

For: Wyoming State and County Offices

Grassland CRP CP88 and EQIP Compatibility in Wyoming

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

Notice CRP-997 announced land enrolled in NRCS’s EQIP was eligible for enrollment into Grassland CRP in signup (SU) 205. Since this announcement, it has been determined that this policy change is currently applicable to Wyoming only. Allowing CRP Grassland CP88 and EQIP compatibility in Wyoming provides CRP participants (including CRP participants in the Wyoming Big Game Conservation Pilot area) with opportunities to obtain C/S assistance for conservation practices that were not otherwise available through Grassland CRP.

2-CRP, paragraph 490 provides policies for limitations on the amount of C/S participants may receive for establishing approved conservation practices from non-federal sources. Participants may not receive or retain CRP C/S payments if other Federal C/S assistance is provided on the same land.

SU205 Grassland CRP contracts were approved by September 30, 2023, using interim conservation plans while policies were being formalized in identifying the compatibility of Grassland CRP CP88 and EQIP.

B Purpose

This notice:

- provides policy for:
 - CRP SU205 C/S assistance on the same land enrolled in EQIP only in Wyoming
 - preventing duplication of benefits for establishing the same conservation practice on the same land
- obsoletes Notice CRP-1017 to remove references to EQIP eligibility when land is enrolled in Grassland CRP under SU205.

Disposal Date	Distribution
January 1, 2025	Wyoming State Office; State Office relay to County Offices

Notice CRP-1020

1 Policy for Wyoming

A Grassland CRP CP88 and EQIP Compatibility

Grassland CRP CP88 and EQIP compatibility is only applicable to land physically located in Wyoming.

Producers are authorized to enter into a Grassland CRP SU205 contract on the same Common Land Unit (CLU) that also has an EQIP contract.

Example: Producer B has an approved EQIP contract to address erosion on a pond spillway. The land is eligible and may be approved for participation in Grassland CRP SU205; however, Producer B cannot receive CRP C/S for implementing a conservation practice addressing erosion on the pond spillway under both EQIP and CRP. Producer B must choose to receive either EQIP or CRP C/S in this case.

B Identifying Overlapping Offers

FSA's Conservation Division will periodically provide a listing of tracts with active EQIP contracts to the State Office.

Counties will work with their local NRCS offices to determine where:

- EQIP contracts exist on offered acreage for Grassland CRP
- CRP contracts exist on acreage offered for EQIP.

DD's and County Offices will work together to review the CRP and EQIP contracts to ensure CRP C/S aligns with policy described in this notice.

Important: There are no software hard stops in the Conservation Online System or Conservation Contract Maintenance Software to identify enrollment in both programs.

2 Conservation Planning

A Conservation Planning for EQIP and CRP in Wyoming

For Grassland CRP SU205 contracts in Wyoming, NRCS will develop final conservation plans scheduling eligible conservation practices to be implemented on the land enrolled in grassland CRP. Eligible grassland CRP practices will include only those CP88 technical practices that are **not** included under EQIP contract and scheduled to be performed during the CRP contract period.

Important: This flexibility is **only** available to Grassland CRP SU205 contracts with land physically located in the State of Wyoming.

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2 Conservation Planning (Continued)

A Conservation Planning for EQIP and CRP in Wyoming (Continued)

FSA County Offices will work with their local NRCS offices to determine where EQIP contracts exist on the same land approved under Grassland CRP SU205.

In determining whether EQIP exists on the same land enrolled in Grassland CRP, County Offices will reference the CLU level described in 10-CM.

NRCS will provide a copy of the EQIP conservation plan and other supporting documents to the FSA County Office for reference to prevent a duplicative payment for Grassland CRP infrastructure or maintenance activities. The copy will be filed in the same location as the Conservation Plan of Operations in the CRP contract folder.

Notice CRP-1013 extended the SU205 Conservation Planning deadline to January 31, 2024.

Note: If the CRP participant does not want to continue with the final conservation plan, COC will terminate the approved CRP-1 according to 2-CRP, paragraph 573. Liquidated damages and refunds will not apply.

B Documentation Required for Conservation Plans

Producers who currently have an EQIP contract will have both an EQIP conservation plan and a Grassland CRP conservation plan. NRCS or technical service provider will:

- create a separate CRP conservation plan for practices and specific activities associated with the Grassland CRP SU205 contract

Note: Activities associated with the EQIP contract will be scheduled in the EQIP conservation plan.

- provide FSA County Offices with a copy of the EQIP conservation plan. This document must be filed with the conservation plan in the CRP contract folder. To ensure duplicate payments are not processed, conservation practices funded through the EQIP contract will not be loaded into Cost Share Software.

C Timing of Installation

Activities scheduled in the CRP conservation plan and eligible for CRP C/S must be completed within 3 years after the CRP-1 effective date. DAFP, with COC and STC concurrence, may approve additional extensions to complete infrastructure components for CRP C/S. At a minimum, all DAFP extension requests must include the documents listed in 2-CRP, paragraph 511 J.

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2 Conservation Planning (Continued)

C Timing of Installation (Continued)

The following scenarios illustrate how practice implementation will work for CRP.

Example 1: Producer C has an EQIP conservation plan to install a watering facility and has a CRP contract approved in SU205. The watering facility must be scheduled to be completed in accordance with the EQIP conservation plan or within 3 years of the CRP-1 effective date or no later than September 30, 2026. Failure to obtain a DAFP extension or timely install the practice will result in a violation of the CRP-1 terms and the contract will be subject to termination.

Example 2: Producer D has an approved CRP contract in SU205 and a pending EQIP application to complete brush management and herbaceous weed control. Both brush management and herbaceous weed control must be completed within 3 years of the CRP-1 effective date or no later than September 30, 2026. A request for an extension may be submitted to DAFP once an EQIP conservation plan is completed. Failure to timely install the practice will result in a violation of the CRP-1 terms and the contract will be subject to termination.

3 Availability of CRP C/S

A CRP C/S Availability

Conservation practices on which NRCS EQIP assistance has been or will be paid are not eligible for CRP C/S on the same CLU during the term of the CRP-1.

When EQIP contracts exist on land approved for Grassland CRP SU205, County Offices will:

- identify NRCS conservation practices scheduled in the EQIP conservation plan
- determine if the same NRCS conservation practices are:
 - scheduled in the CRP conservation plan
 - on the same CLU.

CRP participants are eligible for CRP C/S when the NRCS conservation practice and associated components are **not** scheduled in the EQIP conservation plan for the same land (CLU).

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3 Availability of CRP C/S (Continued)

A CRP C/S Availability (Continued)

The following examples illustrate this policy.

Example 1: Producer E has an active EQIP contract for prescribed grazing. NRCS conservation practice 528 is scheduled in the EQIP plan of operations. In FY 2023, Producer E submitted a Grassland CRP SU205 offer containing the same CLU, and it is deemed acceptable. Producer E is eligible to participate in EQIP and CRP and earn CRP annual rental payments. CRP C/S is authorized for practices and components not included in the EQIP conservation plan.

Example 2: Producer F has an active EQIP contract for herbaceous weed control. NRCS conservation practice 314 is scheduled in the EQIP plan of operations. In FY 2023, a grassland CRP SU205 offer containing the same CLU was approved. Producer F is eligible to earn CRP annual rental payments and receive CRP C/S for infrastructure needed to support prescribed grazing, such as NRCS conservation practice 382 (Fence), 516 (Livestock Pipeline), and 614 (Watering Facility), since they are not scheduled in the EQIP conservation plan.

Example 3: Producer G has an active EQIP contract for fencing and is one of two producers on the SU205 Grassland contract. Producer H seeks fencing CRP C/S from FSA. Even though Producer H is not receiving assistance from EQIP, the land is the final eligibility factor. Both Producer G and H are ineligible from receiving FSA CRP C/S for fencing on the same CLU.

4 Action

A Key Completion Dates

The following table provides guidance on actions and key completion dates.

Action	Completion Date
Final conservation plans must be completed and approved by NRCS and returned to FSA.	January 31, 2024.
Final conservation plans must be approved and final FSA-848A's completed and approved.	February 14, 2024.

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4 Action (Continued)

B County Office

County Offices will:

- follow provisions of this notice
- contact the State Office with questions.

C State Office

State Offices will:

- ensure County Offices follow the provisions of this notice
- contact Patrick Lewis, Acting Grassland Program Manager, with any questions about this notice.