

For: State and County Offices

Waivers to Exclude Continuous Signup Cropland From County Cropland Limits

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

The Food Security Act of 1985, as amended, requires that not more than 25 percent of the total cropland in a county is enrolled in CRP, including continuous, CREP, FWP, and WRP. Notice CRP-662 changed the manner in which total county cropland limit was calculated from administratively located to physically located in the county.

The Food, Conservation, and Energy Act of 2008 provided additional authority to approve waivers to exclude continuous signup acres from total CRP acreage.

B Purpose

This notice:

- provides new policy and procedure for approving and submitting waivers to exclude continuous signup acres from total CRP acreage
- provides location of a report for approved waivers received by the National Office
- announces that 25 percent county cropland limitation reports will be revised to include approved waivers to exclude continuous signup acres from total CRP.

Disposal Date	Distribution
October 1, 2010	State Offices; State Offices relay to County Offices and NRCS State Offices

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2 Waiver Policy and Procedure

A Waiver Policy

COC's may, with concurrence from local county Governments, approve a waiver to exclude **all** continuous signup acres from the total acres enrolled in CRP when calculating the 25 percent, including CREP and FWP.

Waivers to exclude all continuous signup acres must be approved by COC and submitted to CEPD, by memorandum.

If approved, the waiver applies to **all** continuous signup acres. Waiver requests to exclude only a portion of continuous signup acres, either by program (for example, CREP or FWP) or by practices (for example, CP 23, SAFE) will **not** be considered.

Example: Clinton County, Michigan, has 100,000 acres of cropland, including 25,000 acres of CRP. Of the total CRP, 22,000 acres were enrolled under general signup and 3,000 were enrolled under continuous signup. Clinton County timely notified the National Office of an approved waiver to exclude continuous signup acres from total acres enrolled in CRP. Clinton County's total CRP acres, for the purposes of the 25 percent limit, will be 22,000. Clinton County can enroll up to 3,000 more acres in general signup CRP.

B County Government Concurrence

COC must obtain concurrence, in writing, from local county Government **before** approving a waiver.

Local county Government officials must be the highest executive authority in the county (for example, County Commissioners, County Executive, or County Council).

C Waiver Submission Procedure

Waivers authorized by this notice that are approved by COC's must be submitted to CEPD by COB **August 18, 2010**. Waivers submitted after August 18, 2010, will **not** be applied to the 2010 general signup offer selection process.

COC's approving a waiver must submit a memorandum to CEPD indicating COC approval. The COC memorandum may be submitted electronically to **shawn.bucholtz@wdc.usda.gov** or FAXed to 202-720-4619, ATTN: Shawn Bucholtz.

COC's must submit a copy of the memorandum their respective State Office.

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2 Waiver Policy and Procedure (Continued)

D Waiver Report

A list of waivers that have been approved by COC's and received by CEPD will be posted at the CEPD General Signup SharePoint site. To access the report:

- go to <https://fsa.sc.egov.usda.gov/states/cepd/default.aspx>
- CLICK "Report: Waivers to Exclude Continuous Signup from Total CRP".

The report will be updated daily or as necessary. A final report is scheduled to be published **August 19, 2010**.

E Modification to the 25 Percent County Cropland Limitation Reports

Notice CRP-662 announced the creation and posting of enhanced versions of the 25 percent county cropland limitation reports. State and County Offices currently use these 3 reports to monitor compliance with the 25 percent cropland limitation.

These reports:

- will now incorporate the waivers to exclude continuous signup from the total CRP acres
- are available at the CEPD State and County Information Center, to access:
 - go to <http://fsaintranet.sc.egov.usda.gov/ffas/dafp/cepdsto.htm>
 - CLICK "3. 25 Percent County Cropland Compliance Reports"
 - under "New Version (per Notice CRP-662)", CLICK "1. Summary of Active and Expiring CRP/WRP Cropland Acres – All Counties Reporting".

F Revising General Signup Limit After Waiver Approval

Notice CRP-662, paragraph 4 provided authority and instructions for COC's to set a county cropland limit for general signup of no less than 22 percent and no greater than 25 percent. This task was to be completed by July 12, 2010.

Any COC approving a waiver to exclude continuous signup acres from the total acres enrolled in CRP when calculating the 25 percent may revise their general signup limit according to the instruction provided in Notice CRP-662, paragraph 4. Revisions **must** be made by **COB August 18, 2010**.

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3 Action

A State Office and STC Action

State Offices and STC's shall:

- follow the provisions of this notice
- ensure that County Office follow the provisions of this notice.

B County Office Action

County Offices shall follow the provisions of this notice.