

For: State and County Offices

Using Interim Conservation Plans for CRP Continuous Signup 52

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

On May 15, 2019, Secretary Perdue announced that USDA would resume accepting continuous signup offers and CREP offers from June 3, 2019, through August 23, 2019.

Section 2504 of the Agriculture Improvement Act of 2018 provides for the administration of CRP through September 30, 2019, using regulations currently in place as of December 19, 2018. Authority to use these regulations expires COB September 30, 2019. Offers made by August 23, 2019, can only be considered and approved through September 30, 2019. After COB September 30, 2019, FSA has no authority to consider or approve any CRP or CREP offer, regardless of when they were made, until new CRP regulations are published. Once the new regulations are published, FSA’s authority to consider and approve offers will resume.

Ordinarily, an approved conservation plan must be completed and signed before any CRP-1 is approved, according to 2-CRP, subparagraph 401 B. Given the time remaining, it is unlikely that all conservation plans will be completed in time for CRP contracts to be approved by September 30, 2019. Because authority to approve contracts expires on September 30, 2019, Interim Conservation Plan Addendums and Interim Conservation Plans are authorized as provided in this notice.

**Important:** Offers that are not completely signed and approved under a contract by September 30, 2019, will not be processed, will not be allowed to continue, and will be voided. In this event, producers must wait until new regulations are published to submit a new offer for enrollment.

|                      |   |
|----------------------|---|
| <b>Disposal Date</b> | <b>Distribution</b>   |
| March 1, 2020        | State Offices; State Offices relay to County Offices and NRCS State Offices |

## Notice CRP-877

### 1 Overview (Continued)

#### B Purpose

This notice provides:

- policy for using interim conservation plans and contract addendum
- Interim Conservation Plan Addendum (Exhibit 1)
- Interim Conservation Plan (Exhibit 2).

### 2 Interim Conservation Plan Provisions for Signup 52

#### A Authority to Use Interim Conservation Plan

The use of an Interim Conservation Plan Addendum and Interim Conservation Plan is authorized only for signup 52.

#### B Interim Conservation Plan Policy

The Interim Conservation Plan Addendum (Exhibit 1) and the Interim Conservation Plan (Exhibit 2) may be used for offers for new and re-enrolled land for CREP and non-CREP continuous signup 52 CRP-1's when a final conservation plan cannot be timely completed. This is to provide time for a CRP-1 to be developed and signed by all participants and approved by September 30, 2019. Only one CRP-1 participant signature is required on the Interim Conservation Plan Addendum and Interim Conservation Plan.

Use of the Interim Conservation Plan and Interim Conservation Plan Addendum does not negate the requirement for completion of environmental evaluations and necessary consultations in accordance with 2-CRP, subparagraph 367 F. For this reason, producers will be informed on the Interim Conservation Plan Addendum that they must not engage in any type of ground-disturbing activity until they receive a final conservation plan; failure to comply with this requirement can result in termination of the CRP contract.

CRP-1's must be signed by all required participants and must be approved by COB September 30, 2019.

Producers are eligible for an Interim Conservation Plan Addendum and an Interim Conservation Plan when:

- their CREP and non-CREP continuous offers were received by August 23, 2019
- they were on a register by August 23, 2019.

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### 2 Interim Conservation Plan Provisions for Signup 52 (Continued)

#### B Interim Conservation Plan Policy (Continued)

Only one CRP-1 participant is required to sign the Interim Conservation Plan Addendum and Interim Conservation Plan. If Documentation of Suitability and Feasibility Worksheets are not received by COB September 6, 2019, the timeframe may be too short for NRCS and FSA to finalize all offers for final participant and approval signatures by September 30, 2019. County Offices must follow subparagraph 3 A to complete the offer process and use the Interim Conservation Plan Addendum and Interim Conservation Plan. Make every effort to meet these dates. If the contract is not signed by all participants and approved by September 30, 2019, write the word "VOID" across both CRP-1 and CRP-2C.

The deadline for NRCS to complete and return the Interim Conservation Plan Addendum and Interim Conservation Plan to FSA is September 13, 2019.

**Note:** Although there is no guarantee that any offer, addendum, or plan will result in an approved offer by September 30, 2019, any offers, addendums, and plans not completed by the dates in this subparagraph will likely not be finalized with all participant signatures and approved on behalf of CCC by September 30, 2019. Further, any offer not signed by all participants and approved by September 30, 2019, will become void and will not be processed or considered for enrollment.

#### C Final Conservation Plan Completed

A final conservation plan must be completed no later than **December 31, 2019**. The NRCS National Office has agreed with this deadline. For signup 52, a final conservation plan is the approved conservation plan completed after an interim plan has been in effect for CRP-1.

The specifications for all applicable practices will be included in the final conservation plan, consistent with procedure in 2-CRP.

If the participant(s) does not sign the final conservation plan, then the CRP-1 will be terminated. Liquidated damages and refunds do not apply.

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**3 Action**

**A County Office Action**

County Offices must follow the following step/action table to complete the offer process for CREP and non-CREP continuous using the Interim Conservation Plan and the Interim Conservation Plan Addendum. NRCS must complete a Documentation of Suitability and Feasibility Worksheet for County Offices to initiate the step/action table for offers for new land.

| <b>Step</b> | <b>Action</b>   |
|-------------|---|
| 1           | <p>The Interim Conservation Plan must contain:</p> <ul style="list-style-type: none"> <li>• producer’s name</li> <li>• State and county code and administrative location</li> <li>• CRP-1 number (after assigned in CCMS)</li> <li>• estimated number of acres under contract</li> <li>• CRP practice number (CP8A, CP23, etc.)</li> <li>• NRCS technical practice standard for the applicable practice, such as 412, Grassed Waterway.</li> </ul> <p>FSA will complete Items 1 through 3 on the Interim Conservation Plan. NRCS will complete Items 4 through 6. Job sheets and designs are not required.</p> <p><b>Note:</b> County Offices will reproduce the Interim Conservation Plan dated (9-5-19) locally. No modifications are authorized.</p> |
| 2           | <p>One CRP-1 participant, COC or CED, and NRCS representative sign the Interim Conservation Plan.</p> <p>If the CRP-1 participant does not sign the Interim Conservation Plan or if an Interim Conservation Plan cannot be completed by NRCS, the County Office must void the offer by writing “VOID” across the CRP-1. STOP. Do not continue to Step 3.</p>  |
| 3           | <p>One CRP-1 participant and COC or CED sign and date the Interim Conservation Plan Addendum.</p>   |
| 4           | <p>All signatories to the CRP-1 must sign the CRP-1 by COB September 30, 2019. COC or CED approves the CRP-1. The approval must be by COB September 30, 2019.</p>   |
| 5           | <p>County Offices must enter the COC Approval Date and Effective Start Date of the CRP-1 in COLS and CLICK “COC Approval” to submit to CCMS for the assigned CRP-1 number.</p>  |
| 6           | <p>County Office must enter the CRP-1 number assigned by CCMS on the Interim Conservation Plan and approved CRP-1.</p>  |

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3 Action (Continued)

A County Office Action (Continued)

| Step | Action  |
|------|---|
| 7    | County Office must enter information into CEPD SharePoint site located at <a href="https://sharepoint.fsa.usda.net/mgr/dafp/CEPD/county_office/Lists/CRP%20U52%20Interim%20Plans/AllItems.aspx">https://sharepoint.fsa.usda.net/mgr/dafp/CEPD/county_office/Lists/CRP%20U52%20Interim%20Plans/AllItems.aspx</a> .   |
| 8    | <p>Immediately upon CRP-1 approval, County Offices must process the initial FSA-848A for all practices according to 2-CRP, paragraphs 499 and 500, and the CSS User Guide. County Offices must enter at least 1 C/S component code for the applicable practice(s) into CSS.</p> <p><b>Note:</b> State Offices must provide the component code to the County Office.</p> <p>COC or CED must sign and approve the FSA-848A. Producer's signature is not required.</p> |
| 9    | Do not notify the CRP participant of C/S approval. Notification will be provided after FSA-848A is revised following approval of the final conservation plan. See step 19.  |
| 10   | NRCS completes the final conservation plan (including engineering plan) and reviews the final conservation plan and supporting documents (job sheets and designs) with the CRP participant.   |
| 11   | <p>If the CRP participant agrees to the final conservation plan, proceed to step 12.</p> <p>If the CRP participant does not want to continue with the final plan, COC's must terminate the approved CRP-1 according to 2-CRP, paragraph 573. Liquidated damages and refunds do not apply.</p>   |
| 12   | NRCS obtains signatures on final conservation plan and provides to FSA by COB on December 31, 2019.   |
| 13   | COC or CED approves the final conservation plan.  |
| 14   | County Office enters date FSA receives the final conservation plan from NRCS in <a href="https://sharepoint.fsa.usda.net/mgr/dafp/CEPD/county_office/Lists/CRP%20U52%20Interim%20Plans/AllItems.aspx">https://sharepoint.fsa.usda.net/mgr/dafp/CEPD/county_office/Lists/CRP%20U52%20Interim%20Plans/AllItems.aspx</a> .   |
| 15   | <p>County Offices must revise CRP-1, as applicable, based on the final conservation plan requirements according 2-CRP, paragraph 546, and 5-CRP, Part 2, Section 2.</p> <p><b>Note:</b> County Offices must set the effective start date of the revised CRP-1 as 10-1-19.</p>   |
| 16   | County Office obtains all producer signatures on revised CRP-1.   |
| 17   | COC or CED approves revised CRP-1.  |
| 18   | County Office must revise the existing FSA-848A based on the final conservation plan requirements, as applicable, and the CSS User Guide. COC or CED must sign and approve the revised FSA-848A.  |
| 19   | Notify the CRP participant of C/S approval using the CRP C/S Approval Letter according to 2-CRP, paragraph 501.   |

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### 3 Action (Continued)

#### B State Office Action

State Offices must:

- follow the provisions of this notice
- ensure that County Offices follow the provisions of this notice
- provide 1 component for the applicable practice(s) to the County Office load into CSS to process the initial FSA-848A
- submit questions to Gregory Edwards by e-mail to [gregory.edwards@usda.gov](mailto:gregory.edwards@usda.gov).

The following is the Interim Conservation Plan Addendum.

**CONSERVATION RESERVE PROGRAM SIGN-UP 52 FY2020 CONTRACTS:  
INTERIM CONSERVATION PLAN ADDENDUM**

\_\_\_\_\_  
PRODUCER NAME

\_\_\_\_\_  
FARM NUMBER

\_\_\_\_\_  
STATE

\_\_\_\_\_  
COUNTY

\_\_\_\_\_  
TRACT NUMBER

\_\_\_\_\_  
FIELD NUMBER(S)

The attached interim conservation plan is general in nature, but is intended to allow your contract period to begin upon approval of the CRP-1 while a final conservation plan is developed for your land that will be enrolled under your Conservation Reserve Program (CRP) contract. It is possible that your interim conservation plan requires nothing more than continuing certain practices you may already be engaged in. You need to review the attached plan and the Natural Resources Conservation Service (NRCS) Technical Practice Standard and bring any questions to the attention of NRCS or your other Technical Service Provider (TSP), as applicable.

Personnel from the United States Department of Agriculture’s NRCS, or other TSP, will conduct a field visit to determine needs, feasibility and suitability of the CRP practice(s) you offered and develop and provide for your signature a final conservation plan with site-specific requirements unique to your CRP offer no later than December 31, 2019. For new land being offered, the on-site field visit and evaluation will determine the present condition of the acreage offered. If the land is already enrolled in CRP, the on-site visit will evaluate the present condition of the practice. In addition, NRCS or other TSP will identify any site-specific planting requirements or treatments required to meet the selected CRP practice and related technical specifications. After the field visit, the interim conservation plan will be modified, as necessary and appropriate.

The following applies to current CRP participants seeking to re-enroll land in CRP. By signing this addendum, you acknowledge that the on-site field visit as described above may result in a finding that you were not in compliance with the provisions of your current CRP contract, i.e., your contract set to expire on September 30, 2019. Should such a finding be made, FSA may, at its discretion, terminate your CRP contract or take such other action as FSA deems appropriate. Should FSA decide to terminate your CRP contract, refunds of payments and liquidated damages will not apply.

The attached interim conservation plan may be revised when the final plan is completed after the field visit; however, you will be still be required to comply with the CRP contract, including the interim conservation plan, as a condition for being considered eligible for payments for the CRP during this interim period. Specifically, you will be eligible for payment from the first day of the month following the date the Farm Service Agency (FSA) County Committee approves your contract, including this interim conservation plan, provided you comply with all the terms and conditions of the contract. The final conservation plan will be consistent with the interim plan, as appropriate, and will include the terms of the CRP contract to which you have agreed. You must not engage in any type of ground-disturbing activity on the land under contract until you receive a final conservation plan; failure to comply with this requirement may result in termination of the CRP contract, together with a demand for refund of any payments received and the imposition of liquidated damages. Further, please be aware that starting the CRP practice in ways not involving ground disturbance during this interim period and before approval of the final conservation plan is at your, the producer’s, own risk. Cost shares during this interim period are not authorized. Cost shares under the final conservation plan will only be paid for activities that occur after the final conservation plan has been finalized and agreed to.

If you have any concerns with the interim conservation plan, then you may contact your local NRCS office or other TSP and request that they work with you to develop a final plan prior to your contract start date. However, please be aware that the timeline for final plan development is dependent on field office workload and other factors, and that this may result in delays that would make it unlikely for your contract to be approved by September 30, 2019. Offers for enrollment submitted for contracts not approved by September 30, 2019 will be voided.

By signing below, you acknowledge receipt of this Interim Conservation Plan Addendum to your CRP contract, and agree to comply with the terms and conditions hereof as well as all of the terms and conditions of the basic CRP contract and its appendix.

\_\_\_\_\_  
Producer Signature

\_\_\_\_\_  
Signature of CCC Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

The following is the Interim Conservation Plan.

| <b>CONTINUOUS SIGN UP 52</b> <span style="float: right;"><b>(9-5-19)</b></span><br><b>INTERIM CONSERVATION PLAN</b>   |                             |                        |   |
|---|-----------------------------|------------------------|---|
| <b>1. Producer Name</b>   | <b>2. State/County Code</b> | <b>3. Contract No.</b> | <b>4. Estimated Acres Under Contract</b><br>(Subject to change, as necessary) |
| <b>5. CRP Practice(s):</b><br>(Example: CP8A, CP23, etc.)   |                             |                        |   |
| <b>6. The appropriate NRCS Technical Practice Standard for the practice is attached.</b>  |                             |                        |   |
| <b>7. Producer Signature/Date</b>   | _____                       |                        | _____<br><b>Date</b>  |
| <b>8. NRCS Representative Signature/Date</b>  | _____                       |                        | _____<br><b>Date</b>  |
| <b>9. CCC Representative Signature/Date</b>   | _____                       |                        | _____<br><b>Date</b>  |
| <p><b>Note: All Continuous Sign Up 52 final plans for all States are scheduled to be completed by December 31, 2019. Final conservation plans may vary from the interim plan.</b></p> |                             |                        |   |

(Reproduce locally)