

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.

Amendment Transmittal (Continued)

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.

Amendment Transmittal (Continued)

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.

Amendment Transmittal (Continued)

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.

Amendment Transmittal (Continued)

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.

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)

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, <u>1</u> / Wetland Restoration	X		10-15	*--Y	Y	Y (20%)	\$2
CP23A, <u>1</u> / 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, <u>1</u> / 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 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.--*

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 (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.--*

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.

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.

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	<p>Determine the number of acres enrolled that are eligible for CRP-SIP. Only certain practices are eligible for CRP-SIP.</p> <p>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.</p>
2	<p>*--CRP-SIP is made for 10 years.--*</p> <p>* * *</p> <p>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.</p>
3	<p>Multiply the result of step 1 times the result of step 2 times \$10.</p> <p>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.</p>

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 “XXCRPSGNT”
- 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 ($\$750 \times .80 = \600). PIP is \$600.
Example No. 2	
Step	Action
1	Producer enrolls 5 acres to be devoted to CP22 and 10 acres to be devoted to CP18B on the same tract. The producer's total eligible cost to install CP22 and CP18B was \$5,500. The producer received \$4,000 from the State Department of Natural Resources. The producer's out-of-pocket cost was \$1,500. The value of the contribution from the State Department of Natural Resources plus the producer's out of pocket cost did not exceed the established eligible cost. The producer received \$1,500 C/S assistance ($\$5,500 \times .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 \times .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.--*

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

C Completing CRP-2C (Continued)

Item Number	Instructions
17A	Enter the physical location.
17B	<p>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.</p> <p>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.</p>
17C	<p>For cropland, enter the primary, secondary, and tertiary soil map unit symbols for the entire eligible acreage offered as infeasible to farm acreage.</p> <p>Infeasible-to-farm criteria does not apply to practices on marginal pastureland.</p> <p>*--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).--*</p>

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. 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. Notes: If only 1 type (cropland soil type) is listed in column C, leave column F blank. 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: Items 14F + 16 + 17F divided by the total acres (14D + 17D).

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

C Completing CRP-2C (Continued)

Item Number	Instructions
24C through 24I	<p>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.</p> <p>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.</p> <p>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.</p> <p>*--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.</p> <p>For flooded prairie wetlands (CP41), County Offices shall enter “FPW” to record producer’s certification for cropland that was:</p> <ul style="list-style-type: none"> • subject to the natural overflow of a prairie wetland • physically cropped during at least 3 out of the 10 crop years after January 1, 1990, and before December 31, 2002.--* <p>For marginal pastureland, enter “MPL” in item 24C.</p>
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)		1. TRACT NUMBER 106	2. PROGRAM YEAR 2004																																				
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.		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 1675 Virginia Lane Anytown, AL TELEPHONE NO. (Include Area Code): (212) 555-1212		5A. STATE & COUNTY CODE ADMIN. LOCATION 17163	5B. STATE & COUNTY CODE PHYSICAL LOCATION 17157																																					
4C. COUNTY FSA OFFICE ADDRESS (Zip Code): St. Clair CO FSA Office 2031 Mascoutah Avenue Belleville, IL 62220		4D. COUNTY FSA OFFICE TELEPHONE NO. (Include Area Code): (212) 555-1213	8. IS COST-SHARE REQUESTED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	9. RENTAL RATE PER ACRE OFFERED \$ 67.67																																					
11. PRACTICES:			12. HUC Number:																																						
<table border="1"> <thead> <tr> <th>A. PRACTICES</th> <th>B. ACRES</th> <th>C. ESTIMATED TOTAL C/S</th> <th>D. LENGTH</th> </tr> </thead> <tbody> <tr> <td>CP21</td> <td>9</td> <td>\$1000</td> <td>15</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>			A. PRACTICES	B. ACRES	C. ESTIMATED TOTAL C/S	D. LENGTH	CP21	9	\$1000	15																													13. Land Eligibility Category by Acres: (Enter the amount eligible for each criteria.)		
A. PRACTICES	B. ACRES	C. ESTIMATED TOTAL C/S	D. LENGTH																																						
CP21	9	\$1000	15																																						
			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
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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	19. Weighted Average Maintenance Rate for Contract \$ 5.00	20. Maximum Payment Rate (Item 18 + Item 19) \$ 67.67
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 ☐ FSA PENDING COPY

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 <u>1/</u>	Buffer
CP27	FWP Cropped Wetlands	Yes	Yes 3 of 10 most recent crop years.	Not to exceed 40 acres per tract.	4:1 ratio
CP28	FWP Buffer	Yes	Yes 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 1 year 2002 through 2007.	No limit.	No buffer required.
CP41	FWP Flooded Prairie Wetland	Yes	Yes 3 years out of 10 years from January 1, 1990, through December 31, 2002.	Not to exceed 40 acres per tract. 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		

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--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.

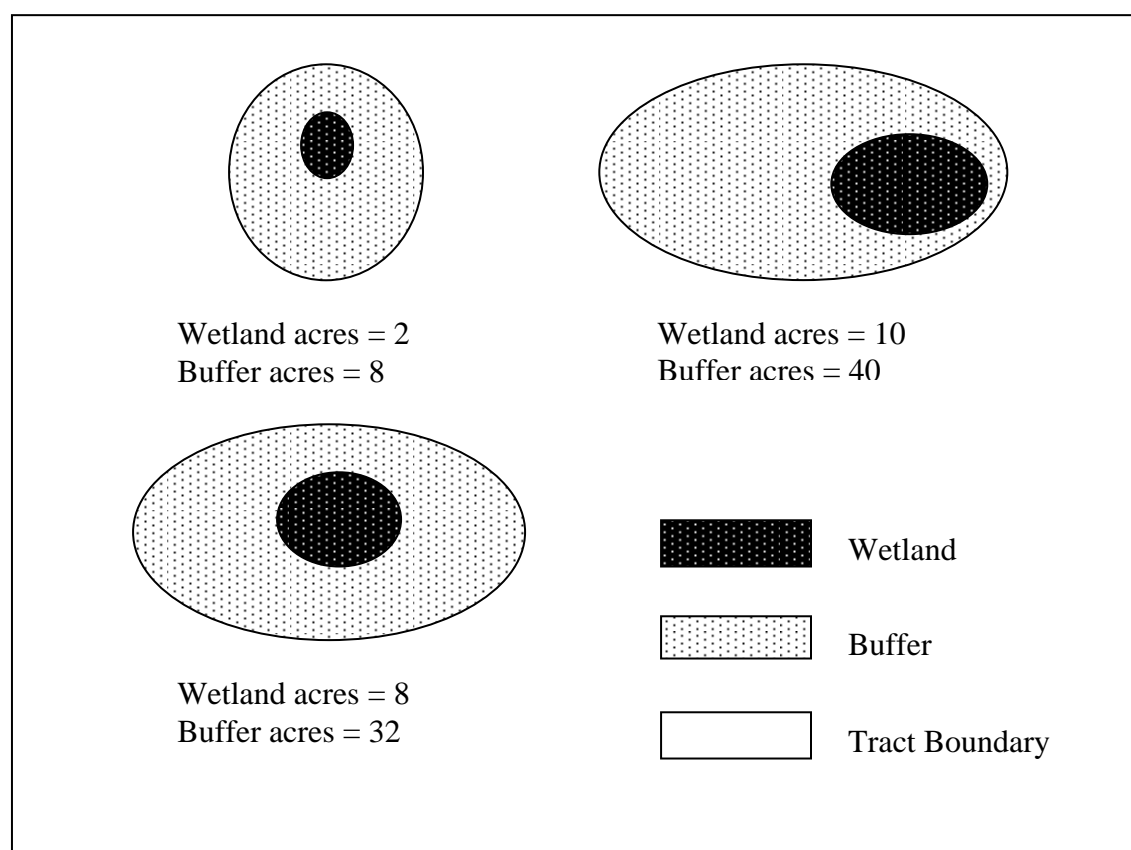
A producer offers a 10 acre wetland, a 12 acre wetland, a 15 acre wetland and an 8 acre wetland. All are offered as CP40. Because there is no limit on the wetland size of CP40, all wetlands are eligible to be offered for enrollment in FWP. A buffer may be installed around the wetlands, but is not required.--*

***--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.

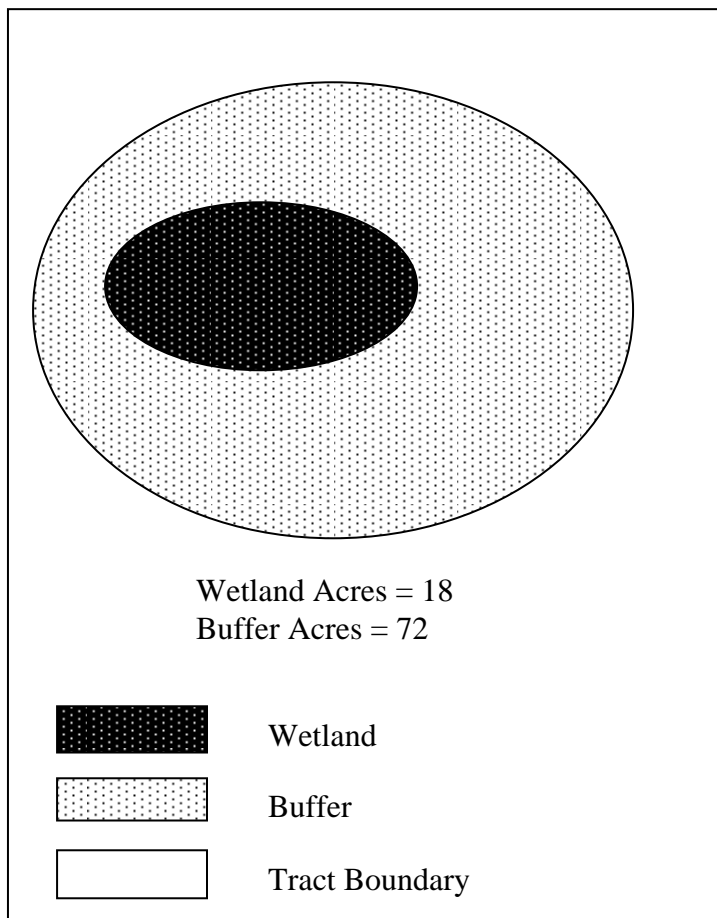
An associated buffer (CP28) is required in conjunction with practice CP39. See subparagraph 146.5 C for CP28 acreage limitation.--*

***--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



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***--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:

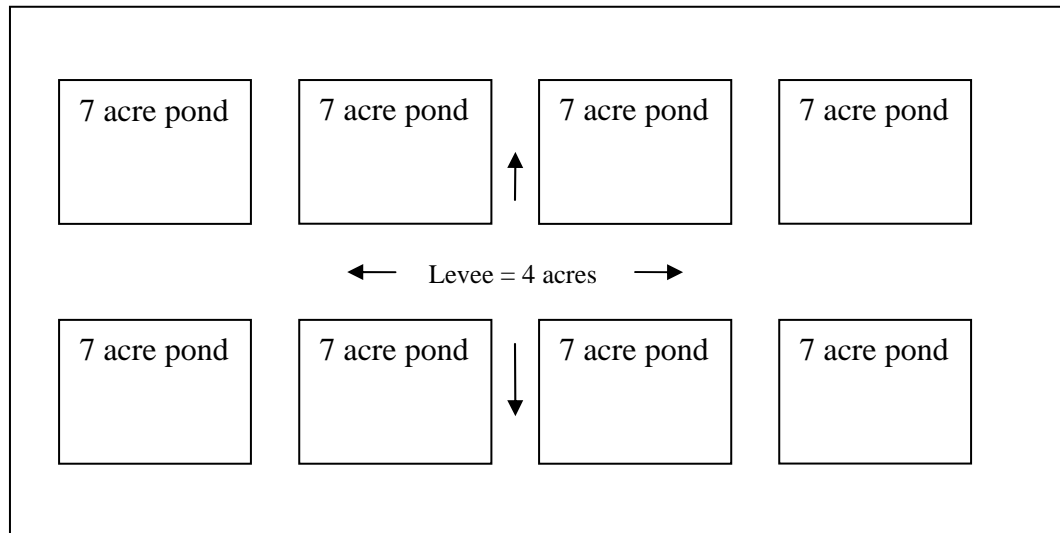
- feed purchase records
- stocker purchase records
- harvest/sales records
- imagery
- slides.--*

--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

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***--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.

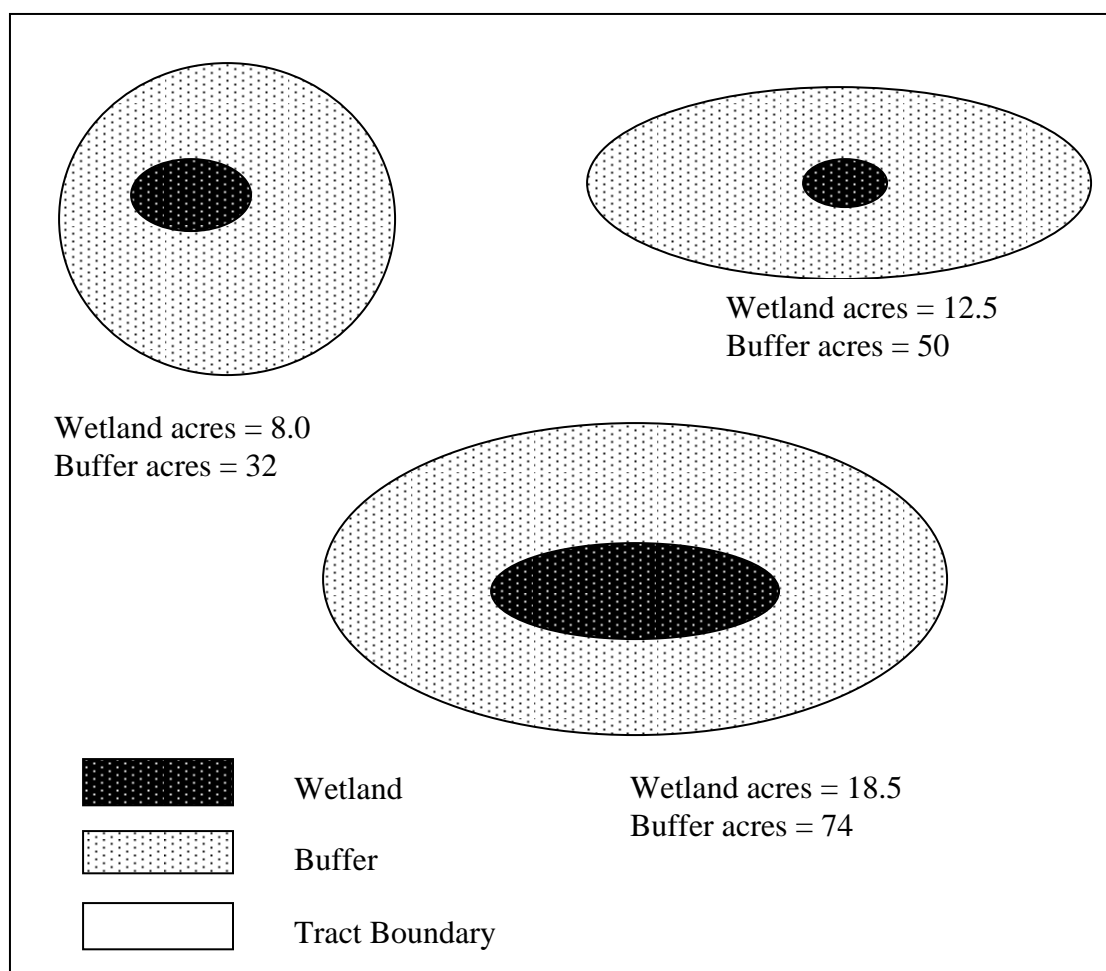
A producer offers a 12.5 acre flooded prairie wetland, a 8 acre flooded prairie wetland, and a 18.5 acre flooded prairie wetland for enrollment in FWP. Because no wetland is greater than 20 acres, all flooded prairie wetlands (39 acres) may be enrolled if all other eligibility requirements are met. Associated 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 for CP41 (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



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***--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)

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	<p>A producer is interested in enrolling in EFCRP. County Offices will:</p> <ul style="list-style-type: none"> • review EFCRP with the producer • provide the producer with the EFCRP fact sheet and discuss applicable payment options (annual or lump sum payment) • explain producer, land, and other eligibility requirements • 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) • 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	<p>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.</p> <p>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.--*</p>
6	<p>The State Forester, based on a site visit, will determine:</p> <ul style="list-style-type: none"> • percent of loss • erosion potential • wildlife suitability • water quality impacts • assessment of the pre-disaster condition • suitability of the acreage offered for the various practices (CP35A – CP35I). • whether the land offered is merchantable timber • whether the land offered is PNIF. <p>*--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.--*</p>

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 sum 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)

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.

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.

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

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...
<ul style="list-style-type: none"> • COC members • County ES employees • FSA County Office employees • other County USDA employees • 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.

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)

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~~ 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. --*

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 Example: Father and son share CRP-1, each receives 50 percent of the \$20,000 annual rental payment.	<ul style="list-style-type: none"> revise the inherited CRP-1 to remove the deceased participant and increase the shares of the recipient to 100 percent according to 1-CRP process payments in the normal manner according to 1-CRP.
greater than \$50,000 Example: Father and son share CRP-1, each receives 50 percent of the \$60,000 annual rental payment.	<ul style="list-style-type: none"> 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 Note: The acreage on the contracts shall be divided accordingly. process annual rental payments for the inherited contract through the special CRP payment processing option according to 1-CRP, paragraph 361. Note: On Special Payment Reductions Screen EPCJ7301, ENTER "Y" in the "Inherited CRP-1 over PL" field.

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.

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.

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.

372 Making CRP Payments (Continued)

*--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.

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. <ul style="list-style-type: none"> • See Exhibit 41. • File FSA-695 according to 25-AS. <p>Note: Using FSA-695 is optional.</p>

* * *

--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.

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

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.

--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 signatory 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...
<ul style="list-style-type: none"> • COC members • County ES employees • FSA County Office employees • other County USDA employees • 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.

--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	<p>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.</p> <p>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.</p>
2	<p>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.</p>

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. 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.

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.

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

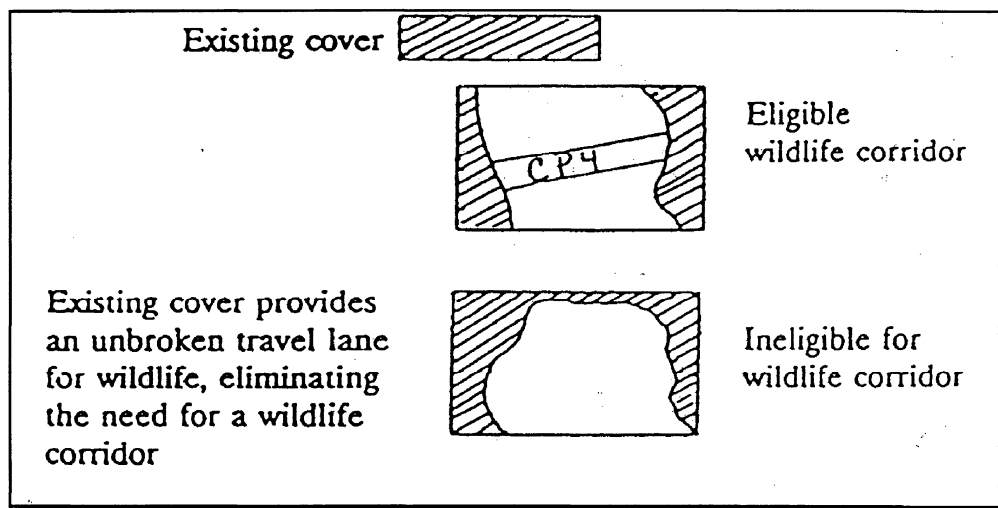
An approved public wellhead protection area is the area designated by the appropriate State agency with an EPA-approved Wellhead Protection Program for water being drawn for public use, as defined for public use by the Safe Drinking Water Act, as amended.

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.



***--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.

<p style="text-align: center;">Memorandum of Agreement (MOA)</p> <p style="text-align: center;">Between</p> <p style="text-align: center;">Natural Resources Conservation Service (NRCS),</p> <p style="text-align: center;">Farm Service Agency (FSA),</p> <p style="text-align: center;">And</p> <p style="text-align: center;">Commodity Credit Corporation (CCC)</p> <p style="text-align: center;">For Implementation of the Conservation Reserve Program (CRP)</p> <p style="text-align: center;">Through September 31, 2012</p> <p>I. Purpose</p> <p>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.</p> <p>II. General Provisions</p> <p>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.</p> <p>III. Authority</p> <p>This MOA is authorized by Title XII of the Food Security Act of 1985, as amended (1985 Act). Other authorities may also apply.</p> <p>IV. Responsibilities</p> <p>NRCS, FSA, and CCC agree, subject to the availability of funds, that:</p> <p>A. NRCS will:</p> <p>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.</p>

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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Memorandums of Understanding/Agreement (Continued)

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)

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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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Memorandums of Understanding/Agreement (Continued)

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)

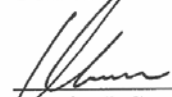
- C. Neither CCC, FSA nor NRCS, shall assign or transfer any rights or obligations under this Agreement without prior written approval of the other party.
- D. CCC, FSA and NRCS agree that, to the extent possible under applicable law, each party will be solely responsible for its own acts, omissions, 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

 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

National CRP Practices (Continued)

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	<p>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.</p> <p>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.</p> <p>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.</p> <p>This does not include herbicides or insecticides used as part of the maintenance of the cover.</p>	<p>authorized using technical practice codes 327, 338, 394, 550, 595, 644, 645, 647, and 666.</p> <p>Note: Technical practice codes 327, 644, 645, and 647 are authorized for open areas only.</p>
--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.

National CRP Practices (Continued)

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.

National CRP Practices (Continued)**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.

National CRP Practices (Continued)

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
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: <ul style="list-style-type: none"> • establishment of permanent native grass species • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established 	practice codes 327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 657, 658, and 659.--*

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	<p>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:</p> <ul style="list-style-type: none"> • establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits •*-establishment of native and permanent--* introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • 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)

CP23 Wetland Restoration (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
temporary cover	<ul style="list-style-type: none"> • required in the practice specifications • needed until the required seeds or plant stock is available • needed because the normal planting period for the permanent cover crop has passed • 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	<p>approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing</p> <p>Note: STC must designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441</p>	authorized not to exceed an average cost, as determined by STC.

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...
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.--*

National CRP Practices (Continued)**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.--

National CRP Practices (Continued)

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.

* * *

National CRP Practices (Continued)

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.--*

National CRP Practices (Continued)

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

--*

National CRP Practices (Continued)

--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.

National CRP Practices (Continued)

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

--*

National CRP Practices (Continued)

*--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: <ul style="list-style-type: none"> • establishment of permanent native grass species • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • 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	<p>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:</p> <ul style="list-style-type: none"> • establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits •*-establishment of native and permanent--* introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • 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	<ul style="list-style-type: none"> required in the practice specifications needed until the required seeds or plant stock is available needed because the normal planting period for the permanent cover crop has passed 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	<p>approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing</p> <p>Note: STC must designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441</p>	authorized not to exceed an average cost, as determined by STC.

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...
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.--*

National CRP Practices (Continued)**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.--

National CRP Practices (Continued)

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.--*

National CRP Practices (Continued)**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 ($EI \geq 4$) 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 ($EI \geq 4$).

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 ($EI \geq 4$).

National CRP Practices (Continued)

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 graminoid 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.

National CRP Practices (Continued)**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.

National CRP Practices (Continued)**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: <ul style="list-style-type: none"> • 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 • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established 	

National CRP Practices (Continued)

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	<ul style="list-style-type: none"> required in the practice specifications needed until the required seeds or plant stock is available needed because the normal planting period for the permanent cover crop has passed 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	<p>approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing</p> <p>Note: STC must designate areas where using such measures is warranted and cost-effective to protect seedlings.</p>	*--authorized not to exceed an average cost, as determined by STC.--*

National CRP Practices (Continued)

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.

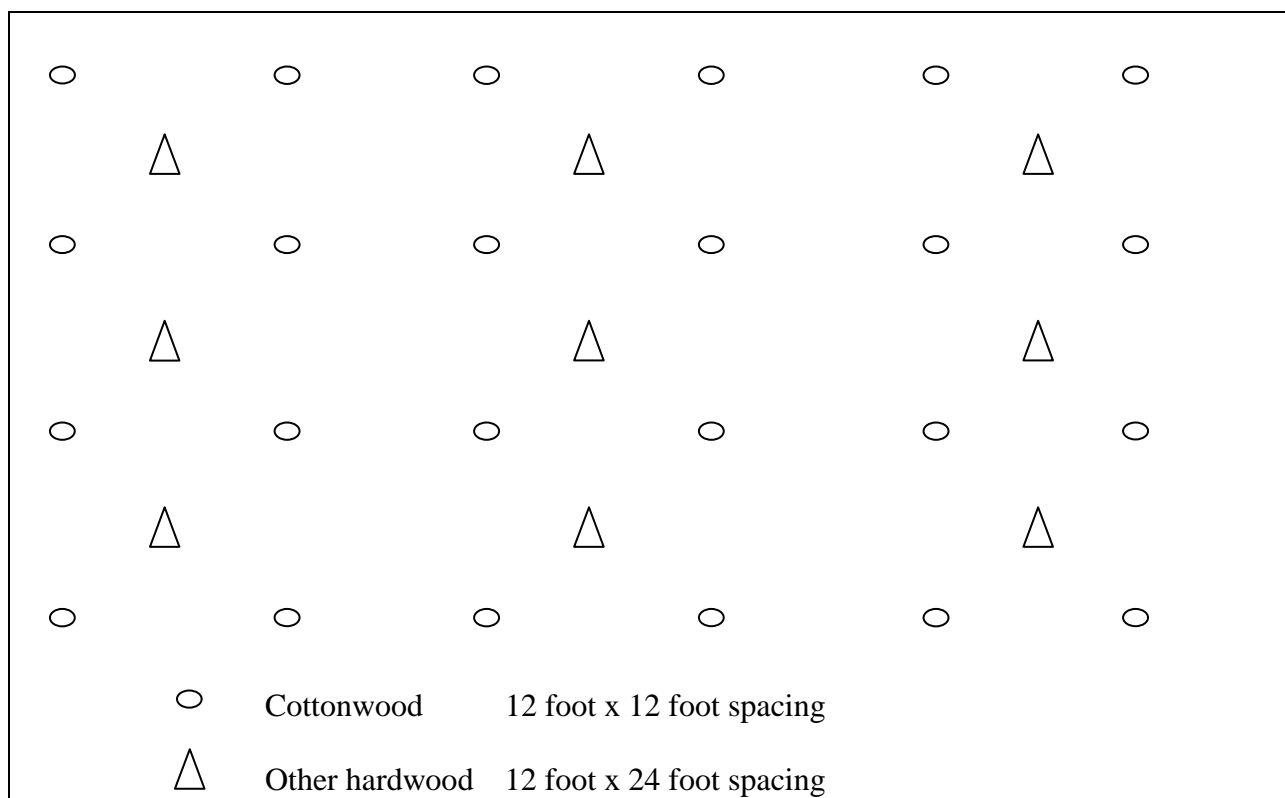
Example: Participant A enrolls 100 acres as CP31 who, working with a State Forester, selects cottonwood and 3 other silviculturally appropriate hardwood species. The cottonwoods are planted on 12' x 12' spacing and the other hardwoods are planted on 12' x 24' spacing. The plan calls for weed and insect 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.

National CRP Practices (Continued)

CP31 Bottomland Timber Establishment on Wetlands (Continued)

*--B Program Policy (Continued)

The following diagram illustrates a typical cottonwood/other hardwood planting.



--*

National CRP Practices (Continued)

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	<ul style="list-style-type: none"> • for ornamental purposes • for Christmas trees • nursery tree production • 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.

National CRP Practices (Continued)**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.

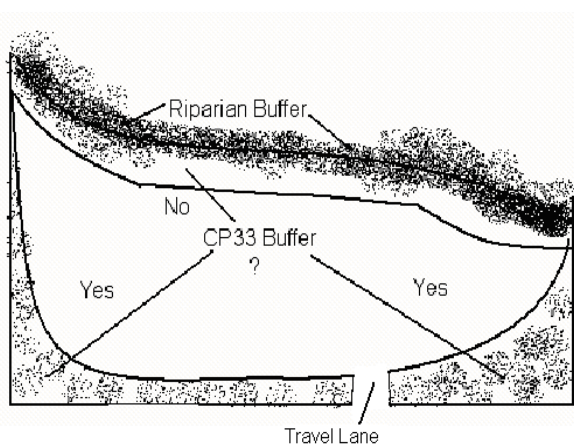
National CRP Practices (Continued)

*--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.

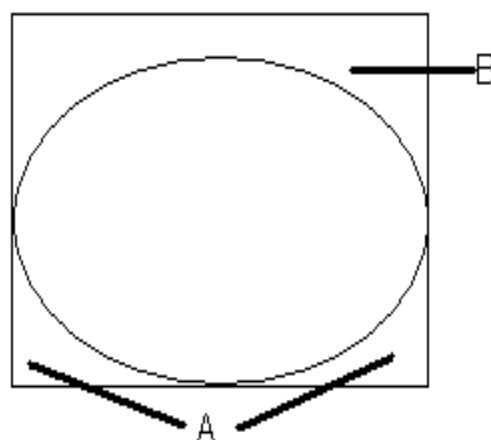
Examples:



**Figure
1**

- 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.
- 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**

--*

National CRP Practices (Continued)

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	<ul style="list-style-type: none">that a soil condition will not allow establishing a natural successional cover within 1 growing seasonneeded until selected seed or plant stock is availableneeded 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 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. 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	not authorized.
herbicide	to maintain vegetative cover	
insecticide		
clearing rocks or other obstructions from the area to be seeded		
stream bank stabilization	to enhance production	
mineral or nutrient		

National CRP Practices (Continued)**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.

National CRP Practices (Continued)***--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.--*

National CRP Practices (Continued)**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.

National CRP Practices (Continued)

--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.--*

National CRP Practices (Continued)***--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.--*

National CRP Practices (Continued)**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.

National CRP Practices (Continued)

*--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	<ul style="list-style-type: none">• for ornamental purposes• for Christmas trees• nursery tree production• 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.--*

National CRP Practices (Continued)**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.

National CRP Practices (Continued)***--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.--*

National CRP Practices (Continued)

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.

National CRP Practices (Continued)***--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.--*

National CRP Practices (Continued)**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.

National CRP Practices (Continued)**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.

National CRP Practices (Continued)***--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.--*

National CRP Practices (Continued)**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.

National CRP Practices (Continued)

***--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.--*

National CRP Practices (Continued)**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.

National CRP Practices (Continued)***--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).--*

National CRP Practices (Continued)

*--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.--*

National CRP Practices (Continued)

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: <ul style="list-style-type: none"> establishment of permanent native grass species establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat 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	

National CRP Practices (Continued)

***--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.--*

National CRP Practices (Continued)

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.--*

National CRP Practices (Continued)***--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.--*

National CRP Practices (Continued)***--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: <ul style="list-style-type: none"> • establishment of permanent native grass species • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established 	

--*

National CRP Practices (Continued)

*--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	<p>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:</p> <ul style="list-style-type: none"> • establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • 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	

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National CRP Practices (Continued)

*--CP39 FWP Constructed Wetland (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
temporary cover	<ul style="list-style-type: none"> required in the practice specifications needed until the required seeds or plant stock is available needed because the normal planting period for the permanent cover crop has passed 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	<p>approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing</p> <p>Note: STC must designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441.</p>	authorized not to exceed an average cost, as determined by STC.

--*

National CRP Practices (Continued)

*--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.--*

National CRP Practices (Continued)

***--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.--*

National CRP Practices (Continued)

***--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.--*

National CRP Practices (Continued)***--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.--*

National CRP Practices (Continued)

*--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: <ul style="list-style-type: none"> • establishment of permanent native grass species • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established 	

--*

National CRP Practices (Continued)

*--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	<p>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:</p> <ul style="list-style-type: none"> • establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • 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	

--*

National CRP Practices (Continued)

*--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	<ul style="list-style-type: none"> required in the practice specifications needed until the required seeds or plant stock is available needed because the normal planting period for the permanent cover crop has passed 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.	<p>approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing</p> <p>Note: STC must designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 441.</p>	authorized not to exceed an average cost, as determined by STC.

--*

National CRP Practices (Continued)

*--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.--*

National CRP Practices (Continued)

*--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.--*

National CRP Practices (Continued)

*--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.--*

National CRP Practices (Continued)***--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.--*

National CRP Practices (Continued)

***--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.--*

National CRP Practices (Continued)***--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.--*

National CRP Practices (Continued)***--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: <ul style="list-style-type: none"> • 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 • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established 	

--*

National CRP Practices (Continued)

*--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	<ul style="list-style-type: none"> required in the practice specifications needed until the required seeds or plant stock is available needed because the normal planting period for the permanent cover crop has passed 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	<p>approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing</p> <p>Note: STC must designate areas where using such measures is warranted and cost-effective to protect seedlings.</p>	authorized not to exceed an average cost, as determined by STC.

--*

National CRP Practices (Continued)

*--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	

--*

National CRP Practices (Continued)***--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.--*

National CRP Practices (Continued)***--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.--*

***--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 (e.g. CRP)	National Program Priority or Emphasis (Promotion of at-risk species habitat conservation)
_____	_____
_____	_____

***--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: _____

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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 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.

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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>.

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<p>This form is available electronically.</p>				
<p>CCC-770 CRP1 U.S. DEPARTMENT OF AGRICULTURE (06-29-09) Commodity Credit Corporation</p> <p align="center">CRP CONTRACT APPROVAL CHECKLIST</p>		<p>1. State Office Name</p>		
		<p>2. County Office Name</p>		
		<p>3. Contract Number</p>		
<p>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.</p>				
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?	<i>2-CRP, subparagraph 34A and Exhibit 1</i>			
5. Has a second party review of all eligibility requirements and maximum rate calculations been conducted?	<i>2 CRP, subparagraph 253A</i>			
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?	<i>2-CRP, subparagraphs 240A and 253A</i>			
7. Have participants obtained the catastrophic level of crop insurance or completed an FSA-570?	<i>2-CRP, paragraph 88</i>			
8. Do the DCP contract acres, GRP acres, and CRP acres meet the requirement not to exceed cropland on the farm?	<i>2-CRP, paragraph 225 and subparagraph 253B</i>			
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?	<i>2-CRP, paragraphs 236, 253 and 255</i>			
10. Have all required signatures been obtained on the CRP-1, CRP-2, and the conservation plan?	<i>2-CRP, subparagraph 195C, paragraph 198, subparagraph 236B and paragraph 253</i>			
11. Has NEPA, NHPA, ESA, and related acts compliance been documented on NRCS-CPA-52 or State approved equivalent form?	<i>2-CRP, subparagraph 242F</i>			
12. Does the conservation plan contain all required elements and has it been approved by the COC or designee?	<i>2-CRP, subparagraph 236B</i>			
<p><i>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.</i></p>				
13A. Signature of Preparer		13B. Date (MM-DD-YYYY)		
<p>14A. I concur/do not concur the above items have been verified and updated.</p>		<p align="center"><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur</p>		
14B. CED Signature for Spotcheck		14C. Date (MM-DD-YYYY)		
<p>15A. I concur/do not concur the above items have been verified and updated.</p>		<p align="center"><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur</p>		
15B. DD Signature for Spotcheck		15C. Date (MM-DD-YYYY)		
<p><i>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.</i></p>				

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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>.

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<p>This form is available electronically.</p>				
<p>CCC-770 CRP2 U.S. DEPARTMENT OF AGRICULTURE (06-29-09) Commodity Credit Corporation</p> <p align="center">CRP COST SHARE PAYMENT CHECKLIST</p>		<p>1. State Office Name</p>		
		<p>2. County Office Name</p>		
		<p>3. Contract Number 4. FY of Payment</p>		
<p>NOTE: County Office shall ensure that eligibility has been updated according to CCC-770 Eligibility before payments are issued.</p>				
<p>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.</p>				
ACTION		Handbook or Other References		YES
				NO
				NA
5. Is an approved CRP-1 on file?		<i>2-CRP, subparagraph 496A</i>		
6. Is a completed and signed AD-245, Page 2 on file and initialed by a CCC representative?		<i>2 CRP, paragraphs 472, 474, and 496 1-CONSV, subparagraph 194A</i>		
7. Is a completed and signed AD-862 (certified by NRCS, TSP, or Participant, as applicable) on file?		<i>2-CRP, paragraphs 474 and 475</i>		
8. Are all necessary documents (receipts, seed tags, etc.) on file to properly calculate the cost share payment?		<i>2-CRP, paragraph 485</i>		
9. Has the cost-share payment been calculated correctly, including rounding and 2nd party review?		<i>2-CRP, paragraphs 482 thru 490 1-CONSV, subparagraph 194A</i>		
10. Is the person requesting cost-sharing eligible to receive cost-share?		<i>2-CRP subparagraphs 441A and 496A</i>		
11A. Signature of Preparer				1B. Date (MM-DD-YYYY)
<p>12A. I concur/do not concur the above items have been verified and updated. <input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur</p>				
12B. CED Signature for Spotcheck				12C. Date (MM-DD-YYYY)
<p>13A. I concur/do not concur the above items have been verified and updated. <input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur</p>				
13B. DD Signature for Spotcheck				13C. Date (MM-DD-YYYY)
<p><small>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.</small></p>				

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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>.

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<p>This form is available electronically.</p>				
<p>CCC-770 CRP3 U.S. DEPARTMENT OF AGRICULTURE (06-29-09) Commodity Credit Corporation</p> <p align="center">CRP ANNUAL RENTAL PAYMENT CHECKLIST</p>		<p>1. State Office Name</p>		
		<p>2. County Office Name</p>		
		<p>3. Contract Number 4. FY of Payment</p>		
<p>NOTE: County Office shall ensure that eligibility has been updated according to CCC-770 Eligibility before payments are issued.</p>				
<p>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.</p>				
MAKING ANNUAL RENTAL PAYMENTS		Handbook or Other References		YES NO NA
<p>5. Has the payment year FSA-578 or CCC-817U been signed and submitted by a participant on the CRP-1?</p>		<p><i>2-CRP, paragraph 404</i></p>		
<p>6. Have applicable payment reductions or payment prorations for violations, successions, or managed haying and grazing been loaded in the payment software?</p>		<p><i>1 CRP</i></p>		
<p>7A. Signature of Preparer</p>			<p>7B. Date (MM-DD-YYYY)</p>	
<p>8A. I concur/do not concur the above items have been verified and updated.</p>		<p align="center"><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur</p>		
<p>8B. CED Signature for Spotcheck</p>			<p>8C. Date (MM-DD-YYYY)</p>	
<p>9A. I concur/do not concur the above items have been verified and updated.</p>		<p align="center"><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur</p>		
<p>9B. DD Signature for Spotcheck</p>			<p>9C. Date (MM-DD-YYYY)</p>	
<p><small>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.</small></p>				

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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>.

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This form is available electronically. CCC-770 CRP4 U.S. DEPARTMENT OF AGRICULTURE (06-29-09) 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: <input type="checkbox"/> PIP <input type="checkbox"/> CP23 Hydrology Incentive <input type="checkbox"/> CP23A Hydrology Incentive <input type="checkbox"/> CP37 <input type="checkbox"/> SIP						
ACTION		Handbook or Other References		YES	NO	NA
6. Is an approved CRP-1 on file?		<i>2-CRP, paragraph 125 and subparagraphs 372C thru 372E, Exhibit 9</i>				
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).		<i>2 CRP, paragraph 125, Exhibit 9</i>				
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)?		<i>2-CRP subparagraph 371B</i>				
9. Has the indicated payment been calculated correctly, including rounding for PIP, CP23, CP23A, and CP37 and has a 2nd party review been completed?		<i>2-CRP, subparagraphs 125A, 125B, 372D, and 372E, Exhibit 9</i>				
10. Will the payment(s) be issued according to the shares on the CRP-1?		<i>2-CRP, subparagraphs 125B and 372E, Exhibit 9</i>				
11A. Signature of Preparer				11B. Date (MM-DD-YYYY)		
12A. I concur/do not concur the above items have been verified and updated.				<input type="checkbox"/> Concur <input type="checkbox"/> 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.				<input type="checkbox"/> Concur <input type="checkbox"/> 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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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.

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This form is available electronically.														
<div style="display: flex; justify-content: space-between;"> <div> CRP-37 (06-29-09) </div> <div> U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation </div> </div>														
REQUEST FOR INCIDENTAL GRAZING														
1. RETURN TO: (County FSA Office Name and Address) Lancaster County FSA 6030 Trade Center Capital City, NE 68516	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">2. CRP Contract Number</td> <td align="center">217</td> </tr> <tr> <td style="padding: 2px;">3. Farm Number</td> <td align="center">1001</td> </tr> <tr> <td style="padding: 2px;">4. Date (MM-DD-YYYY)</td> <td align="center">10-09-2009</td> </tr> </table>		2. CRP Contract Number	217	3. Farm Number	1001	4. Date (MM-DD-YYYY)	10-09-2009						
2. CRP Contract Number	217													
3. Farm Number	1001													
4. Date (MM-DD-YYYY)	10-09-2009													
<p>5. For the <u>2009</u> crop year, I (we) request authority to:</p> <p>A. <input checked="" type="checkbox"/> Conduct incidental grazing in Field Number(s) (1) <u>1, 4</u> in conjunction with the gleaning of crop residue or grazing a small grain before harvest beginning (2) <u>10-17-2009</u> (MM-DD-YYYY)</p> <p>I (we) understand and agree that:</p> <ul style="list-style-type: none"> · 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. <p>6. Check the payment reduction option applicable to this request:</p> <p>A. <input type="checkbox"/> The payment reduction has been paid in advance.</p> <p>B. <input checked="" type="checkbox"/> The annual rental payment, scheduled to be made after October 1, will be reduced.</p> <p>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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; padding: 5px;">A. Operator's Signature (By) /s/ James Brown</td> <td style="width: 30%; padding: 5px;">B. Title/Relationship (Individual Signing in the representative capacity) 10-09-2009</td> <td style="width: 30%; padding: 5px;">6. Date (MM-DD-YYYY)</td> </tr> <tr> <td style="padding: 5px;">A. Owner's Signature (By) /s/ Betty Smith</td> <td style="padding: 5px;">B. Title/Relationship (Individual Signing in the representative capacity) 10-09-2009</td> <td style="padding: 5px;">6. Date (MM-DD-YYYY)</td> </tr> <tr> <td style="padding: 5px;">A. COC's Signature (By) /s/ COC Representative</td> <td style="padding: 5px;">B. Title/Relationship (Individual Signing in the representative capacity) 10-09-2009</td> <td style="padding: 5px;">6. Date (MM-DD-YYYY)</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;">7A. Signature of CCC Representative</td> <td style="width: 16%; padding: 5px;">7B. Date (MM-DD-YYYY)</td> <td style="width: 51%; padding: 5px;">7C. County FSA Office Name and Address (Including ZIP Code) Telephone No. (Including Area Code):</td> </tr> </table> <p><small>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.</small></p> <p><small>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.</small></p> <p><small>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.</small></p>			A. Operator's Signature (By) /s/ James Brown	B. Title/Relationship (Individual Signing in the representative capacity) 10-09-2009	6. Date (MM-DD-YYYY)	A. Owner's Signature (By) /s/ Betty Smith	B. Title/Relationship (Individual Signing in the representative capacity) 10-09-2009	6. Date (MM-DD-YYYY)	A. COC's Signature (By) /s/ COC Representative	B. Title/Relationship (Individual Signing in the representative capacity) 10-09-2009	6. Date (MM-DD-YYYY)	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):
A. Operator's Signature (By) /s/ James Brown	B. Title/Relationship (Individual Signing in the representative capacity) 10-09-2009	6. Date (MM-DD-YYYY)												
A. Owner's Signature (By) /s/ Betty Smith	B. Title/Relationship (Individual Signing in the representative capacity) 10-09-2009	6. Date (MM-DD-YYYY)												
A. COC's Signature (By) /s/ COC Representative	B. Title/Relationship (Individual Signing in the representative capacity) 10-09-2009	6. Date (MM-DD-YYYY)												
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):												

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