or the TSP; (3) remove all hay from CRP acreage within 10 calendar days from the date notified by Farm Service Agency (FSA) at the local county office that managed haying or grazing authorization has ended; and (4) **not** hay and graze the same acreage.

Check the payment reduction option applicable to this contract:

_____ The payment reduction has been paid in advance.

_____ The FY _____ annual rental payment, scheduled to be made after October 1, will be reduced by the number of acres actually hayed, times **25 percent** of the CRP annual per acre payment rate.

The CRP contract is subject to termination or other penalties as may be authorized by the CRP contract and regulations should there be any violation of this haying or grazing authority of CRP acreage.

If the payment reduction has not been paid in advance, all signatories on CRP-1 shall sign these conditions before haying begins.

CRP-1 Contract Number: _____ Farm Number: _____

Tract Number: _____ Field Number: _____

Participant's Signatures/Dates:

_____ _____

_____ _____

_____ _____

## DF-25, Certification of Participation in Haying and Grazing of CRP Acreage

DF-25 is used to record the participant's actual number of acres hayed or grazed. Instruct participants to complete DF-25, columns 3, 4, 5, and 10.

**REPRODUCE LOCALLY.** Include form number and date on all reproductions.

**DF-25**
(06-29-90)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

**Certification of Participation In Haying and Grazing of CRP Acreage**

1. STATE: New Columbia
2. COUNTY: Homer
CROP YEAR: 2001

| 3. CRP PARTICIPANT | 4. FARM NO. | HAY | | GRAZED | | | 10. I certify that the data as given is true, complete, and correct. *(Producer's Signature and Date)* |
|---|---|---|---|---|---|---|---|
| | | 5. ACRES ACTUALLY HAYED | 6. TOTAL YIELD (Tons) | 7. ACRES ACTUALLY GRAZED | 8. NUMBER OF LIVESTOCK OWNED/LEASED | 9. NUMBER OF LIVESTOCK ACTUALLY GRAZED | |
| Sharon Kelly | 347 | - | - | 3 mo./25.0 | - | - | /s/ *Sharon Kelly* |
| Dave Smith | 1154 | 100.0 | - | - | - | - | /s/ *Dave Smith* |

*This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.*

## Completing CRP-42, County Precipitation and Feed and Forage Loss Report

### A Completing CRP-42 for Emergency Haying or Grazing of CRP Acreage

County Offices requesting emergency haying or grazing of CRP acreage shall complete CRP-42 when submitting their request.

County Offices shall send the completed CRP-42 plus all other supporting documentation to STC for review. STC, or it's designee, shall review CRP-42 for completeness and accuracy, and use the data provided plus all other supporting information provided to determine county eligibility for emergency haying and grazing. If the county is requesting a Secretarial authorization of emergency haying and grazing of CRP acreage, forward the approved and signed CRP-42 with the request to CEPD for determination.

Use the following instructions to complete CRP-42 for emergency haying and grazing of CRP acreage.

| Item | Instructions |
|---|---|
| 1 | Enter the State name. |
| 2 | Enter the county name. |
| 3 | Enter the date or dates the disaster occurred. For long-term droughts, enter the month and year the drought began. |
| 4 | Place "X" in the appropriate box for the disaster type. For "Other", provide a description of the natural disaster. |
| 5 | Place "X" in the appropriate box. For "Other", provide a description of the assistance requested. |
| 6B | Enter the monthly total precipitation for the most recent 4 full months and the current month to date.<br><br>Enter the "as of" date for the current month.<br><br>**Example:** "As of May 15 0.60"<br><br>Enter the current year total at the bottom of the column. |
| 6C | Enter the monthly normal precipitation for the most recent 4 full months and the current month to date.<br><br>Enter the pro-rated normal precipitation using the "as of" date for the current month.<br><br>**Example:** "2.06/4.25" (4.25 normal for May ÷ 31 days in May x 15 "as of" days = 2.06)<br><br>Enter the normal total at the bottom of the column. |

**Completing CRP-42, County Precipitation and Feed and Forage Loss Report (Continued)**

## A Completing CRP-42 for Emergency Haying or Grazing of CRP Acreage (Continued)

| Item | Instructions |
|---|---|
| 6D | Enter the current year percent of normal, rounded to the nearest whole number, for each month reported.<br><br>**Example:** If April current year total is 1.25, and April normal is 3.92, 1.25 ÷ 3.92 x 100 = 31.89. Enter "32".<br><br>Calculate the total percent of normal as follows:<br><br>Divide the total of column 6B by the total of column 6C, multiply by 100, and round to the nearest whole number. Enter the result in the total of column 6D.<br><br>**Example:** The total of column 6B is 8.40 and the total of column 6C is 14.73. 8.40 ÷ 14.73 x 100 = 57.03. Enter "57". |
| 7A | Enter the normal monthly average temperature for each month for which precipitation data is provided. |
| 7B | Enter the current year monthly average temperature for each month for which precipitation data is provided. |
| 8 | Place "X" in the appropriate box. If answering "Yes", provide an explanation. |
| 9 | Place "X" in the appropriate box. If answering "Yes", provide the number of animals being liquidated because of the disaster and the percentage above normal being liquidated. |
| 10 | Enter the beginning and ending dates of the primary nesting and brood rearing season for the county. |
| 11 | Enter each type of pasture and normal grazing crop growing in the county. If none is grown, enter "None". |
| 12 | Enter the total acres for each type of pasture or normal grazing crops planted and growing in the county in the current year. |
| 13 | Enter the acres per animal unit established by COC according to 8-DF. |
| 14 | Enter the normal grazing days remaining in this crop year for each type of pasture and grazing. The grazing period shall not be greater than 120 calendar days. |
| 15 | Enter the cost per animal unit per day for pasture and normal grazing. |
| 16 | Calculate the value of normal production. Divide acres grown entered in column 12 by the AC/AU entered in column 13, times the normal grazing days entered in column 14, times the cost per animal unit entered in column 15. |
| 17 | Enter the percent of loss caused by the disaster for each type of pasture and normal grazing. |
| 18 | Calculate the value of production loss by multiplying the value of normal production entered in column 16 times the percent of loss entered in column 17. |

**Completing CRP-42, County Precipitation and Feed and Forage Loss Report (Continued)**

## A Completing CRP-42 for Emergency Haying or Grazing of CRP Acreage (Continued)

| Item | Instructions |
|---|---|
| 20 | Enter the total acres for each type of alfalfa and other hay growing in the county in the current year. |
| 21 | Enter the approved established yield in tons per acre. |
| 22 | Enter the approved established cost per ton, rounded to the nearest whole dollar. |
| 23 | Calculate the value of normal production by multiplying the acres grown entered in column 20, times the normal yield entered in column 21, times the cost per ton entered in column 22. |
| 24 | Enter the percent of loss caused by the disaster for alfalfa each type of hay. |
| 25 | Calculate the value of production loss by multiplying the value of normal production entered in column 23 times the percent of loss entered in column 24. |
| 26a | Enter the total of all entries in columns 16 and 23. |
| 26b | Enter the total of all entries in columns 18 and 25. |
| 26c | Calculate the weighted average loss by dividing the value of production loss entered in item 26b by the value of normal production entered in item 26a. |
| 27 through 42 | Repeat steps 11 through 26 for feed grain crops, small grains normally grazed, and other roughage. |
| 43 | Enter the date of the COC meeting when emergency haying or grazing was requested. |
| 44 | CED shall sign and enter the date of the request. |
| 45 | SED, or designee, shall sign and enter the action recommended by STC and the date of the recommendation. |

## Completing CRP-42, County Precipitation and Feed and Forage Loss Report (Continued)

### B Example of Completed CRP-42

Following is an example of a completed CRP-42.

This form is available electronically.

**CRP-42**
(05-18-04)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

**COUNTY PRECIPITATION AND FEED AND FORAGE LOSS REPORT**

1. STATE: New Columbia

2. COUNTY: Clinton

3. DATE(S) OF DISASTER: February 12, 2004 and continuing

4. TYPE AND DESCRIPTION OF NATURAL DISASTER
- DROUGHT [X]
- EXCESSIVE MOISTURE [ ]
- OTHER *(List)* _____ [ ]

5. TYPE OF ASSISTANCE REQUESTED EMERGENCY
- HAYING AND GRAZING OF CRP ACREAGE [X]
- OTHER *(List)* _____ [ ]

6. PRECIPITATION *(County Average)* / 7. TEMPERATURE *(Average Monthly)*

| A. MONTH | B. CURRENT YEAR TO DATE | C. NORMAL | D. CURRENT YEAR % OF NORMAL | A. NORMAL | B. CURRENT YEAR |
|---|---|---|---|---|---|
| January | 2.65 ÷ | 2.17 = | 122 | 23.6 | 29.4 |
| February | 2.50 ÷ | 2.80 = | 89 | 26.5 | 31.2 |
| March | 1.40 ÷ | 3.78 = | 37 | 36.5 | 38.5 |
| April | 1.25 ÷ | 3.92 = | 32 | 48.9 | 72.9 |
| May | To May 16 0.60 ÷ | May 15 2.06/4.25 = | 29 | 55.6 | 81.5 |
| June | ÷ | = | | | |
| July | ÷ | = | | | |
| August | ÷ | = | | | |
| September | ÷ | = | | | |
| October | ÷ | = | | | |
| November | ÷ | = | | | |
| December | ÷ | = | | | |
| E. **Totals** *(Col. 6B, 6C and 6D)* | 8.40 | 14.73 | 8.40/14.73 = 57 | | |

| | YES | NO |
|---|---|---|
| 8. Has the natural disaster required additional supplemental feeding? If "YES", to what extent? Producers feeding hay in pasture lots. Grain and feed sales increased. Local hay stocks nearly exhausted. Price for first cutting mixed hay $140.00 per ton. | X | |
| 9. Is livestock being liquidated and/or culled heavier as a direct result of the natural disaster? *If "YES", provide an estimate of the additional numbers* 200 *and % above normal* 15 . | X | |

10. Identify the primary nesting and brood rearing season restricted period for haying and grazing as determined by the STC.: April 1 to August 1

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.*

## Completing CRP-42, County Precipitation and Feed and Forage Loss Report (Continued)

### B Example of Completed CRP-42 (Continued)

**CRP-42** (05-18-04) Page 2 of 2

**FEED LOSS ASSESSMENT**

| 11. PASTURE AND NORMAL GRAZING | 12. ACRES GROWN IN DISASTER YEAR | 13. AC/AU | 14. NORMAL GRAZING (DAYS) | 15. COST PER (AU) | 16. VALUE NORMAL PRODUCTION (Col. 12 - 13 X 14 X 15) | 17. PERCENT OF LOSS | 18. VALUE PRODUCTION LOSS (Col. 16 X Col. 17) |
|---|---|---|---|---|---|---|---|
| a. Meadow | 35,000 ÷ | 5 x | 114 x | $ 0.56 = | $ 446,880.00 x | 70 %= | $ 312,816.00 |
| b. Tame | 26,000 ÷ | 2 x | 84 x | $ 0.56 = | $ 611,520.00 x | 50 %= | $ 305,760.00 |
| c. | ÷ | x | x | $ = | $ x | %= | $ |

| 19. HAY | 20. ACRES GROWN IN DISASTER YEAR | 21. NORMAL YIELD (TONS) | 22. COST PER (TONS) | 23. VALUE NORMAL PRODUCTION (Col. 20 X 21 X 22) | 24. PERCENT OF LOSS | 25. VALUE PRODUCTION LOSS (Col. 23 X Col. 24) |
|---|---|---|---|---|---|---|
| a. Alfalfa | 20,100 x | 3.5 x | $ 93 = | $ 6,542,550.00 x | 45 %= | $ 2,944,147.50 |
| b. Other Hay | 34,600 x | 3.6 x | $ 80 = | $ 9,964,800.00 x | 35 %= | $ 3,487,680.00 |

| | | |
|---|---|---|
| **26. SUBTOTALS:** | 26a. Col. 16 and 23 | 26b. Col. 18 and 25 |
| 26c. *Emergency Haying and Grazing Weighted Average Loss (subtotal Col. 26b ÷ subtotal Col. 26a =* 40 *%)* | $ 17,565,750.00 | $ 7,050,403.50 |

| 27. FEED GRAIN CROPS | 28. ACRES GROWN IN DISASTER YEAR | 29. NORMAL YIELD (Bu./Cwt.) | 30. COST PER (Bu./Cwt.) | 31. VALUE NORMAL PRODUCTION (Col. 28 X 29 X 30) | 32. PERCENT OF LOSS | 33. VALUE PRODUCTION LOSS (Col. 31 X Col. 32) |
|---|---|---|---|---|---|---|
| a. | x | x | $ = | $ x | % = | $ |
| b. | x | x | $ = | $ x | % = | $ |
| c. | x | x | $ = | $ x | % = | $ |
| d. | x | x | $ = | $ x | % = | $ |
| e. | x | x | $ = | $ x | % = | $ |
| f. | x | x | $ = | $ x | % = | $ |

| 34. OTHER ROUGHAGE | 35. ACRES GROWN IN DISASTER YEAR | 36. NORMAL YIELD (TONS) | 37. COST PER (TONS) | 38. VALUE NORMAL PRODUCTION (Col. 35 X 36 X 37) | 39. PERCENT OF LOSS | 40. VALUE PRODUCTION LOSS (Col. 38 X Col. 39) |
|---|---|---|---|---|---|---|
| a. | x | x | $ = | $ x | %= | $ |
| b. | x | x | $ = | $ x | %= | $ |
| c. | x | x | $ = | $ x | %= | $ |

| | | |
|---|---|---|
| **41. TOTALS:** | 41a. Col. 26a, 31, and 38 $ 17,565,750.00 | 41b. Col. 26b, 33, and 40 $ 7,050,403.50 |
| | 42. WEIGHTED AVERAGE LOSS *(Total Column 41b ÷ Total Column 41a)* 40 % | |

**COC AND STC CERTIFICATION**

43. Date of COC meeting when determination was made that a natural disaster has occurred and to request authority for Emergency Haying and Grazing of CRP Acreage: May 15, 2004

| | | |
|---|---|---|
| 44. ***I certify that the above data is complete and factual to the best of my ability.*** | A. SIGNATURE OF CED /s/ *Mike Smith* | B. DATE *(MM-DD-YYYY)* May 15, 2004 |
| 45. SIGNATURE OF SED /s/ *Bill Jones* | A. CONCURRED BY THE STC YES [X] NO [ ] | B. DATE *(MM-DD-YYYY)* May 16, 2004 |

**Conservation Reserve Program**

**Terms and Conditions for Emergency Haying and Grazing of CRP Acreage**

I/We hereby request authority for emergency haying or grazing of approved cover on CRP acreage.

I/We agree to: (1) obtain a modified conservation plan to include haying, as determined by the Natural Resources Conservation Service (NRCS) or Technical Service Provider (TSP); (2) re-establishing, at my/our own expense, any cover destroyed or damaged as a result of participating under this authority, regardless of recommendations or determinations made the TSP; (3) remove all hay or livestock from CRP acreage before the earlier of October 1, or 10 calendar days from the date notified by Farm Service Agency (FSA) at the local county office that emergency haying or grazing authorization has ended; (4) limit haying of CRP acreage to one cutting; (5) **not** hay and graze the same acreage; (6) **not** rent or lease the haying or grazing privilege for an amount greater than the applicable payment reduction; and (7) **not** sell the hay harvested according to this agreement.

Check the payment reduction option applicable to this contract:

_____ The payment reduction has been paid in advance.

_____ The FY _____ annual rental payment, scheduled to be made after October 1, will be reduced by the number of acres actually hayed or grazed, times **25 percent** of the CRP annual per acre payment rate.

I/We agree to leave at least **50 percent** of each field or contiguous fields unhayed, or leave at least 25 percent of each field or contiguous fields ungrazed for wildlife, or graze all of the CRP acreage at no more than 75 percent of the stocking rate determined by the TSP. If acreage hayed or grazed is more or less than originally intended, I/We will notify FSA at the local county office so the CRP annual rental payment can be adjusted accordingly.

The CRP contract is subject to termination or other penalties as may be authorized by the CRP contract and regulations should there be any violation of this haying or grazing authority of CRP acreage.

If the payment reduction has not been paid in advance, all signatories on CRP-1 shall sign these conditions before haying or grazing begins.

CRP-1 Contract Number: _____ Farm Number: _____

Tract Number: _____ Field Number: _____

Participant's Signatures/Dates:

_____ _____

_____ _____

_____ _____

## CRP-20, Notice of Conservation Reserve Program (CRP) Contract Termination

This is an example of CRP-20 to be issued with CRP-1E Addendum.

***REPRODUCE LOCALLY.*** Include form number and date on reproductions.

**CRP-20**
(11-07-91)

**U.S. DEPARTMENT OF AGRICULTURE**
Commodity Credit Corporation

**NOTICE OF CONSERVATION RESERVE PROGRAM (CRP)**
**CONTRACT TERMINATION**

**NAME AND ADDRESS CRP PARTICIPANT**

| |
|---|
| COUNTY |
| STATE |
| CONTRACT NO. |

We understand that the property under the above identified CRP contract is now in the possession of _____of the Department of _____which has taken ownership of the property by foreclosure or otherwise. Because_____ (agency) is a federal agency, it cannot succeed to the contract. In such circumstances, the CRP contract and CRP regulations provide for terminating the contract and for collecting, from the contract participant, liquidated damages and a refund, with interest, of monies paid under the CRP contract.

_____(agency) has indicated its willingness to comply with the conservation provisions of the contract. Accordingly, if you agree, (by signing the attached CRP-1E Addendum Regarding Possession of Conservation Reserve Program (CRP) Property Held by Federal Agency) a claim will not be established at this time.

A claim will be established if the _____ (agency) or its successor fails to comply with the conservation provisions of the contract. Whether or not you sign the CRP-1E Addendum no further payments will be made to you under the contract unless the property is leased or sold back to you in such a manner as will for the remainder of the contract period place you in control of the property, and the Commodity Credit Corporation (CCC) agrees to make futher payments in which case, payment may be made on such terms as CCC agrees to. If you do not sign the CRP-1E Addendum it will not increase your liability (in the event that _____(agency) or its successor fails to maintain the property in accordance with the conservation provisions of the contract) although, should a claim be later established, interest calculations could be affected.

Sincerely yours,

County Executive Director

***This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or handicap.***

## CRP-1E Addendum, Addendum Regarding Possession of CRP Property Held by Federal Agency

This is an example of CRP-1E Addendum.

**REPRODUCE LOCALLY.** Include form number and date on reproductions. Form Approved-OMB No. 0560-0125

**CRP-1E Addendum**
(09-11-92)

**U.S. DEPARTMENT OF AGRICULTURE**
Commodity Credit Corporation

### ADDENDUM REGARDING POSSESSION OF CONSERVATION RESERVE PROGRAM (CRP) PROPERTY HELD BY FEDERAL AGENCY

**NOTE** ➜ *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is to be supplied on this form is the Food and Security Act of 1985, Pub. L. 99-198, and the regulations promulgated thereunder (7 C.F.R. Part 704 and the Internal Revenue Code (26 U.S.C. 6109). This information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program to assist in determining eligibility, and to determine the correct parties to the contract. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided. Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM (OMB No. 0560-0125), STOP 7630, Washington, D.C. 20250-7630.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

The parties to this Addendum are the undersigned participants in the CRP contract No. _____ and the Commodity Credit Corporation ("CCC").

The parties state and agree:

1. The property which is the subject of the above-identified CRP contract (hereinafter "the contract") is now held by

   _____ (agency) (hereinafter "the acquiring agency") of the Department of _____

   which has acquired the property by foreclosure or otherwise and which is in control of the property.

2. As the acquiring agency is not and cannot be a party to the contract by succession or otherwise, the contract is terminable by the CCC. However, it is agreed by the parties to this addendum that:

   (a) Except as specified in paragraph (c), no further payment shall be made to the undersigned CRP participants (hereinafter "the participants") under the contract by the CCC. However, no claim for a refund of payments previously made or for liquidated damages as would accrue to CCC under the contract in cases of contract terminations will be established by the CCC against the participants so long as the land which is the subject of the contract is maintained, through the termination date of the original contract, in full compliance with the conservation requirements of the contract including, but not limited to, requirements relating to the maintenance of the permanent cover crop and the prohibition against the production of crops on the property. In the event that for any reason the property is not maintained in accordance with those requirements, CCC may terminate the contract, may establish a claim against the participants, may collect all sums provided in the contract, and may pursue any and all other remedies provided for in favor of CCC under the contract.

   (b) The acquiring agency may sell or otherwise transfer ownership and control of the property to a party who is eligible to succeed to the contract and such buyer may, at such buyer's option, succeed to the contract. In the event of such a succession, the participants will be relieved of liability for any failure to comply with the conservation practices of the contract, absent collusion on the part of the participants.

   (c) To the extent that the current operator of the property or producer on the property is one of the participants and continues to be the operator on the property or producer on the property even though ownership of the property is now held by the acquiring agency, such person may continue to receive payments provided for in the contract so long as the property is maintained in accordance with the terms of the contract, such person continues to be the operator of the property, ownership of the property remains with the acquiring agency, and the acquiring agency, subject to CCC approval, notifies CCC that it wishes to exercise that option.

   (d) The participants hereby waive any defenses which they may have, now or later, under any statute of limitations to any claim made by CCC under the contract.

**It is so agreed and understood.**

| A. Signature of CRP Participants | Date | Address |
|---|---|---|
| Signature | Date | Address |
| B. Signature of Commodity Credit Corporation | Date | Title |

**The undersigned federal agency acknowledges the accuracy of the representations set forth above.**

| C. Signature of Commodity Credit Corporation | Date | Agency Name and Address |
|---|---|---|

*This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.*

## Determining CRP Refunds

### A Computing Refunds

Follow these steps when determining refunds of CRP annual rental and C/S payments.

| Step | Action |
|---|---|
| 1 | Use the total amount paid by CCC plus the simple interest on each payment. |
| 2 | Calculate the interest separately for each payment. |
| 3 | Determine the interest by multiplying the CCC interest rate in effect at the time the payment was issued times the amount of payment. |
| 4 | Multiply the interest amount from step 3 times the number of days outstanding (the number of days from the disbursement date to the repayment date) divided by 365 calendar days. |

### B Example

Annual rental payment = $5,000 C/S paid = $3,000

CCC made the following payments to a participant on the following dates.

| Payment | Date Payment Made | Amount of Payment | Interest Rate (Percent) |
|---|---|---|---|
| A | 10-2-86 | $5,000 | 5.75 |
| B | 3-15-87 | $3,000 | 5.875 |
| C | 10-31-87 | $5,000 | 7.5 |
| D | 10-10-88 | $5,000 | 8.125 |
| E | 10-27-89 | $5,000 | 8.25 |
| F | 11-2-90 | $5,000 | 7.625 |
| G | 10-24-91 | $5,000 | 5.625 |
| H | 10-6-92 | $5,000 | 3.375 |

Demand letter was issued on January 15, 1993. Producer pays refund January 29, 1993.

Continued on the next page

**B**
**Example**
**(Continued)**

Determine the amount to be refunded as follows.

**Interest on Payment A**

(90 days in 1986 + 365 in 1987 + 366 days in 1988 + 365 days each in 1989-1991 + 366 days in 1992 + 29 days in 1993) = 2,311 total days
2,311 days divided by 365 days per year = 6.3315

$5,000 x 5.75% x 6.3315 = $1,820.31

**Interest on Payment B**

(291 days in 1987 + 366 days in 1988 + 365 days each in 1989-1991 + 366 days in 1992 + 29 days in 1993) = 2,147 total days
2,147 divided by 365 days per year = 5.8822

$3,000 x 5.875% x 5.8822 = $1,036.74

**Interest on Payment C**

(61 days in 1987 + 366 days in 1988 + 365 days in 1989-1991 + 366 days in 1992 + 29 days in 1993) = 1,917 total days
1,917 days divided by 365 days per year = 5.2521

$5,000 x 7.5% x 5.2521 = $1,969.54

**Interest on Payment D**

(82 days in 1988 + 365 days each in 1989-1991 + 366 days in 1992 + 29 days in 1993) = 1,572
1,572 days divided by 365 days per year = 4.3068

$5,000 x 8.125% x 4.3068 = $1,749.64

Continued on the next page

**B**
**Example**
**(Continued)**

**Interest on Payment E**

(65 days in 1989 + 365 days each in 1990 and 1991 + 366 days in 1992 + 29 days in 1993) = 1,190
1,190 days divided by 365 days per year = 3.2603

$5,000 x 8.25% x 3.2603 = $1,344.87

**Interest on Payment F**

(59 days in 1990 + 365 days in 1991 + 366 days in 1992 + 29 days in 1993) = 819
819 days divided by 365 = 2.2438

$5,000 x 7.625% x 2.2438 = $855.45

**Interest on Payment G**

(68 days in 1991 + 366 days in 1992 + 29 days in 1993) = 463
463 days divided by 365 = 1.2685

$5,000 x 5.625% x 1.2685 = $356.77

**Interest on Payment H**

(86 days in 1992 + 29 days in 1993) = 115
115 days divided by 365 = .3151

$5,000 x 3.375% x .3151 = $53.17

Continued on the next page

**B**
**Example**
**(Continued)**

| Payment | Principal Due | Interest Due | Total Due |
|---|---|---|---|
| A | $5,000 | $1,820.31 | $6,820.31 |
| B | $3,000 | $1,036.74 | $4,036.74 |
| C | $5,000 | $1,969.54 | $6,969.54 |
| D | $5,000 | $1,749.64 | $6,749.64 |
| E | $5,000 | $1,344.87 | $6,344.87 |
| F | $5,000 | $855.45 | $5,855.45 |
| G | $5,000 | $356.77 | $5,356.77 |
| H | $5,000 | $53.17 | $5,053.17 |
| Total Due | | | $47,186.49 |

## Completing FSA-695, Conservation Annual Payment Statement

**A**
**Preparing FSA-695**

May prepare one optional FSA-695 for each person who will receive an annual payment under CRP-1.

**B**
**Completing FSA-695**

Complete FSA-695 according to this table.

| Item Number | Instructions |
|---|---|
| 1 | Enter the State and county codes. |
| 2 | ENTER “CRP”. |
| 3 | Enter the following:<br><br>• farm number<br>• name and address of the producer. |
| 4 | Enter producer’s Social Security number. |
| 5 | Leave blank. |
| 6 | Enter the CRP-1 number or easement number, if applicable. |
| 7 | Enter the CRP-1 period. |
| 8 | Enter producer’s share. |
| 9 | Enter the amount of the participant’s rental payment per year. |
| 10 A | Specify who or what the offset is for, the payee’s ID number, and the purpose of the offset. |
| 11 A | Enter the amount of the offset. |
| 11 B | Enter the amount of the participant’s payment less any offset, if applicable. |
| 12 | The person approving the payment shall initial and date FSA-695. |
| 13 | Enter the check number for each payment. |

Continued on the next page

## Completing FSA-695, Conservation Annual Payment Statement (Continued)

**B Completing FSA-695 (Continued)**

**FSA-695** (02-10-97)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

**CONSERVATION ANNUAL PAYMENT STATEMENT**

| 1. ST. & CO. CODES | 2. PROGRAM |
|---|---|
| 55-095 | CRP |

| 3. FARM NO. | NAME AND ADDRESS OF PRODUCER | 4. SOCIAL SECURITY NO. | 5. PAYMENT TERMS |
|---|---|---|---|
| 1965 | L. Hubbard<br>Rt.2, Box 266<br>Amery, WI 54001 | 123-45-6789 | N/A |
| | | 6. CONTRACT OR EASEMENT NO. | 7. AGREEMENT PERIOD (Yr.) BEGIN 1993 END 2002 |
| | | 527 | |
| | | 8. PARTICIPANT'S SHARE | 9. GROSS PRODUCER PAYMENT |
| | | ALL | $9,700.00 |

PAYMENT DATA

| 10. ITEM | 11. AMOUNT | 12. APPROVED BY AND DATE | 13. CHECK NUMBER |
|---|---|---|---|
| A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE<br>Due FCIC 38-081-136 1992 Premium | $ 70.68 | CF 10-4-92 | 05711382 |
| B. Net Producer Payment | $9,629.32 | CF 10-4-92 | 05711383 |
| A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE | $9,700.00 | CF 10-15-93 | 17235680 |
| B. Net Producer Payment | | | |
| A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE | $9,700.00 | CF 10-20-94 | 24609720 |
| B. Net Producer Payment | | | |
| A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE | $9,700.00 | CF 10-14-95 | 58921100 |
| B. Net Producer Payment | | | |
| A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE | $9,700.00 | MA 10-4-96 | 70048011 |
| B. Net Producer Payment | | | |
| A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE | | | |
| B. Net Producer Payment | | | |
| A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE | | | |
| B. Net Producer Payment | | | |
| A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE | | | |
| B. Net Producer Payment | | | |
| A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE | | | |
| B. Net Producer Payment | | | |
| A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE | | | |
| B. Net Producer Payment | | | |

14. REMARKS

**Examples of Computing Annual Rental Payments for Converted CRP-1's**

**A Producer Converts Part of CRP-1 Acres**

Producer A earns a total of $5,000 per year (100 CRP acres at $50 per acre) in annual rental payments under 1986 CRP contract number 10. In November 1991, Producer A converts 50 acres to CP3A for 4 additional years.

Producer A is eligible to earn annual rental payments according to this table.

| FY Issued | Under CRP Contract Number 10 A for the 50 Acres Not Converted to CP3A | Under CRP Contract Number 10 B for the 50 Acres Converted to CP3A |
|---|---|---|
| 1993 | $2,500 | $2,500 |
| 1994 | $2,500 | $2,500 |
| 1995 | $2,500 | $2,500 |
| 1996 | $2,500 | $2,500 |
| 1997 | | $2,500 |
| 1998 | | $2,500 |
| 1999 | | $2,500 |
| 2000 | | $2,500 |

Continued on the next page

**B**
**Computing Annual Payments if All CRP Acres Are Converted**

Producer B earns $1,000 per year (20 CRP acres at $50 per acre) in annual rental payments under 1986 CRP contract number 11. In November 1991, Producer B converts all of the acres under CRP contract number 11 to CP3A for 5 additional years.

Producer A is eligible to earn annual rental payments according to this table.

| FY Issued | Under CRP Contract Number 11 A for the 20 Acres Converted to CP3A |
|---|---|
| 1993 | $1,000 |
| 1994 | $1,000 |
| 1995 | $1,000 |
| 1996 | $1,000 |
| 1997 | $1,000 |
| 1998 | $1,000 |
| 1999 | $1,000 |
| 2000 | $1,000 |
| 2001 | $1,000 |

Continued on the next page

**Examples of Computing Annual Rental Payments for Converted CRP-1's (Continued)**

**C**
**Computing Annual Payments if CRP Acres Converted to CP19**

Producer C earns a total of $5,000 per year (100 CRP acres at $50 per acre) in annual rental payments under 1986 CRP contract number 12. On March 18, 1992, Producer C converts 50 acres of CRP contract number 12 to CP19 for 4 additional years. Producer C agrees to accept a 50 percent reduction in the annual rental payments for the **remaining** life of the converted CRP-1.

Producer C is eligible to earn annual rental payments according to this table.

| FY Issued | Under CRP Contract Number 12 A for 50 Acres Not Being Converted to CP19 | Under CRP Contract Number 12 B for 50 Acres Converted to CP19 | |
|---|---|---|---|
| 1993 | $2,500 | $1,827 1/ | |
| | | Prorated payment of $1,154 based on 169 days CRP contract number 12 was in effect | Prorated payment of $673 based on 197 days CRP contract number 12 B was in effect |
| 1994 | $2,500 | $1,250 | |
| 1995 | $2,500 | $1,250 | |
| 1996 | $2,500 | $1,250 | |
| 1997 | | $1,250 | |
| 1998 | | $1,250 | |
| 1999 | | $1,250 | |
| 2000 | | $1,250 | |

1/ CRP payments earned during FY 1992 shall be based on:

- the date the conversion is effective
- the number of days the original CRP-1 was effective
- the number of days the revised CRP-1 was effective.

**Completing Manual FSA-18, Applicant's Agreement to Complete an Uncompleted Practice**

**A**
**Instructions**

County Office shall:

- complete FSA-18, using data from AD-245
- reproduce FSA-18 locally

  **Note:** Include form number, OMB number, and date on the reproduction.

- prepare FSA-18 in duplicate:
  - mail copy to participant
  - file original in participant's CRP folder.

Participant shall sign FSA-18 agreeing to complete the practice. COC shall review and, if eligible, approve all FSA-18's.

Continued on the next page

## Completing Manual FSA-18, Applicant's Agreement to Complete an Uncompleted Practice (Continued)

### B Example of FSA-18

Following is an example of FSA-18.

This form is available electronically.

Form Approved - OMB No. 0560-0082

**FSA-18**
(06-18-98)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

**APPLICANT'S AGREEMENT TO COMPLETE AN UNCOMPLETED PRACTICE**

1. COUNTY FSA NAME AND OFFICE ADDRESS (*Include Zip Code*):
Any State County Office
123 Any Rd.
Anytown, USA 99999
TELEPHONE NO. (*Include Area Code*): 999-999-9999

| 2. APPLICANT'S NAME | | 3. PROGRAM | 4. FARM NO. |
|---|---|---|---|
| John Brown | | CRP | 2732 |
| **5. STATE WHERE FARM IS LOCATED** | **6. COUNTY WHERE FARM IS LOCATED** | **7. CONTRACT NO.** | **8. CONTROL NO.** |
| Georgia | Baker | 100 | |

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is 7 CFR Part 701-18, 16 USC 590 et seq., 2101 et seq.; Pub. L. 96-106 and 96-528, authorize collection of the following data. Furnishing the data is voluntary, however, no further monies or other benefits may be paid out under the program unless this report is completed and filed as required by existing law and regulations. This information will be used to determine eligibility for program benefits. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.*

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0082. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

**PART A - PRACTICE APPROVED ON AD-245**

| 9. NO. | 10. DESCRIPTION | 11. APPROVED EXTENT | 12. COST-SHARES APPROVED |
|---|---|---|---|
| CP3A | Hardwood tree planting | 15 | 5,940 |

**PART B - COMPONENTS AS APPROVED ON AD-245**

| 13. CODE | 14. DESCRIPTION | 15. APPROVED EXTENT | 16. RATE | 17. COST-SHARES APPROVED |
|---|---|---|---|---|
| HT1 | Heavy tree planting | 15 | 27.60 | 1,159 |
| HS1 | Heavy site preparation | 15 | 101.40 | 4,259 |
| TS5 | Tree seedlings | 15 | 12.44 | 522 |
| | | | | |
| | | | | |

**PART C - COMPONENTS (*Identify each separately*)**

18. The following component codes have been completed in accordance with specifications:

HS1

19. The following component codes have not been completed in accordance with specifications:

HT1
TS5

**PART D - APPLICANT'S CERTIFICATION**

*I request cost-share assistance for the completed components shown in Part C, Item 18 above. I agree to complete the components shown in Part C, Item 19, within the time prescribed by the County FSA committee, regardless of whether or not cost-share assistance is approved. I agree to refund any cost assistance paid to me under this practice, if I fail to complete it.*

| 20A. APPLICANT'S SIGNATURE | 20B. DATE (*MM-DD-YYYY*) |
|---|---|
| ***/s/ John Brown*** | ***11-27-20xx*** |
| **21A. APPROVED FOR COUNTY COMMITTEE BY** | **21B. DATE (*MM-DD-YYYY*)** |
| ***/s/ Robert D. Mills*** | ***12-01-20xx*** |

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