

For: State and County Offices

CP31, Bottomland Timber Establishment on Wetlands

Approved by: Acting Deputy Administrator, Farm Programs

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1 Overview

A Background

On April 22, 2003, the Secretary announced a new bottomland tree practice under the continuous CRP. The Secretary’s announcement specified the practice would be offered after the ending date for the general signup.

B Purpose

This notice provides the following for enrollment in CRP as a continuous signup practice:

- policy
- practice writeups
- conference calls.

C Goals

This practice is designed to:

- restore flood plains through restoration of primarily bottomland hardwood trees
- reduce nutrient and sediment load to river systems
- reduce scour erosion
- reduce downstream flood impacts
- enhance wildlife habitat
- enhance critical ecosystems
- sequester green house gases and restore wetlands.

D Handbook Amendment

An amendment to 2-CRP will include the provisions of this notice.

| | |
|----------------------|--|
| Disposal Date | Distribution |
| January 1, 2004 | State Offices; State Offices relay to County Offices, and NRCS State Offices |

Notice CRP-462

2 Producer and Land Eligibility

A States Authorized for Practice CP31

All States and territories are eligible in accordance with the provisions of this notice and 2-CRP.

B Ownership Eligibility

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

- owned the land for 12 months before CRP-2C is filed
- 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 the FSA National Office.

Note: Ownership eligibility requirements are satisfied if there is any combination of continuously leasing and owning by the same “person” during the 12-month period before CRP-2C is filed.

C Eligibility for Operators

An operator is eligible to offer land for enrollment in CRP 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 the County Committee (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” during the 12-month period before CRP-2C is filed.

2 Producer and Land Eligibility (Continued)

D Cropping History Requirements

Eligible cropland for CP31 includes cropland that is both of the following:

- planted, COC-approved prevented planted, or considered planted to an agricultural commodity during any 4 of the 6 crop years, 1996 through 2001

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 planted and considered planted (P&CP) credit for crop acreage base (CAB) protection is considered planted for purposes of CRP cropland eligibility.

- 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.

3 Acreage Limitation and Practice Eligibility

A Nationwide Acreage Limitation

The total acres allowed nationwide for enrollment under CRP is limited to 500,000 acres. See Exhibit 2.

Note: States shall be notified of ending acceptance of enrollments due to reaching the acreage limitation.

A web site indicating acres enrolled is available to States at:
<http://dc.ffasintranet.usda.gov/DAFP/cepd/bottomland.html>.

B Authorized Practice

CP31 is authorized for continuous signup enrollment in CRP. See Exhibit 1 for practice writeup.

Notice CRP-462

4 Processing

A CRP-1 and CRP-2 Offers

County Offices shall follow 2-CRP, Part 6, for processing CRP-1's and CRP-2C's for enrollment in CP31.

Follow 2-CRP, subparagraph 138 C, for completing CRP-2C. States shall enroll acreage not to exceed their State allocation according to Exhibit 2.

B Contract Duration and Effective Date

The CRP-1 period for CRP contracts for CP31 is 14 to 15 years.

The effective date of CRP-1 is the 1st day of the month following the month COC approves the contract.

C Program Year

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

D Continuous Signup Number

For acreage enrolled in CP31, County Offices shall use continuous signup number 27 until October 1, 2003.

Continuous signup numbers change the beginning of every FY.

E Software

Contract and CRES software will be updated in a future release to include CP31.

5 Payments

A Annual Rental Payment

Producers receive annual rental payments on the land that is enrolled for CP31. The annual rental payment is the sum of the following:

- calculated SRR
- applicable maintenance rate.

5 Payments (Continued)

B Cost-Share Payments

CCC will pay up to 50 percent of the eligible cost of establishing a permanent cover. See 2-CRP, Part 20.

C Payment Example

A producer enrolls 10 acres of eligible land for CP31. The weighted average SRR for the 3 predominant soils is \$50 per acre. The producer's CRP-1 is for 14 years, 2 months. The total eligible cost for the practice installation is \$5,000.

The producer is eligible to receive the following payments.

Annual rental payment:

\$50 per acre + \$5 (maintenance rate) per acre = \$55 per acre.
Total annual rental payment = \$550 per year (\$55 per acre times 10 acres).

D Incentive Payments

Incentive payments are **not** authorized for CP31.

6 Training

A Conference Call

CEPD will hold a conference call with all States to discuss any questions about policy and procedures related to practice CP31. States will be notified of the date and time of the conference call by e-mail.

B Participants and Access

NRCS, FS (State Foresters), and FSA State Offices should plan to participate in the conference call. Information about the time and conference call-in number will be provided separately.

Notice CRP-462

7 Action

A FSA State Office Action

FSA State Offices shall:

- immediately provide a copy of this notice to the following:
 - State Foresters
 - NRCS State Office
 - County Offices
 - local Soil and Water Conservation Districts
 - Technical Service Provider (TSP)
- ensure that County Offices:
 - understand the purpose of CP31
 - do **not** approve any CRP-1 for any CP31 that does not meet the requirements of the practice, including the purpose, according to Exhibit 1 of this notice
 - do **not** exceed the 25 percent cropland limitation.

B County Office Action

FSA County Offices shall:

- immediately provide a copy of this notice to the local State Foresters, Conservation Districts, and NRCS Field Offices
- **not** approve any CRP-1 for CP31 that does not meet the requirements of the practice, including the purpose, according to Exhibit 1
- **not** exceed the 25 percent cropland limitation unless a CEPD waiver has been obtained
- conduct outreach activities.

C NRCS State Office Action

State NRCS Offices shall ensure that NRCS, FS, and TSP's ensure that all practices meet the requirements of the practice, including the purpose and size, according to Exhibit 1.

D NRCS, FS, and TSP Action

NRCS, FS, and TSP's shall ensure that each CP31 meets the requirements of the Field Office Technical Guide (FOTG) and the practice, including the purpose, according to Exhibit 1.

CP31, Bottomland Timber Establishment on Wetlands**A Purpose**

The purpose of this practice is to establish a 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.

C Eligibility

To be eligible for cost-share, this practice shall:

- do either of the following:
 - reduce excessive erosion to an acceptable level and increase sediment trapping efficiencies
 - improve surface or ground water quality
- reduce scour erosion
- prevent excessive erosion from recurring
- enhance food and cover for waterfowl and other wildlife
- be maintained for the life of the CRP-1
- be included in the approved conservation plan
- be within the recognized 100-year flood plain for a river or stream with permanent flow
- contain a minimum of 51 percent hydric soils.

CP31, Bottomland Timber Establishment on Wetlands (Continued)

D Cost Share (C/S) Policy

The following table provides C/S policies for this practice.

| IF the component is... | AND the justification is... | THEN C/S is... |
|--|---|--|
| to establish a minimum of 3 different varieties of mast producing hardwood tree and shrub species Note: Not less than 75 percent of stand. | <ul style="list-style-type: none"> • to reduce erosion from wind or water • provide food and cover for water fowl and other wildlife • improve surface or ground water quality | authorized. |
| to establish no more than 25 percent of the stand in softwood species, as determined eligible by STC | to enhance either of the following: <ul style="list-style-type: none"> • wetland development • wildlife habitat | |
| temporary cover | <ul style="list-style-type: none"> • required in the practice specification • needed until required plant stock is available • needed because normal planting period for the species has passed • to establish a cover where a solid condition, such as chemical residue, will not immediately allow establishment of permanent cover | |
| seeding firebreaks, fuelbreaks, or firelanes | to establish and maintain the cover according to State requirements | |
| herbicides or insecticides | specified as necessary in the approved tree planting plan to establish the cover | |
| mineral or nutrient | substantiated as needed by COC to establish the approved cover | authorized |
| tree shelters, netting, plastic tubes, or other animal control devices | approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing Note: STC must designate areas where using such measures is warranted and cost-effective to protect seedlings. | authorized not to exceed the lessor of the following: <ul style="list-style-type: none"> • 50 percent of the actual cost of the device • \$1 per device. |

CP31, Bottomland Timber Establishment on Wetlands (Continued)

D C/S Policy (Continued)

| IF the component is... | AND the justification is... | THEN C/S is... |
|--------------------------------------|--|-----------------------|
| clean tilling | for firebreaks, fuelbreaks, or firelanes | not authorized. |
| fencing | | |
| roads | | |
| annual food plots | | |
| to establish a hardwood tree species | for ornamental purposes for Christmas tree production 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:

- 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.

F Planting

Planting after CRP-1 is approved by COC shall be completed by the end of the next normal planting time, unless the producer can provide acceptable documentation that seed or tree stock is not available.

CP31, Bottomland Timber Establishment on Wetlands (Continued)**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

This practice shall be maintained without additional C/S for the life of CRP-1.

I Technical Responsibility

NRCS or TSP shall have the technical responsibility for this practice.

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.

K Planting Timespan

Planting or sowing of the approved permanent cover shall be completed within 12 months of the effective date of CRP-1. See 2-CRP, paragraph 237, for exceptions.

L Natural Regeneration

Natural regeneration is not permitted under this practice.

State Allocations

| State | State Acre Allocation |
|---------------|-----------------------|
| Alabama | 5,000 |
| Alaska | 0 |
| Arizona | 0 |
| Arkansas | 20,000 |
| California | 4,000 |
| Colorado | 150 |
| Connecticut | 300 |
| Delaware | 150 |
| Florida | 450 |
| Georgia | 2,000 |
| Hawaii | 0 |
| Idaho | 400 |
| Illinois | 75,000 |
| Indiana | 12,000 |
| Iowa | 68,000 |
| Kansas | 24,000 |
| Kentucky | 5,000 |
| Louisiana | 30,000 |
| Maine | 150 |
| Maryland | 900 |
| Massachusetts | 150 |
| Michigan | 4,000 |
| Minnesota | 17,000 |
| Mississippi | 50,000 |
| Missouri | 75,000 |
| Montana | 900 |
| Nebraska | 10,000 |

| State | State Acre Allocation |
|---------------------|-----------------------|
| Nevada | 0 |
| New Hampshire | 300 |
| New Jersey | 150 |
| New Mexico | 0 |
| New York | 900 |
| North Carolina | 23,000 |
| North Dakota | 1,000 |
| Ohio | 8,000 |
| Oklahoma | 1,000 |
| Oregon | 2,000 |
| Rhode Island | 0 |
| Pennsylvania | 5,000 |
| South Carolina | 2,000 |
| South Dakota | 3,000 |
| Tennessee | 23,000 |
| Texas | 5,000 |
| Utah | 150 |
| Vermont | 150 |
| Virginia | 600 |
| Washington | 2,000 |
| West Virginia | 2,000 |
| Wisconsin | 5,000 |
| Wyoming | 600 |
| Puerto Rico | 150 |
| CEPD Reserve | 10,450 |
| | 500,000 |