

**For:** State and County Offices

**2002 Special Emergency Haying and Grazing of CRP Acreage**

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



**1 Overview**

**A**

**Background**

The Food Security Act of 1985, as amended, section 1232(a)(7) authorizes, in the case of a drought or other emergency, the Secretary to permit "emergency" haying and grazing of CRP acreage.

There are widespread weather-related disasters in regions of the country. All or a significant portion of these States are suffering from widespread disasters and include AZ, CO, GA, ID, KS, MN, MT, NE, NM, NC, ND, OK, SC, SD, TX, UT, VA, and WY.

In these areas, severe weather conditions during 2002 have depleted hay supplies and affected the growth of hay and pasture in calendar year 2002.

Because the severity of the damage is widespread, FSA has made these States eligible for CRP emergency haying and grazing. However, because in some States only a portion of the State is severely affected by ongoing drought or excessive moistures, FSA has delegated authority to its STC's to limit the area within the State where emergency haying and grazing is authorized.

Within the area authorized by this notice, donation of hay or haying or grazing privileges to livestock producers in dire need because of this emergency is encouraged. This action will provide immediate relief for livestock producers suffering from low livestock prices and a scarcity of available hay and forage.

All other States may continue to seek approval on a county-by-county basis according to Notices CRP-400 and CRP-404.

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<b>Disposal Date</b>  January 1, 2003	<b>Distribution</b>  State Offices; State Offices relay to County Offices and NRCS State Offices
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## Notice CRP-406

### 1 Overview (Continued)

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#### B

##### Purpose

This notice provides 2002 special emergency haying and grazing procedure for certain States.

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#### C

##### General Information

STC's in the States of AZ, CO, GA, ID, KS, MN, MT, NE, NM, NC, ND, OK, SC, SD, TX, UT, VA, and WY shall review conditions and document their determination of a compelling need for haying or grazing in their State.

State Offices in these 18 States shall **not** submit requests for county approval for emergency haying or grazing to CEPD.

USDA will develop a website for producers with "need/have" contact information for livestock producers who need hay or haying or grazing privileges and CRP participants who have hay or haying or grazing privileges available.

CRP participants may file requests for emergency haying or grazing in all counties in all States regardless of weather conditions and production levels.

Producers may either hay or graze CRP acreage, but may not hay and graze the same acreage.

Emergency authorization is effective immediately through August 31, 2002.

States with counties previously approved for emergency haying or grazing shall continue evaluating conditions to determine whether continued haying or grazing is warranted.

Haying or grazing privileges may be used at a producer's discretion within the limitations of this notice.

CRP participants may donate, rent, or lease haying or grazing privileges, or sell hay to any livestock producer in need.

Within the area authorized by this notice, CRP participants donating hay or haying privileges to a livestock producer with a compelling need for hay shall **not** be assessed the 25 percent payment reduction.

**Participants haying CRP shall be limited to 1 cutting.**

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## Notice CRP-406

### 1 Overview (Continued)

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#### D

##### Eligible Acreage

Acreage eligible for emergency haying or grazing includes acreage devoted to practices; CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C, and CP23.

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#### E

##### Ineligible Acreage

Acreage ineligible for emergency haying or grazing includes acreage devoted to:

- useful life easements
- land within 100 feet of a stream or other permanent waterbody
- the following practices for grazing:

CP3, CP3A, CP4, CP4A, CP5, CP5A, CP6, CP7, CP8, CP8A, CP9, CP11, CP12, CP13A, CP13B, CP13C, CP13D, CP14, CP15, CP15A, CP16, CP16A, CP17, CP17A, CP18, CP18A, CP19, CP20, CP21, CP22, CP24, CP25, CP26, CP27, and CP28.

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## 2 CRP Haying Provisions

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### A

#### General Provisions

CRP participants:

- must, before haying or grazing, request approval to hay or graze eligible acreage
- must obtain a modified conservation plan to include haying or grazing requirements, as determined by NRCS

**Note:** The haying or grazing plan must be site specific and reflect the local wildlife needs and concerns.

- shall leave at least 50 percent of each field or contiguous CRP fields unhayed for wildlife
- shall leave at least 25 percent of each field or contiguous CRP fields ungrazed for wildlife, or graze no more than 75 percent of the stocking rate determined by NRCS
- shall discontinue haying or grazing by September 1, 2002
- shall remove all hay from all CRP fields by October 1, 2002
- shall not hay and graze the same CRP acreage
- shall be assessed a payment reduction based on the number of acres actually hayed or grazed times the CRP annual rental payment times 25 percent, as applicable, according to subparagraph 3 A unless the hay or haying or grazing privilege is donated to a livestock producer with a compelling need
- who do **not** own or lease livestock, may rent or lease the haying or grazing privilege to an eligible livestock producer located in another county or State. CRP participants who rent or lease the haying or grazing privilege to an eligible livestock producer shall:
  - inform the County Office of the producer's name
  - identify the acreage to be hayed or grazed on an aerial photocopy.

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**Notice CRP-406**

**2 CRP Haying Provisions (Continued)**

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**A**

**General Provisions (Continued)**

Eligible livestock producers who are renting or leasing eligible acreage from a CRP participant, before any haying or grazing occurs, shall:

- sign a statement that he or she will not sublease CRP acreage
- receive notification of approval, in writing, from COC. A copy of the notification shall be given to the CRP participant.

Participants who hay or graze CRP acreage without approval, or fail to follow this notice, will be subject to the noncompliance provisions in 2-CRP, paragraph 340.

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**B**

**Participant Provisions**

CRP participants shall file a request to hay or graze CRP acreage before haying or grazing begins. CRP participants shall take the following actions.

Step	Action
1	Identify the acreage to be hayed or grazed on an aerial photocopy.
2	Obtain a modified conservation plan to include haying or grazing requirements, as determined by NRCS. The haying or grazing plan must be site specific and reflect the local wildlife needs and concerns.
3	Record intended use on DF-21. See Exhibit 1.
4	Sign the agreement in Exhibit 2.  <b>Note:</b> All participants are required to sign the agreement before haying or grazing begins.
5	Leave at least <b>50 percent</b> of each field or contiguous CRP fields unhayed for wildlife. Leave at least 25 percent of each field or contiguous field ungrazed for wildlife, or graze no more than 75 percent of the stocking rate determined by NRCS. Uncut portions must be left in a contiguous block where possible.
6	Receive notification of approval, in writing, from COC.  Livestock producers who rent or lease acreage from CRP participants shall: <ul style="list-style-type: none"> <li>• sign a statement agreeing not to sublease the CRP acreage</li> <li>• receive notification of approval from COC.</li> </ul> <b>Note:</b> A copy of the notification must be given to the CRP participant.

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**2 CRP Haying Provisions (Continued)**

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**B  
Participant  
Provisions  
(Continued)**

Step	Action
7	Re-establish CRP cover, at their own expense, if the cover fails as a result of emergency haying or grazing.
8	Be assessed a payment reduction according to paragraph 3 unless the hay or haying or grazing privilege is donated to a livestock producer with a compelling need.
9	Haying CRP shall be limited to 1 cutting.
10	CRP participants must remove all hay from all CRP fields by October 1, 2002.
11	Haying or grazing shall not be conducted after August 31, 2002.

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**3 Payment Reductions**

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**A  
Haying or  
Grazing Payment  
Reduction Rates**

Within the area authorized by this notice, COC shall determine whether hay or the haying or grazing privilege was donated to a producer with a compelling need for feed or forage to determine whether a payment reduction should apply.

Within the area authorized by this notice, CRP participants who donate hay or the haying or grazing privilege to a livestock producer with a compelling need shall **not** be assessed a payment reduction.

If hay or the haying or grazing privilege is not donated, the FY 2003 CRP-1 annual rental payment scheduled to be made after October 1, 2002, shall be reduced by the number of acres actually hayed or grazed in FY 2002, times the CRP per acre annual rental payment, times 25 percent.

The haying payment reduction is for the privilege of haying eligible CRP acreage 1 time from the date of approval through August 31, 2002.

**Note:** The required reduction may be prepaid by participants approved for haying and recorded according to 3-FI.

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**Notice CRP-406**

**4 Compliance**

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**A**

**Required Spot Checks**

To ensure that CRP cover is not damaged, wildlife and associated habitat is protected, and participants are complying with haying or grazing plans, COC's shall spot-check at least 25 percent of the contracts approved for emergency haying or grazing. Spot checks shall be completed before September 9, 2002, according to this notice.

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**B**

**Maintenance Defaults**

When unauthorized haying or grazing is discovered, follow 2-CRP, paragraph 340, and use the provisions in this table.

<b>IF the maintenance default is on...</b>	<b>THEN...</b>
less than the reported acreage	compute emergency haying or grazing payment reduction on the determined acreage.
greater than the reported acreage and COC determines the participant made a good faith effort to comply	compute emergency haying or grazing payment reduction on the reported acreage and assess a payment reduction on the acres in excess of the reported acreage according to 2-CRP, paragraph 340.
greater than the reported acreage and COC determines the participant did not make a good faith effort to comply	terminate CRP-1 according to 2-CRP, paragraph 288.

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**Notice CRP-406**

**5 Producer Reporting Requirements**

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**A**

**Reporting  
Haying or  
Grazing Activity**

Participants must report the number of acres hayed or grazed by September 3, 2002.

**Notes:** Haying CRP shall be limited to **1** cutting.

Participants shall not conduct haying or grazing after August 31, 2002.

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**6 County Office Action**

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**A**

**COC Action**

COC's shall notify all participants in the county of the authorization to hay or graze CRP acreage by the fastest means possible.

County Offices shall take the following actions.

<b>Step</b>	<b>Action</b>
1	Notify all CRP participants of the provisions in this notice.
2	Require interested participants to sign DF-21 or a similar computer-generated form.  <b>Note:</b> Only one CRP participant must sign and date DF-21. Other participant's agreement will be recognized by signing the agreement in Exhibit 2.
3	Instruct the participant to identify the acreage to be hayed or grazing on an aerial photocopy.
4	COC shall determine whether hay or the haying or grazing privilege was donated to a producer with a compelling need for feed or forage to determine whether a payment reduction should apply.
5	Require all participants on CRP-1 to sign Exhibit 2, agreeing to the terms and conditions and the payment reduction before haying or grazing begins, <b>unless</b> the required reduction is paid in advance.  <b>Note:</b> County Offices shall keep the original Exhibit 2 and give a copy to the participant.
6	Require CRP participants, who hayed or grazed CRP acres or rented or leased haying or grazing privileges, to report the number of acres actually hayed or grazed, and sign and date DF-25 (Exhibit 3) by September 3, 2002.
7	Complete required spot check according to subparagraph 4 A.

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## Notice CRP-406

### 6 County Office Action (Continued)

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#### B

#### County Office Report

County Offices shall report to the State Office by November 4, 2002, the number of CRP:

- contracts in the county
  - contracts where haying or grazing under this authority actually occurred
  - acres actually hayed or grazed under this emergency haying authority.
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### 7 STC Action

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#### A

#### State Committee Action

STC's in the States of AZ, CO, GA, ID, KS, MN, MT, NE, NM, NC, ND, OK, SC, SD, TX, UT, VA, and WY, or designees, shall:

- review conditions and document their determination of a compelling need for haying or grazing in their State
- review conditions and determine whether they shall limit county authorization of haying and grazing in their State
- authorize emergency haying or grazing within their State if:
  - there is a compelling livestock emergency in their State
  - CRP participants wish to donate hay or haying or grazing privileges to livestock producers in need from another county or State
- **not** submit requests for county approval for emergency haying or grazing to CEPD.

All STC's, or designees, shall:

- develop a website which provides "need/have" contact information for livestock producers who need hay or haying or grazing privileges and CRP participants who have hay or haying or grazing privileges available
  - ensure that all CRP participants have been informed of the provisions in this notice
  - ensure that County Offices spot-check the appropriate number of CRP-1's according to subparagraph 4 A.
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## Notice CRP-406

### 7 STC Action (Continued)

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#### **B**

#### **STC Report**

STC, or designee, shall report to CEPD by FAX at 202-720-4619 by November 13, 2002, the number of:

- CRP-1's in the State
- CRP-1's hayed or grazed under this emergency authority
- CRP acres hayed or grazed under this emergency authority.

**Note:** Negative reports are required.

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## Conservation Reserve Program Agreement

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### Conservation Reserve Program Terms and Conditions for Special Emergency Haying or Grazing of CRP Acreage for 2002

I/We hereby request authority for emergency haying or grazing of approved cover on CRP acreage.

I/We understand that:

- a modified conservation plan to include haying or grazing, as determined by NRCS, will be obtained
- the CRP participants shall be responsible for re-establishing, at their own expense, any cover destroyed or damaged as a result of participating under this authority, regardless of recommendations or determinations made by NRCS
- haying CRP acreage is limited to **one** cutting
- leave **25 percent** of each field or contiguous CRP fields ungrazed for wildlife, or graze no more than 75 percent of the stocking rate determined by NRCS, or **50 percent** of each field or contiguous CRP field shall remain uncut in a contiguous block for wildlife
- the same acreage cannot be both hayed and grazed
- hay or haying or grazing privileges may be donated to a livestock producer with a compelling need
- hay, or the haying or grazing privilege may be rented or leased
- all livestock shall be removed from CRP fields before September 1, 2002, and hay shall be removed from CRP fields before October 1, 2002, or noncompliance provisions shall apply.

Check the payment reduction option applicable to this contract:

\_\_\_\_\_ Hay, or the haying or grazing privilege has been donated to a livestock producer with a compelling need, and no payment reduction applies.

\_\_\_\_\_ The payment reduction, as determined by the date approved for haying or grazing and the nesting season ending date, has been paid in advance.

\_\_\_\_\_ The FY 2003 annual rental payment, scheduled to be made after October 1, 2002, will be reduced by the number of acres actually hayed or grazed times the per acre annual rental payment times 25 percent.

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**Conservation Reserve Program Agreement (Continued)**

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If acreage hayed or grazed is more or less than originally intended, notify the County FSA Office so the CRP annual rental payment can be adjusted accordingly.

CRP-1 is subject to termination or other penalties as may be authorized by the CRP contract and regulations should there be any violation of this haying or grazing authority of CRP acreage.

If the payment reduction, if applicable, has not been paid in advance, all signatories on CRP-1 shall sign these conditions **before** haying or grazing begins.

CRP-1 No. \_\_\_\_\_ Farm No. \_\_\_\_\_ Tract No. \_\_\_\_\_ Field No. \_\_\_\_\_

Participants' Signatures/Dates:

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