

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice CRP-973

For: State and County Offices

Announcing CRP CLEAR30 Signup 57 Offers

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

On April 1, 2022, FSA announced the opening of the CRP pilot program CLEAR30 signup 57. This pilot program was authorized in the Agricultural Improvement Act of 2018. CLEAR30 provides long-term, water quality benefits by authorizing FSA to enroll eligible land into a 30-year CRP contract.

B Purpose

This notice provides policy and procedures for:

- CRP CLEAR30 signup 57
- eligible land
- authorized practices
- compatible uses
- contract termination and refunds
- SRR's
- maintenance activities
- offer processing
- outreach
- deadlines
- State and County Office action.

Disposal Date	Distribution
December 1, 2022	State Offices; State Offices relay to County Offices and NRCS State Offices

2 Policy for CRP CLEAR30 Signup 57

A Signup

The starting date of CRP CLEAR30 signup 57 for eligible participants to submit offers was April 1, 2022. CRP CLEAR30 signup 57 will end COB, **August 5, 2022**. Additional policy for CLEAR30 can be found in 2-CRP (Rev.6), paragraph 184. The CRP-1 Appendix dated 06-14-21 and the CRP-1CLEAR, Addendum to the Appendix to CRP-1, will be used for signup 57.

The National Office mailed a postcard the week of May 4, 2022, announcing the CLEAR30 pilot to participants with an expiring CRP contract with eligible water quality practices. The list of participants who received the postcard is available at https://usdagcc.sharepoint.com/sites/fsa-dafp/CEPD/county_office/2022%20CLEAR%2030%20Post%20Cards/Forms/AllItems.aspx

See Exhibit 1 for an example of the CLEAR30 pilot announcement postcard.

B Eligible Pilot States and Land

CLEAR30 is available nationwide.

To be eligible, cropland must be currently enrolled under a CRP contract in a continuous CRP water quality practice, with the contract expiring September 30, 2022. Certain marginal pastureland that is devoted to riparian buffers, wildlife habitat buffers, or wetland buffers is also eligible to enroll in the CLEAR30 pilot, but also must be under a CRP contract expiring on September 30, 2022.

Important: Some land enrolled in CRP through a CREP agreement may **not** be eligible for CLEAR30. The terms and conditions of some CREP agreements prohibit or restrict enrollment of the land after the existing CRP contract expires, such as requiring the land to be placed under an easement or separate agreement with the State that makes the land ineligible for CRP. For land enrolled under a CREP agreement, County Offices must read the agreement to ensure that the land is not prohibited from enrollment in CRP before approving a CRP contract under CLEAR30.

2 Policy for CRP CLEAR30 Signup 57 (Continued)

C Authorized Practices

The current practice **must** be in compliance at the time of offer into CLEAR30. All water quality practices listed in the following table are eligible to be offered during CRP CLEAR30 signup 57.

Practice	Title
CP8A	Grass Waterways
CP15A	Establishment of Permanent Vegetative Cover (Contour Grass Strips)
CP15B	Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces
CP21	Filter Strips
CP22 <u>1</u> /	Riparian Buffer
CP23 <u>1</u> /	Wetland Restoration
CP23A <u>1</u> /	Wetland Restoration, Non-floodplain
CP29	Marginal Pastureland Wildlife Habitat Buffer
CP30	Marginal Pastureland Wetland Buffer
CP31 <u>1</u> /	Bottomland Timber Establishment on Wetlands
CP37	Duck Nesting Habitat

1/ The Food Security Act of 1985, as amended, limits re-enrollment of land devoted to hardwood trees to 1 re-enrollment, excluding riparian forested buffers and forested wetlands. Identified practices are **not** limited to 1 re-enrollment.

Note: Participants may offer:

- all or a portion of the expiring acres
- new acres, in addition to the expiring acres, if necessary, to meet the current practice standard according to 2-CRP, subparagraph 181 F.

D Compatible Uses

CLEAR30 will allow the following compatible economic uses if the use is consistent with the conservation plan and does not degrade water quality or other purposes of the practice:

- hunting and fishing
- managed timber harvest will not be subject to a 25 percent annual payment reduction
- periodic haying and grazing according to 2-CRP, Part 19.

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2 Policy for CRP CLEAR30 Signup 57 (Continued)

E Contract Termination, Refunds, and Liquidated Damages

CRP CLEAR30 contract modifications will follow 2-CRP, Part 16.

Refunds, interest, and liquidated damages will be due according to the following table.

Type of Termination	Refunds Required	Liquidated Damages Due
Participant loses control of or transfers all or part of the land under CRP-1 and there is no successor.	All annual rental payments plus interest	Yes
All signatories voluntarily request in writing to terminate all or part of the land under CRP-1.		
Participant is out of compliance with CRP-1 terms and conditions on all or part of the land under CRP-1 and COC determines there was not a good faith effort to comply.	All annual rental payments and maintenance payments, plus interest	Yes

3 SRR's

A 27.5 Percent Rental Rate Adjustment

To encourage enrollment in the longer-term CLEAR30 contract of 30 years, FSA will provide a 27.5 percent rental rate adjustment to the weighted average SRR.

B Climate-Smart Practice Incentive

CLEAR30 practices are eligible for the climate-smart practice incentive for CRP practices that increase carbon sequestration, reduce greenhouse gas emissions, and otherwise mitigate climate change. Practices including establishment of trees and permanent grasses, development of wildlife habitat, and wetland restoration will receive the incentive that will be added to the weighted average SRR.

The per acre annual rental rate climate-smart incentive amount will be based on the estimated benefits of each practice type. See 2-CRP, subparagraph 66 D for the list of practices and incentive amounts.

3 SRR's (Continued)

C Per Acre Annual Rental Rate Water Quality Incentive

A per acre annual rental rate incentive of 20 percent will be added to the weighted average SRR for CLEAR (water quality) practices offered under CLEAR30.

D SRR Calculation

Example of CLEAR30 Annual Rental Payment Calculation:

10-acre CP22 CLEAR30 offer.

The following incentives are applicable for this practice:

- 27.5 percent rental rate adjustment
- 20 percent Water Quality Incentive
- 10 percent Climate-Smart Incentive.

4 acres of Soil CR1 – Conservation Online System (COLS) rate = \$99 X 4 acres = \$396

3 acres of Soil ADC2 – COLS rate = \$124 X 3 acres = \$372

2.5 acres of Soil PVa – COLS rate = \$75 X 2.5 acres = \$188

The following table provides calculations of the weighted average SRR.

Soil	Acres	COLS Soil Rate	Total Rent	Weighted Average SRR
CR1	4	\$99	\$396	
ADC2	3	\$124	\$372	
PVa	2.5	\$75	\$188	
Totals	9.5		\$956	\$100.63/acre

Total acres in 3 predominate soils = 9.5 acres

Total rent = \$956

Weighted average SRR of 3 predominate soils = \$956/9.5 acres = \$100.63/acre

Total incentive adjustment (57.5 percent) = \$100.63 X .575 = \$57.86/acre

Maximum rental rate = \$100.63 + \$57.86 = \$158.49/acre

Annual payment = 10 acres X \$158.49/acre = \$1,585/year for 30 years

The maximum per-acre payment rate for all CLEAR30 signup 57 offers is \$380 per acre.

4 Payments Not Authorized

A Cost-Share

Cost-share is not authorized for CLEAR30 contracts.

B Signup Incentive Payment (SIP) and Practice Incentive Payment (PIP) Incentives

SIP and PIP incentives are not authorized for CLEAR30.

5 Maintenance Activities and Payments

A Maintenance Activities

For the purpose of the CLEAR30 pilot, the following activities are considered “CLEAR30 maintenance” activities and may be eligible for maintenance payments:

- practice establishment/re-establishment as determined by NRCS or Technical Service Provider (TSP) throughout the life of the CLEAR30 contract

Note: The offered practice must be in compliance at the time of the offer according to subparagraph 2 C.

- activities needed to maintain the practice and included in the conservation plan
- management activities according to 2-CRP, paragraph 428
- operation and maintenance activities as determined by NRCS monitoring site visits and planning.

5 Maintenance Activities and Payments (Continued)

B CLEAR30 Participant Options

CLEAR30 provided an option to producers to select performance of maintenance activities by a third-party vendor throughout the contract period. For signup 57, FSA is putting a hold on the option for producers to choose to have maintenance completed by a third-party vendor. Producers are responsible for cover maintenance. If a producer signed a CRP-2C30 before issuance of this notice **and** selected Producer's maintenance performance completed by Third Party Vendor in Box 8B, they must be notified the selection is no longer an option. Producers will sign a new CRP-2C30 and receive a new CRP-1CLEAR Addendum. A future notice will provide updated forms and a template letter to explain this change to participants.

If a producer opted for maintenance performance to be completed by the producer, then no additional action is needed.

C Maintenance Payments

Maintenance payments are authorized for all CLEAR30 maintenance activities, including re-establishment of approved cover, and management performed consistent with the conservation plan, NRCS/TSP monitoring, or other documentation made as part of the CRP contract upon completion.

Participants will be paid 75 percent of the STC-established rate to complete the activity.

5 Maintenance Activities and Payments (Continued)

D STC-Established Maintenance Payment Rates

Average cost payment rates on a per-acre basis must be established by STC in consultation with the State Technical Committee for all CLEAR30 maintenance activities to be used within the State.

Exception: Maintenance payment rates may be on a unit basis for structural components included within the CLEAR30 initiative conservation practice.

The following is a minimum list of maintenance activities requiring rates to be established:

- site prep
- seeding/inter-seeding – management activity
- control weeds/noxious weeds
- mowing of brush/herbaceous weeds
- prescribed burning, including reimbursement of burn permit/plan
- maintenance of conservation structures, such as grass waterways
- re-establishment of conservation practices damaged or destroyed at no fault of CRP participants, such as grass waterways
- maintenance of installed structures, such as fence/livestock crossing/water developments and facilities.

Additional activity rates may be needed depending on enrolled practices and management activities applicable to enrolled practices for the State.

State Offices will load maintenance payment rates at 75 percent of the STC-established average cost payment rates in Program Provisioning. County Offices will copy the State components as applicable to the county level for CLEAR30 maintenance activities according to Notice CRP-974.

E CLEAR30 Monitoring and Maintenance Activity Scheduling

NRCS or TSP will complete monitoring site visits every 3 years for all CLEAR30 contracts. Modifications to the conservation plan will occur as needed after the site visits to schedule needed maintenance activities over the next 3 years.

5 Maintenance Activities and Payments (Continued)

F CLEAR30 Maintenance Payment Software Availability

Cost-Share Software (CSS) will be used to administer the CLEAR30 maintenance payments for signup 57 offers.

County Offices will select the CLEAR30 components in CSS according to the conservation plan. FSA-848A and FSA-848B will serve as a reminder of CLEAR30 maintenance payment approval, report of performance, and claim for payment.

County Offices will record the first 3 years of maintenance activity components in CSS as outlined in the conservation plan.

County Offices will choose either of the following options:

- create separate FSA-848's for each of the first 3 years of maintenance activities
- record multiple years of maintenance activities with each year's maintenance activity entered as a separate instance of the same practice and with an expiration date specific to the year detailed in the conservation plan on a single FSA-848.

Note: Revised conservation plans based on NRCS periodic practice monitoring visits will result in additional FSA-848's over the life of the CLEAR30 contract period.

The CRP participant requesting CLEAR30 maintenance payments must sign FSA-848A.

COC or CED must sign FSA-848A and approve the request for CLEAR30 maintenance payments.

See:

- 2-CRP, paragraph 500 for additional details in processing FSA-848's
- Notice CRP-974 for CLEAR30 specific instructions.

CLEAR30 maintenance payments for the completion of maintenance activities performed by CLEAR30 participants will be issued through CSS after participant and TSP certifications have been completed according to Notice CRP-974.

6 Processing Offers

A County Office Processing

County Offices will process offers for CLEAR30 signup 57 according 2-CRP, subparagraph 184 H and 4-CRP.

Manual CRP-1's and CRP-2C30's **are not authorized**. If a situation requires a manual form, SED may request DAFP to allow on a case-by-case basis.

B NRCS Determination That Practice Is Functioning Properly for Expiring Land Offered Into CRP CLEAR30 Signup 57

FSA must provide an unsigned CRP-2C30 and geospatial data or map identifying the land offered for enrollment to NRCS for all CLEAR30 signup 57 offers.

For expiring CRP land, NRCS is not required to determine need, feasibility, and suitability at the time of the offer. However, NRCS must determine whether the enrolled practice is present and functioning properly and that the number of acres offered meet the current practice standard, such as width of a filter strip. NRCS is **not** required to provide the Documentation of Suitability and Feasibility Worksheet to FSA for re-enrolled practices. NRCS will return to FSA the unsigned CRP-2C30 and geospatial data or map.

Example: A producer submits an offer to enroll land under CLEAR30 signup 57. The land is currently enrolled in CRP under an eligible continuous signup practice with an established and functioning 2.50-acre CP21, Filter Strips, that is expiring on September 30, 2022. The producer offers the expiring 2.50 acres as CP21, Filter Strips. Because NRCS made a determination of need, feasibility, and suitability at the time the acreage was originally enrolled as CP21, such determinations are not required at the time of enrollment into CLEAR30. However, NRCS must determine whether the filter strip is present and functioning properly and that the number of acres offered meets the current practice standard, such as width of the filter strip. NRCS is **not** required to provide the Documentation of Suitability and Feasibility Worksheet to FSA **unless** additional acreage is needed to meet the current practice standard. See 2-CRP, subparagraph 184 H for the CLEAR30 offer processing flow for additional details.

C Timely Filed Offers

For offers to enroll land into CLEAR30, both CRP-1 and CRP-2C30 must be completed and signed by an eligible producer and received in the County Office no later than COB August 5, 2022, to constitute a timely filed offer for CLEAR30 signup 57. CRP-1 or CRP-2C30 alone do not constitute an offer. Only 1 signature is required on CRP-1 to offer land for enrollment; however, all required signatures must be obtained before CRP-1 can be approved.

If a participant requests a CLEAR30 re-enrollment prior to COB August 5, 2022, and NRCS has not provided the review of the existing CRP cover, the participant must be placed on a register, so the participant is authorized to sign the CRP-1 and CRP-2C30 after the August 5, 2022, deadline.

7 Conservation Plan Provisions for CLEAR30 Signup 57

A Conservation Plan Requests

For offers to enroll land into CLEAR30, County Offices must provide all documents necessary to complete the conservation plan to NRCS, including but not limited to, signed CRP-1 by 1 producer and signed CRP-2C30, by COB August 12, 2022.

After providing all documents to NRCS, County Offices must immediately, but no later than COB August 12, 2022, enter the status in COLS as “Submit for Plan”.

B Conservation Plan Completion

A conservation plan must be completed, signed by NRCS/TSP and all signatories on CRP-1, and returned to FSA no later than September 9, 2022. The NRCS National Office has agreed with this deadline.

NRCS or TSP must ensure that the approved conservation plan:

- contains all practices necessary for the successful maintenance of the vegetative cover on all acres offered for CRP CLEAR30
- is technically adequate for achieving CRP CLEAR30 objectives
- incorporates all requirements for Federal, State, or local permits or other permissions necessary to perform and maintain practices as provided by NRCS on NRCS-CPA-52, Section G
- ensures that the CRP cover will not be disturbed during the primary nesting season for birds in the local area that are economically significant, in significant decline, or conserved according to Federal or State law, as determined by STC in consultation with the State Technical Committee
- includes maintenance for a minimum of the first 3 years of the CRP CLEAR30 contract period, as needed
- contains management activities, as needed.

8 Contract Approval

A Contract Effective Dates

Land currently enrolled in CRP may be offered for re-enrollment no earlier than 6 months before the existing CRP-1 is scheduled to expire. The effective date for the new CRP-1 must be October 1, 2022. The effective date **cannot** be deferred, and CRP-1 must have an approval date on or before September 30, 2022. If the existing CRP-1 is not in the last year of the contract period, the land is not eligible to be offered for enrollment into CLEAR30.

B Approving CRP CLEAR30 Signup 57 Offers

For offers to enroll land into CRP CLEAR30 signup 57, including offers that include both expiring CRP and new land needed to meet the current practice standard, all timely filed eligible offers must be approved by CED or COC on or before COB September 30, 2022.

9 Outreach Responsibilities

A Outreach Materials

Program outreach materials are available on the FSA Outreach Intranet at <https://inside.fsa.usda.gov/operations/office-of-outreach/program-toolkits/index>. The following documents are included in the toolkit for CLEAR30 outreach:

- Outreach Meeting PowerPoint
- Fact Sheet (**June 2022**)
- State Release Template
- GovDelivery Toolkit
- Talking Points
- CLEAR Flyer.

B Outreach Actions

SED's, STC's, State Outreach Coordinators, DD's, and COC's will ensure that applicable County Offices:

- notify producers of CLEAR30 program provisions and signup deadlines using all available resources within available budget
- enter all nonmedia related CLEAR30 outreach activities into the Outreach Tracking Information System (<https://ems.fpac.usda.gov/OTIS/Outreach/home.aspx>):
 - FSA Program: CRP
 - select "Other Program" and ENTER "CLEAR30".

Note: County Offices must enter actual results after the conclusion of the activity.

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10 Deadlines for Processing CLEAR30 Offers, Conservation Plans, and Approval in COLS

A Contract Effective Dates

For approved CRP CLEAR30 signup 57 offers, the effective date of the CRP contract will be October 1, 2022.

B Approving CRP CLEAR30 Signup 57 Offers

All timely filed eligible offers must be approved by CED or COC on or before COB September 30, 2022.

C Deadlines

The following table provides deadlines for CRP CLEAR30 signup 57 offers.

Date	Action
August 5	Deadline for producers to submit signed offers.
August 12	<ul style="list-style-type: none">• Deadline for producers to request a conservation plan from NRCS.• Deadline for County Offices to enter the status in COLS as “Submit for Plan”.
September 9	Deadline for NRCS/TSP to complete the conservation plan, sign, and obtain signatures for all signatories on the CLEAR30 contract and return the conservation plan to FSA.
September 30	Deadline for COC or CED to approve the CRP contract and load CLEAR30 contract approval in COLS. Note: There is no authority to approve CRP-1 after September 30, 2022.

11 Action

A State Office Action

State Offices will:

- follow the provisions in this notice
- ensure that County Offices follow the provisions in this notice
- ensure that County Offices promote CLEAR30 to eligible CRP participants
- submit questions to Evelyn Whitesides, CRP Program Specialist.



B County Office Action

County Offices will:

- follow the provisions in this notice
- promote CLEAR30 to eligible CRP participants
- submit questions to the State Office.

CLEAR30 Announcement Postcard

The following is an example of the CLEAR30 Announcement Postcard.

 <p>USDA Farm Service Agency U.S. DEPARTMENT OF AGRICULTURE</p> <h1>CLEAR30</h1> <h2>Farm Service Agency (FSA) — Continuous CRP – Nationwide</h2>	<p>Our records indicate you may be eligible to re-enroll your expiring CRP contracts into a new 30-year contract through CLEAR30. CLEAR30 is available nationwide, and this option offers participants:</p> <ul style="list-style-type: none">• Rental income, including incentives for inflation, water quality, and climate-change;• Flexibility to continue to farm adjacent cropland and pastureland;• Financial and technical assistance with maintenance of the conservation practice;• Protection of the land for 30 years for your enjoyment and recreation. <p>By signing up for CLEAR30, you can continue your conservation of natural resources by reducing runoff of nutrients and sediments as well as preventing algae bloom.</p> <p>For local USDA Service Center information visit www.farmers.gov/service-locator.</p> <p>USDA is an equal opportunity provider, employer, and lender.</p>
<p>CALL OR VISIT YOUR LOCAL FSA TO LEARN MORE AND SIGN-UP!</p>	
<p>DEADLINE to enroll: August 5, 2022.</p>	
	

CLEAR30 Announcement Postcard



U.S. DEPARTMENT OF AGRICULTURE

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ENROLLMENT DEADLINE
August 5, 2022.

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CLEAR30

For local USDA Service Center information
visit www.farmers.gov/service-locator.