

For: State and County Offices

**Critical Feed Use Delegation of Authority and Questions and Answers**

Approved by: Deputy Administrator, Farm Programs



**1 Overview**

**A Background**

On May 27, 2008, Notice CRP-598 provided policy and procedure for the voluntary modification of CRP contracts for critical feed use. Additionally, a conference call was conducted to provide additional information and answer questions.

**B Purpose**

This notice provides common questions and answers for critical feed use.

**2 Delegation of Authority**

**A COC Delegation**

This notice provides CED authority to approve CRP-1M if COC delegated authority to CED to approve CRP-1.

**3 Action**

**A County Office Action**

County Offices shall read and follow the provisions of this notice.

<b>Disposal Date</b>	<b>Distribution</b>
January 1, 2009	State Offices; State Offices relay to County Offices

**Critical Feed Use Questions and Answers**

- Q1:** Is there a reference about using a manual CRP-1M as provided in the notice exhibit or printing an automated CRP-1M?
- A1:** On May 28, 2008, software to complete and print an automated CRP-1M was provided to County Offices in Information Bulletin No. 4442. County Offices should complete and print the automated CRP-1M for COC approval. A manual CRP-1M should only be used at times when the computer is not available.
- Q2:** If 50 percent of a field is hayed under critical feed use provisions, can the remaining 50 percent be hayed or grazed under managed or emergency provisions?
- A2:** No. 50 percent of a field must remain unhayed for wildlife. Additionally, producers may **not** use multiple options such as emergency grazing followed by critical feed use on the same acreage.
- Q3:** Will software be released before June 2, 2008?
- A3:** On May, 28, 2008, software was released with Information Bulletin No. 4442.
- Q4:** Emergency haying authority allows haying on 50 percent of a field or contiguous fields. Notice CRP-598 does not say "or contiguous fields". Was this an oversight?
- A4:** No. Emergency haying provisions do not govern critical use. Producers using critical feed use may only hay 50 percent of a field.
- Q5:** If a county implements critical feed use in June, will DAFP accept requests for emergency haying and grazing later?
- A5:** Requests for emergency haying and grazing, submitted according to 2-CRP, Part 13, Section 2, will be considered.
- Q6:** If a field was hayed or grazed under managed provisions last year or the year before, will this preclude it from being hayed or grazed under critical feed use?
- A6:** No. Any eligible field may be hayed or grazed under critical feed use provisions, including the provision requiring a conservation plan, according to Notice CRP-598 regardless of whether it was hayed or grazed in previous years.
- Q7:** Will critical feed use be counted towards the managed haying and grazing rotation?
- A7:** Because there were substantial changes made in the Farm Bill, State and County Offices will be notified when this determination is made.
- Q8:** Who must sign CRP-1M and the conservation plan; owners, operators, all persons with a share greater than zero?
- A8:** CRP-1M is a modification of the CRP contract. All signatories, including those with zero shares, must sign CRP-1M and the modified conservation plan.

**Critical Feed Use Questions and Answers (Continued)**

- Q9:** Who may hay or graze eligible CRP acreage under critical feed use?
- A9:** Anyone may harvest hay or graze eligible acres under critical feed use provisions. For example, while this is not the intent of critical feed use, if a municipality is buying hay for mulch for new grass seedings, hay harvested from eligible acres may be used for this purpose under critical feed use.
- Q10:** Can a CRP participant harvest hay under critical feed use provisions and sell it for as much as they want?
- A10:** Yes. There are no restrictions about price for hay under critical feed use provisions.
- Q11:** What program code do we use for collecting critical feed use payments? When will we get it?
- A11:** The instructions for collecting payments according to 3-FI, paragraph 62, do not require a program code for taking the collection. This issue will be addressed in a future notice.
- Q12:** Must it be the CRP participant that pays the \$75 or can anyone pay?
- A12:** FSA policy allows for collections from any party willing to pay the fee. County Offices are reminded that CRP-1M shall not be approved until the fee is received.
- Q13:** Some contracts have reached the year in which mid-contract management would be conducted. If a participant participates in critical feed use will this satisfy the mid-contract management requirements?
- A13:** Yes, provided the haying or grazing is conducted in a way that meets the mid-contract management requirements of the conservation plan.
- Q14:** As a follow-up to Q13, would cost-shares be paid for items such as temporary fences?
- A14:** No. Using critical feed use to satisfy mid-contract management would be treated the same as using managed haying or grazing.
- Q15:** During the conference call, it was stated that approving CRP-1M could be delegated to CED. Is this a separate delegation or if CED has authority to approve CRP-1 and other CRP authorities can it be assumed they have authority to sign CRP-1M?
- A15:** See paragraph 2. CED's that have been delegated authority to approve CRP-1's have the authority to approve CRP-1M's as well.