

For: State and County Offices

**CRP Non-Emergency Haying and Grazing Procedure**

Approved by: Acting Deputy Administrator, Farm Programs



**1 Overview**

**A Background**

The Agricultural Improvement Act of 2018 (2018 Farm Bill) provides greater flexibility for haying and grazing on acres enrolled in CRP, with appropriate protections to maintain the soil, water, and wildlife benefits.

**B Purpose**

This notice provides procedure for implementing CRP non-emergency haying and grazing provisions. Specified activities on both general and continuous acres are allowed as provided in this notice.

**2 Eligible Practices, Frequency, and Payment Reductions**

**A Practices Eligible for Haying or Grazing (Excluding Incidental Grazing)**

All practices are eligible for non-emergency haying and grazing except for CP12 and the following tree practices (CP3, CP3A, CP5A, CP16A, CP17A, CP31, CP36, CP38 (unless authorized by the SAFE agreement), and CP38C).

**B Practices Eligible for Incidental Grazing**

Acreage eligible for incidental grazing includes acreage devoted to the following practices: CP8A, CP15A, CP15B, CP18B, CP18C, CP21, CP21B, CP21S, CP23, CP23A, CP29, CP30, CP37, CP38A, CP38B, and CP43. CP38 may not be grazed, unless authorized by the SAFE agreement.

Disposal Date	Distribution
November 1, 2020	State Offices; State Offices relay to County Offices and NRCS State Offices

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**2 Eligible Practices, Frequency, and Payment Reductions (Continued)**

**C Frequency-and Payment Reduction**

The following table lists the frequency and applicable payment reduction for each type of permitted activity.

<b>Non-Emergency</b>		
<b>Permitted Activity</b>	<b>Frequency</b>	<b>Payment Reduction Percentage</b>
Non-emergency grazing outside primary nesting season	Not more than every other year.	25
Non-emergency grazing during primary nesting season	Not more than every other year with a 50 percent reduction in the stocking rate.	
Grazing to control invasive species outside primary nesting season	Frequency determined by conservation plan to control Kudzu and other invasive species.	
Non-emergency haying or harvesting for biomass outside primary nesting season	Not more than once every 3 years with 25 percent of the acreage unharvested.	
Beginning farmer grazing outside primary nesting season	May be conducted annually by a beginning farmer or rancher with a contract share greater than zero.	None
Incidental grazing outside primary nesting season	May be conducted annually. The intermittent and seasonal use of buffers that is incidental to the agricultural production on the land adjacent to the buffer conducted after the participant harvests crops from within the surrounding field, or during the dormant period of a small grain intended for harvest.	
Gleaning grazing	May be conducted once in the fall of the first year of CRP-1 before the cover is established.	

**Note:** See subparagraph 3 C for duration

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### 3 Non-Emergency Haying and Grazing Requirements

#### A CRP Participant Requirements

CRP participants:

- must request and receive approval in writing from FSA before haying or grazing
- must specify the number and location of acres to be hayed or grazed on digital imagery/ map
- must record the intended use on CRP-117 (Exhibit 1)
- must sign the request before the haying or grazing begins (Exhibit 2)
- must obtain a modified conservation plan to include haying or grazing, unless a haying or grazing plan had been included when CRP-1 was approved
- must not graze during the primary nesting season without a 50 percent reduction in the stocking rate
- must remove livestock no later than 1 day following the end of the grazing period as stipulated in the conservation plan
- must be assessed a payment reduction, if applicable, based on the number of acres hayed or grazed times the CRP annual rental rate times 25 percent
- may rent or lease the grazing or haying privilege
- must limit haying to 1 cutting
- must not hay and graze the same acreage in the same year
- must not hay during the primary nesting season
- must remove all hay from CRP fields on or before August 31, 2020
- must leave 25 percent of the CRP-1 acres as unharvested
- must agree in writing to re-establish, at their own expense, any cover destroyed or damaged as a result of haying or grazing
- may be subject to the noncompliance provisions in subparagraph 9 B, if the conservation plan is not followed.

### 3 Non-Emergency Haying and Grazing Requirements (Continued)

#### B Conservation Plan Requirements

The conservation plan:

- must require that the vegetative cover is maintained, soil erosion is minimized, and water quality and wildlife habitat are protected
- must require that no long-term damage to the vegetative cover occurs
- must be site-specific and reflect the local resource concerns
- must use NRCS technical practice standard No. 528, Prescribed Grazing, or NRCS technical practice standard No. 511, Forage Harvest Management

**Note:** NRCS technical standard No. 528, Prescribed Grazing, is to be used for non-emergency grazing and NRCS technical standard No. 315, Herbaceous Weed Control, is to be used for non-emergency invasive species grazing.

- must fence out livestock at least 20 feet from adjacent water bodies without cost share
- must not allow supplemental feeding of hay, grain, silage, etc.
- may allow mineral supplements
- must not adversely affect the purpose and performance of the practice
- must manage heavy use locations, such as watering facilities and loafing areas, to minimize bare ground conditions and trails
- must determine minimum grazing heights and plant regrowth height following grazing before the dormant growing season
- must not allow haying or grazing of wildlife food plots (CP12) or tree practices, according to subparagraph 2 A.

#### C Commencement and Duration of Grazing

Non-emergency grazing:

- must not exceed 120 calendar days of grazing
- may begin by the date specified in the conservation plan, but not before March 1
- must end by the date specified in the conservation plan, but not later than November 1

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### 3 Non-Emergency Haying and Grazing (Continued)

#### C Commencement and Duration of Grazing (Continued)

- may begin before the primary nesting season and continue after the primary nesting season (but not during the primary nesting season), without a 50 percent reduction in the stocking rate
- may occur for 1 or more days during the primary nesting season, with a 50 percent reduction in the stocking rate during the primary nesting season.

**Example 1:** The primary nesting season is April 15 to July 15. A CRP participant may obtain a modified plan to allow grazing from March 1, 2020, to April 14, 2020, and to graze again beginning July 16, not to exceed a total of 120 calendar days, as determined by NRCS in the modified conservation plan, before and after the primary nesting season. Based on the start date, the participant can begin grazing any time after March 1, 2022. The payment reduction is 25 percent based on the start date of the grazing.

**Example 2:** The primary nesting season is April 15 to July 15. The participant's modified plan allows grazing to start July 16, 2020, not to exceed 120 calendar days as determined by NRCS in the modified conservation plan. Based on the start date, the participant would not be allowed to use non-emergency grazing for 2 years. They may use non-emergency grazing beginning July 16, 2022, subject to their conservation plan. The payment reduction is 25 percent based on the start date of the grazing.

### 4 Non-Emergency Prescribed Invasive Species Grazing (Prescribed Grazing)

#### A General Provisions

Non-emergency prescribed invasive species grazing on all practices as listed in subparagraph 2 A is authorized outside the primary nesting season where Kudzu or other invasive species have infested CRP acreage:

- according to NRCS technical practice standard No. 315, Herbaceous Weed Control
- not to exceed 30 calendar days between May 1 and September 1.

**Note:** Contract holders must request and receive approval from FSA. Requests **must** identify the invasive species and dates acreage will be grazed.

A payment reduction of 25 percent must be assessed for prescribed grazing.

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### 5 Non-Emergency Beginning Farmer Grazing

#### A General Provisions

Only a beginning farmer or rancher who is a participant on CRP-1 with a share of the rental payment greater than zero can annually graze all CRP practices outside the primary nesting season.

The beginning farmer or rancher must certify as a beginning farmer or rancher on CCC-860.

See paragraph 3 for other requirements.

### 6 Non-Emergency Incidental Grazing

#### A General Provisions

Subject to the conservation plan, practices listed in subparagraph 2 B after establishment may be grazed only if all the following requirements are met with no payment reduction:

**Note:** SAFE practices may only be hayed or grazed if allowed as part of the SAFE agreement.

- grazing is incidental to the gleaning of the crop residue in a field, or before the harvest of a small grain
- grazing occurs after the participant harvests crops from within the surrounding field, or during the dormant period of a small grain intended for harvest

**Note:** Grazing must not occur during the primary nesting season.

- all livestock must be removed from CRP acreage no later than 2 months after incidental grazing begins
- grazing will not adversely affect the purpose and performance of the practice, see subparagraph 3 B.

If the acreage to be grazed is separated from the surrounding cropland by a fence, the acreage must not be grazed.

**Example:** John Brown requests to graze a filter strip enrolled in CRP as part of the gleaning of the corn crop residue in the field. There is a fence between the field with the corn residue and the filter strip. COC or CED must not approve Mr. Brown's request.

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### 7 Non-Emergency Gleaning Grazing

#### A General Provisions

COC's or CED's may authorize gleaning of crop residue on acreage enrolled in CRP through a general CRP signup without a payment reduction if all the following requirements are met:

- the acreage is in the first year of a general signup CRP-1
- the acreage was devoted to an agricultural commodity before enrollment in CRP
- mechanical harvesting of the agricultural commodity was not completed in sufficient time for gleaning of the crop residue to be completed before the effective date of CRP-1
- the gleaning of the crop residue will not delay the establishment of the approved cover
- participant agrees, in writing, to:
  - provide adequate cover to prevent soil erosion
  - pay for a field visit, according to 2-CP, to determine whether gleaning will be authorized
  - remove all livestock no later than 2 months after gleaning begins.

**Example:** John Brown has an approved general CRP signup offer that will become effective October 1. The:

- acreage is planted to corn
- approved practice cannot be established until the following spring.

COC may authorize John Brown to allow livestock to glean the acreage after October 1 (the effective date of the contract), provided the conditions in this subparagraph are met.

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### 8 Non-Emergency Haying and/or Grazing Provisions

#### A Participant Provisions

CRP participants must take the following actions.

Step	Action
1	Identify the acreage to be hayed/grazed on digital imagery/map.
2	Obtain a modified conservation plan for the applicable non-emergency haying or grazing requirements, as determined by NRCS or TSP.
3	Record intended use on CRP-117. See Exhibit 1.
4	Sign the agreement in Exhibit 2.  <b>Note:</b> All participants are required to sign the agreement before grazing begins.
5	Receive notification of approval in writing from COC or CED.
6	Require CRP participants, who grazed CRP acres or rented or leased grazing privileges, to report the number of acres actually grazed, and sign and date CRP-118. See Exhibit 3.
7	Re-establish the CRP cover, at their own expense, if the cover fails as a result of any non-emergency grazing.
8	Be assessed a payment reduction, if applicable, according to subparagraph 2 C.
9	CRP participants <b>must</b> remove livestock from all fields within 1 calendar day of the end of the modified conservation plan end date.
10	Non-emergency grazing must not be conducted during the primary nesting season without a 50 percent reduction in stocking rate.



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8 Non-Emergency Haying and/or Grazing Provisions (Continued)

B Maintenance Defaults

Maintenance defaults apply to participants who:

- conducted **unauthorized** non-emergency **haying or grazing**
- hayed or grazed more acres than were approved.

Use the following table when a maintenance default occurs.

<b>IF the haying or grazing occurs on...</b>	<b>THEN...</b>
fewer acres than requested on the CRP-117	compute applicable payment reduction based on the actual acres hayed or grazed and reported on the CRP-118.
more acres than requested on the CRP-117 and the COC determines the participant made a good faith effort to comply	compute applicable payment reduction based on the actual acres hayed or grazed and reported on the CRP-118 and assess a standard payment reduction on the acreage in excess of the acreage requested on the CRP-117 according to 2-CRP, subparagraph 604 A.
more acres than requested on the CRP-117, and the COC determines the participant did not make a good faith effort to comply	terminate the CRP-1 according to 2-CRP.

C Participant Reports

Participants **must** report the number of acres hayed or grazed within 10 workdays of the end of the haying or grazing period in the conservation plan.

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### 8 Non-Emergency Haying and/or Grazing Provisions (Continued)

#### D County Office Report

As part of the annual Haying and Grazing Summary Report, County Offices must report to the State Office by December 1 of each year, the number of:

- CRP-1's where haying or grazing under applicable non-emergency haying and grazing provisions actually occurred
- acres actually hayed or grazed under applicable non-emergency haying and grazing provisions.

#### E STC Report

STC's or designee must report to the Conservation Division (CD) by accessing the following CD SharePoint site at

**<https://sharepoint.fsa.usda.net/mgr/dafp/CEPD/policy/Pages/Home.aspx>**.

Select "CRP applicable Non-Emergency Haying Grazing Annual Summary Report" in the left column. This report must be submitted by December 31 of each year and will include the following:

- CRP-1's harvested under applicable non-emergency haying and grazing provisions
- CRP acres harvested under applicable non-emergency haying and grazing provisions.

**Note:** Negative reports are required.

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**9 Summary of Haying and Grazing**

**A Summary of Each Type of Haying and Grazing**

The following provides a summary of each type of haying and grazing and the applicable policy and payment reduction.

<b>Haying and Grazing Provisions Table</b>		
<b>Type/Provisions Activity/For</b>	<b>Policy</b>	<b>Payment Reduction Percentage</b>
Non-Emergency Harvesting for Hay or Biomass	<ul style="list-style-type: none"> <li>• Outside the primary nesting season, all practice acres (as listed in subparagraph 2 A) are eligible for non-emergency harvesting for hay or biomass.</li> <li>• No more frequently than 1 in 3 years.</li> <li>• Emergency haying or grazing restarts the <b>frequency for conducting non-emergency harvesting for hay.</b></li> <li>• Not authorized during the primary nesting season.</li> <li>• Up to 120 calendar days after the end of the primary nesting season but no later than August 31.</li> <li>• Request approval before haying/harvesting eligible acreage.</li> </ul>	25 percent, must leave 25 percent unharvested (statutory)
Non-Emergency Grazing	<ul style="list-style-type: none"> <li>• Outside the primary nesting season, all practice acres (listed in subparagraph 2 A) are eligible for non-emergency grazing.</li> <li>• No more frequently than every other year.</li> <li>• Emergency haying or grazing restarts the frequency for conducting non-emergency grazing.</li> <li>• Authorized during the primary nesting season every other year subject to a 50 percent reduction in stocking rate.</li> <li>• Request approval before grazing eligible acreage.</li> </ul>	25 percent
Non-Emergency Incidental Grazing	<ul style="list-style-type: none"> <li>• Practices listed in subparagraph 2 B.</li> <li>• Incidental to grazing crop residue in the surrounding field or before harvest of a small grain.</li> <li>• Not authorized during the primary nesting season.</li> <li>• Authorized up to 60 calendar days after the start of incidental grazing.</li> <li>• Request approval before grazing eligible acreage.</li> </ul>	No payment reduction

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**9 Summary of Haying and Grazing (Continued)**

**A Summary of Each Type of Haying and Grazing (Continued)**

<b>Haying and Grazing Provisions Table (Continued)</b>		
<b>Type/Provisions Activity/For</b>	<b>Components</b>	<b>Payment Reduction Percentage</b>
Non-Emergency Grazing-Gleaning	<ul style="list-style-type: none"> <li>• Acreage is in the first year of general CRP signup CRP-1.</li> <li>• Acreage was devoted to an agricultural commodity before enrollment into CRP.</li> <li>• Mechanical harvesting not completed in time to glean the crop residue before the effective date of CRP-1.</li> <li>• Gleaning the crop residue will not delay establishment of the approved cover.</li> <li>• Authorized up to 60 calendar days after the start of permissive grazing.</li> <li>• Request approval before grazing eligible acreage.</li> </ul>	No payment reduction
Non-Emergency Prescribed (Invasive Species) Grazing	<ul style="list-style-type: none"> <li>• Outside the primary nesting season, all practices listed in subparagraph 2 A.</li> <li>• Must be grazed according to NRCS technical practice standard No. 315, Herbaceous Weed Control.</li> <li>• Not to exceed 30 calendar days between May 1 and September 1.</li> <li>• Request approval before grazing eligible acreage.</li> </ul>	25 percent

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### 10 Action

#### A State Office Action

State Offices will ensure that policy in this notice is followed.

#### B County Office Action

County Offices will ensure that they follow the provisions of this notice and must complete required spot checks.

To ensure that CRP cover is not damaged, wildlife and associated habitat is protected, and participants are complying with non-emergency haying and grazing plans, County Offices must spot check at least 10 percent of CRP-1's approved for each type of non-emergency haying and grazing.

Spot checks must be completed **each year** within 10 workdays of when the participant reports the applicable non-emergency haying and grazing.

#### C DD Action

DD's must review the first 5 requests for non-emergency haying or grazing in a county to ensure that the provisions in this notice are followed.

#### D NRCS Action

Complete the conservation plan modification for non-emergency haying or grazing as requested by CRP participants.

#### E Contact

For questions about this notice, contact Jim Williams by either of the following:

- e-mail to [jim.williams2@usda.gov](mailto:jim.williams2@usda.gov)
- telephone at 202-720-9562.



**Terms and Conditions for Non-Emergency Haying (Including for Biomass) and Grazing of CRP Acreage**

**Conservation Reserve Program**

**Terms and Conditions for Non-Emergency Haying (Including for Biomass) and Grazing of CRP Acreage**

I/We hereby request authority for non-emergency haying (including for Biomass) and non-emergency grazing of approved cover on CRP acreage.

I/We agree to: (1) obtain a modified conservation plan to include haying/grazing, as determined by the Natural Resources Conservation Service (NRCS) or Technical Service Provider (TSP); (2) re-establishing, at my/our own expense, any cover destroyed or damaged as a result of participating under this authority, regardless of recommendations or determinations made by NRCS or the TSP; (3) remove all hay from CRP acreage within 10 calendar days from the date notified by Farm Service Agency (FSA) at the local county office that haying or grazing authorization has ended; (4) not hay and graze the same acreage, (5) maintain 25 percent of the total CRP contract acres unharvested, in accordance with a conservation plan that provides for wildlife cover and shelter.

Check the payment reduction option applicable to this contract:

\_\_\_\_\_ The participant has requested non-emergency grazing and has certified on FSA-860 to meeting definition of beginning farmer or rancher and no payment reduction applies.

\_\_\_\_\_ The payment reduction has been paid in advance.

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

The CRP contract 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/grazing authority of CRP acreage.

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

CRP-1 Contract Number: \_\_\_\_\_

Tract Number: \_\_\_\_\_

Field Number: \_\_\_\_\_

Acres Hayed/Grazed: \_\_\_\_\_

Participant's Signature/Dates:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

