

**For:** State and County Offices

**Determining Re-Enrollment Eligibility of CRP Hardwood Tree Practices**

**Approved by:** Deputy Administrator, Farm Programs



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**1 Overview**

**A Background**

The Food Security Act of 1985, as amended, limits re-enrollment of land devoted to hardwood trees to 1 re-enrollment, excluding certain practices.

CRP automated systems cannot accurately identify whether land being offered for re-enrollment has been previously re-enrolled to a specific practice. Therefore, a manual process has been created for County Offices to implement the statutory hardwood tree re-enrollment limitation.

**B Purpose**

This notice provides:

- a list of CRP practices limited to only 1 re-enrollment
- instructions to manually determine whether land devoted to applicable practices has been re-enrolled 1 or more times
- State and County Office actions.

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<b>Disposal Date</b>	<b>Distribution</b>
October 1, 2021	State Offices; State Offices relay to County Offices

## Notice CRP-912

### 2 List of Practices for Re-Enrollment Limitation Consideration

#### A Practices Limited to Only 1 Re-Enrollment

The following CRP practices are limited to only 1 re-enrollment:

- CP3A – Hardwood Tree Planting
- CP25 – Rare and Declining Habitat (Hardwood Trees Only)
- CP36 – Longleaf Pine Establishment
- CP38C-3A – SAFE Trees
- CP38C-25 – SAFE Trees (Hardwood Trees Only)
- CP38D-36 – SAFE Longleaf Pine.

**Note:** For purposes of CRP administration, longleaf pines are treated as hardwood trees and are limited to 1 re-enrollment.

CRP acreage currently enrolled as CP11, Vegetative Cover – Trees – Already Established, for hardwood trees is not eligible for re-enrollment because all land enrolled as CP11 has already been re-enrolled at least 1 time.

#### B Practices Excluded From Re-Enrollment Limitation

The following practices are excluded from the one CRP re-enrollment limitation:

- CP5A – Field Windbreak Establishment
- CP16A – Shelterbelt Establishment
- CP17A – Living Snow Fence
- CP22 – Riparian Buffer
- CP22B – Denitrifying Bioreactor on Riparian Buffer
- CP22S – Saturated Riparian Buffer
- CP23 – Wetland Restoration
- CP23A – Wetland Restoration, Non-Floodplain
- CP31 – Bottomland Timber Establishment on Wetlands.

#### C Hardwood Trees on Wetland Soils

Enrolled acres of practice CP3A, Hardwood Trees, on wetland soils that have been re-enrolled once, or more, may be offered for re-enrollment as 1 of the following CRP practices, provided the land and cover meets all other eligibility requirements:

- CP23 – Wetland Restoration
- CP23A – Wetland Restoration, Non-Floodplain
- CP31 – Bottomland Timber Establishment on Wetlands.

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**3 Manually Determining Hardwood Tree Practice Re-Enrollment Eligibility**

**A Instructions for Manually Determining Re-Enrollment Eligibility**

The CRP automated systems cannot accurately identify whether land being offered for enrollment has been previously re-enrolled to a specific practice.

The following table provides instructions to County Offices to determine whether land being offered for enrollment in CRP to be devoted to CP3A, CP36, CP38C-3A, CP38D-36, CP38C-25 – SAFE Trees (Hardwood Trees Only), or CP25 (Hardwood Trees Only) has been re-enrolled in CRP one or more times.

**Important:** Land enrolled in CRP devoted to CP11, Vegetative Cover – Trees – Already Established, for hardwood trees is not eligible for re-enrollment.

Step	Action	
1	Review CRP-2 or CRP-2C, as applicable, for the current CRP contract of the land being offered for re-enrollment.	
	<b>IF page 2 of CRP-2 or CRP-2C (Crop Land Use Summary), as applicable, for the current CRP contract has...</b>	<b>THEN...</b>
	commodities or MPL listed as what the land was devoted to before current CRP enrollment (that is, the land was not enrolled in CRP before the current CRP contract)	the land is not prohibited from being re-enrolled because of the statutory hardwood trees re-enrollment prohibition.
	“CRP”, “Expiring CRP”, or other similar language that indicates the land was enrolled in CRP before current CRP enrollment	go to step 2.
2	<b>IF FSA-578 for the year before the effective date of the current CRP contract is...</b>	
	<b>THEN...</b>	
	available (fully certified in the Crop Acreage Reporting System, on file in the County Office, or provided by the producer)	go to step 3.
	not available	go to step 4.
<b>Example:</b> If the effective date of the current CRP-1 is October 1, 2008, then the County Office determines whether FSA-578 for 2007 is available.		

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3 Manually Determining Hardwood Tree Practice Re-Enrollment Eligibility (Continued)

A Instructions for Manually Determining Re-Enrollment Eligibility (Continued)

Step	Action	
3	Review FSA-578 to determine the CRP practice (Intended Use) to which the land was devoted the year before the effective date of the current CRP contract.	
	<p><b>IF the land was devoted to...</b></p> <ul style="list-style-type: none"> <li>• CP3A</li> <li>• CP36</li> <li>• CP38C-3A</li> <li>• CP38D-36</li> <li>• CP11 (Hardwood Trees Only)</li> <li>• CP38C-25 – SAFE Trees (Hardwood Trees Only)</li> <li>• CP25 (Hardwood Trees Only)</li> </ul>	<p><b>THEN the land is not...</b></p> <p>eligible to be re-enrolled as</p> <ul style="list-style-type: none"> <li>• CP3A</li> <li>• CP36</li> <li>• CP38C-3A</li> <li>• CP38D-36</li> <li>• CP11 (Hardwood Trees Only)</li> <li>• CP38C-25 – SAFE Trees (Hardwood Trees Only)</li> <li>• CP25 (Hardwood Trees Only).</li> </ul> <p>Inform the producer the eligibility requirements are not met using CRP-26.</p>
	<p>a practice other than:</p> <ul style="list-style-type: none"> <li>• CP3A</li> <li>• CP36</li> <li>• CP38C-3A</li> <li>• CP38D-36</li> <li>• CP11 (Hardwood Trees Only)</li> <li>• CP38C-25 – SAFE Trees (Hardwood Trees Only)</li> <li>• CP25 (Hardwood Trees Only)</li> </ul>	<p>prohibited from being re-enrolled because of the statutory hardwood trees re-enrollment prohibition.</p>

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3 Manually Determining Hardwood Tree Practice Re-Enrollment Eligibility (Continued)

A Instructions for Manually Determining Re-Enrollment Eligibility (Continued)

Step	Action
4	<p>Review the C/S documents (AD-245, FSA-848, AD-862, etc.) associated with the current CRP contract to determine whether any C/S was paid to plant the hardwood trees on the land that is under the current CRP contract.</p> <p>If no C/S was paid or there are no C/S documents for the current CRP contract, then the land is not eligible to be re-enrolled as:</p> <ul style="list-style-type: none"><li>• CP3A</li><li>• CP36</li><li>• CP38C-3A</li><li>• CP38D-36</li><li>• CP11 (Hardwood Trees Only)</li><li>• CP38C-25 – SAFE Trees (Hardwood Trees Only)</li><li>• CP25 (Hardwood Trees Only).</li></ul> <p>If the C/S documents indicate that C/S was paid for purchasing and planting hardwood trees on land under the current CRP contract, then the land on which the hardwood trees were planted is not prohibited from being re-enrolled because of the statutory hardwood trees re-enrollment prohibition.</p>

4 Action

A State Office Action

State Offices will:

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

B County Office Action

County Offices will:

- follow the provisions of this notice
- submit questions to the State Office.